



# **Employee Handbook**

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## **EMPLOYEE HANDBOOK**

### **CHAPTER 1 – AUTHORITY AND ADMINISTRATION**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to the authority and administration of UIW.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.



UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

<b>First Approved:</b>	June 1, 2015
<b>Revised:</b>	July 1, 2015
<b>Revised:</b>	July 15, 2015
<b>Revised:</b>	March 22, 2016
<b>Revised:</b>	February 1, 2018

## **CHAPTER 1 - AUTHORITY AND ADMINISTRATION**

### **Section 1.1 – Mission**

*(Endorsed by the Board, 12/5/14; approved by the Congregation, 2/5/15)*

The first Sisters of Charity of the Incarnate Word, three young French women motivated by the love of God and their recognition of God's presence in each person, came to San Antonio in 1869 to minister to the sick and the poor. Their spirit of Christian service is perpetuated in the University of the Incarnate Word primarily through teaching and scholarship, encompassing research and artistic expression. Inspired by Judeo-Christian values, the Catholic Intellectual Tradition, and Catholic Social Teaching, the University of the Incarnate Word aims to educate men and women who will become concerned and enlightened citizens within the global community.

The University of the Incarnate Word is committed to educational excellence in a context of faith in Jesus Christ, the Incarnate Word of God. Thus, through a liberal education the university cultivates the development of the whole person and values of life-long learning. To that end, faculty and students support each other in the search for and communication of truth, thoughtful innovation, care of the environment, community service, and social justice.

The University of the Incarnate Word is a Catholic institution that welcomes to its community persons of diverse backgrounds, in the belief that their respectful interaction advances the discovery of truth, mutual understanding, self-realization, and the common good.

### **Section 1.2 – General:**

Our success is directly related to your understanding of how the University of the Incarnate Word/Incarnate Word High School/St. Anthony Catholic High School (referenced as UIW in this Employee Handbook) operates. The Employee Handbook (which may be referred to as Handbook) contains general information that describes our working environment and personnel policies. It serves as a guide in making decisions in areas that directly affect all of us as employees. As policies are reviewed and revised, the Handbook will be updated and changes will be communicated to you when they occur. You will want to keep the Handbook available for ready reference.

Operating details of our various policies and programs are contained in other written materials that are available to all employees on the Internet at [www.uiw.edu/hr](http://www.uiw.edu/hr), Blackboard, through the department head, or the Office of Human Resources.

### **Section 1.3 - Scope of Policies**

The Employee Handbook sets forth policies of general application for all UIW employees in all departments. The Faculty Handbook is applicable to faculty and addresses operational and self-governance issues. The Employee Handbook policies are applicable to all employees unless otherwise stated.

### **Section 1.4 – Definitions**

*(Approved by Executive Council, 7/1/15)*

- Administrators are generally exempt salaried professionals. They perform work that may include one or more of the following: management of a department, office or non-manual work relating to management policies or general business operations, or work requiring scientific or specialized

study. Administrators typically serve without fixed terms.

- Staff employees are generally non-exempt hourly employees serving as clerical, paraprofessionals, technicians, crafts persons and laborers. They may perform office or manual work that is routine with limited discretion and/or independent judgment.
- Faculty have a specified academic rank and hold a teaching and/or research appointment for a fixed term as determined by the President and approved by the Board of Trustees.
- Student employees are incumbents of positions that require student status as a condition of employment and may be either undergraduate or graduate students. Student employees must be currently enrolled in classes at the University.
  - Undergraduate student employees may work up to a maximum of 20 hours per week in one department and are paid on an hourly basis. The maximum applies both during the semester and between semesters. From May 16 through August 15, student employees may work up to 40 hours per week. SGA and CAB student leaders may work up to 25 hours per week and may work for two departments.
  - Graduate student employees working in the capacity of a Graduate Assistant (GA) may work on a part-time basis or regular basis and may only work in one department. From May 16 to August 15, they may work up to 40 hours per week. GA's perform professional level work relevant to their undergraduate degree and may be compensated in the form of a stipend and tuition assistance.
    - Part-time graduate student employees may work up to 25 hours per week and may be paid via stipend or hourly assignment. Compensation may be in the form of tuition benefits, housing, and/or salary.
    - Regular graduate student employees may work up to 40 hours per week and may be paid via stipend. All regular graduate student employees receive 18 credit hours of tuition benefits per year, a stipend, and University will subsidize the cost of the employee health insurance to ensure affordability. Regular graduate student employees must enroll as a full time student in the fall semester. Employment in this category is limited to two years.
  - International students on F-1 visas may work "incident to status" on-campus up to 20 hours per week in accordance with Department of Homeland Security guidelines.
- Contracted Administrators are exempt employees and hold an appointment for a fixed term as determined by the President. They are typically executive or high level management such as vice presidents, deans, and assistant, or associate deans.
- Exempt employees are incumbents of positions which are exempt from the provisions of the Fair Labor Standards Act. To qualify as "exempt" the position must meet the applicable tests relating to duties, responsibilities, and salary.
- Non-exempt employees are those employed in positions covered by the Fair Labor Standards Act.

- Full-time employees typically work 40 or more hours per week and are eligible for certain benefits which are described in Chapter 5.
- Part-time employees work may work up to 25 hours per week and are paid on an hourly basis.
- Benefits eligible employees typically work a minimum of 30 hours per week or are full time faculty who teach a course load of at least 75%. PPACA defines health/dental insurance eligible employees as those working 30 hours or more per week for a period of three months or more, excluding temporary and seasonal employees.
- Temporary employees may be hired for jobs with duration of less than three months. They may work a full-time or part-time schedule. Temporary employees may be hired for special projects, summer work, to fill in for an employee on leave, or other short-term reasons. The duration of the employment is for a fixed period of time and may not be extended. Temporary employees are not benefits eligible.
- Seasonal employees are hired for work that is seasonal and may work up to 26 weeks during a 52 week period. Seasonal employees are not benefits eligible.

### **Section 1.5 - Equal Employment Opportunity**

*(Approved by the VP of Mission and Ministry, 3/22/16)*

UIW is committed to a policy of equal opportunity in employment, without regard to race, color, national origin, disability, genetic information, veteran status, sex, gender, age, pregnancy, or religion (except in limited circumstances when religious preference is both permitted by law and deemed appropriate as a matter of University policy.)

This policy refers without reservation to all recruitment, selections and placements, training, promotions, compensation, benefits, transfers, reductions-in-force, terminations, recreation activities and any other matters affecting employees. This policy is administered to provide employees with the necessary opportunities for growth and advancement on the basis of individual merit, ability and capability.

### **Section 1.6 - Non Discrimination Policy**

Discrimination and harassment are contradictory to the mission of UIW and will not be tolerated. UIW complies with all applicable federal and state nondiscrimination laws, and does not engage in prohibited discrimination or harassment on the basis of race, color, national origin, sex, gender, age, disability, pregnancy, genetic information or other protected status in either employment or the provision of services. As a Catholic institution of higher education sponsored by the Sisters of Charity of the Incarnate Word, UIW is, however, exempt from the prohibition against religious discrimination of the Civil Rights Act of 1964 and some provisions of Title IX of the Education Amendments of 1972.

With respect to government contracts and in accordance with 41 CFR Section 60-1.5, it shall not be a violation of the equal opportunity clause required by Executive Order 11246 for UIW to establish a hiring preference for applicants of the Catholic faith. UIW reserves the right to exercise this hiring preference as required to maintain its Catholic identity.

## **Section 1.7 - Policy Regarding Harassment and Retaliation**

UIW is firmly committed to a working and learning environment free from all forms of discrimination and harassment, whether based on sex, gender, race, color, religion, national origin, sexual orientation, citizenship status, age, genetic information or disability. This policy against any harassment includes but is not limited to derogatory comments and physical abuse.

UIW is also committed to a strict policy that prohibits retaliation against current or former employees because they opposed any practice of discrimination or harassment made unlawful under federal or state law; filed a charge of discrimination alleging such practice; testified or participated in any manner in any investigation undertaken by UIW. UIW will respond appropriately to any acts of discrimination and retaliation of which it becomes aware.

## **Section 1.8 - Use of the English Language**

UIW embraces the many cultures and languages of its employees. However, UIW reserves the right to require the use of “English only” when such requirement satisfies a legitimate business need of UIW and constitutes a bona fide occupational qualification of those employees subject to the rule or requirement. Administrators and supervisors are prohibited from implementing or enforcing any language rules, such as “English only” unless approved by the President and Board of Trustees.

## **Section 1.9 - Administration**

Each employee is accountable for compliance with this Handbook. All changes to this Handbook must be approved by the President and President Advisory Council (PAC). Substantive change in policy must be approved by the Board of Trustees. Approved changes will be incorporated into this Handbook and distributed to all employees via email notification or hard copy. Administrative directives and procedural guidelines by the Chief Human Resources Officer with the approval of the PAC may supplement these guidelines. Final authority for the administration and enforcement of the guidelines outlined in this handbook is the responsibility of the President.

## **Section 1.10 - Human Resources**

The Chief Human Resources Officer and/or his/her designee will be available to all UIW employees to interpret and discuss any provisions of this handbook.

## **Section 1.11 – Southern Association of Colleges and Schools Commission on Colleges**

UIW is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award associate, baccalaureate, masters, doctorate, and professional degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of University of the Incarnate Word.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 2 – RECRUITMENT AND EMPLOYMENT**

**Effective Date:** June 1, 2015

**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to employee recruitment and employment.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

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In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

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#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015  
**Revised:** February 1, 2018  
**Revised:**

## **CHAPTER 2 - RECRUITMENT AND EMPLOYMENT**

### **Section 2.1 – Recruitment**

All administrator and staff recruitment activities are to be conducted through the Office of Human Resources. Faculty search procedures are outlined in the Faculty Handbook. All recruitment activities are performed in compliance with Federal and State Equal Employment Opportunity regulations.

### **Section 2.2 - Age Requirements**

No person under 18 years of age will be employed by UIW in a regular full-time position or in any position requiring the operation of a motorized vehicle or equipment owned by or operated on behalf of UIW. Persons under 18 years of age, but at least 16 years of age, may be employed in certain temporary positions provided they furnish UIW with proof of age in the form of a valid driver's license or identification issued by the Texas Department of Public Safety and a Minor's Release form signed by a parent or legal guardian.

### **Section 2.3 – Vacancies**

The Office of Human Resources will post and/or advertise all position vacancies. UIW will seek to obtain the most capable person available to perform a particular job without regard to race, religion, color, sex, gender, sexual orientation, age (over 40), disability (if otherwise qualified), or national origin. The recruitment procedure used by UIW is as follows:

- Some positions may be made available to internal applicants only. In this case, the notice of the vacancy will be posted on the UIW Employment Opportunities website for a minimum of five working days and only open to current employees. Directors and supervisors must not discourage employees from applying for any position. Any employee who has successfully completed the six month introductory period may apply for an opening by submitting an application online prior to the in-house closing date.
- Vacancies may also be announced to the general public. This process is governed by the Human Resources Hiring Process (Appendix 4). The provisions of this section do not apply to promotions within the same department.

### **Section 2.4 - Screening/Selection**

All applications/resumes will be made available to the hiring manager for review on the applicant tracking system. These applications/resumes may be screened by Human Resources staff for completeness and required qualifications (degrees, licenses, certificates, etc.). Applicants who meet the required criteria will be considered in the selection process. Internal and external candidates may be considered concurrently. If requested, Human Resources staff will assist the hiring manager in determining the most highly qualified candidates for job vacancies. All applicants for positions requiring a college degree or coursework must supply a transcript upon hire. Please refer to Appendix 4 for additional information on the hiring process.

When the applicant pool exceeds 20 qualified candidates, a minimum of five candidates will be selected for interviews. When the applicant pool is equal to or less than 20 qualified candidates, a minimum of three candidates will be selected for interviews. The initial interview may be conducted by telephone. Applicants may be disqualified for any of the reasons listed below; however, this is not an all-inclusive list:

- The applicant has not met the posted deadline for filing the application;



- Applicant's online application is incomplete;
- The applicant lacks the minimum qualifications necessary to perform the duties of the position;
- The applicant has made a false statement of material fact on the application form or supplemental sheets;
- The applicant has committed or attempted to commit a fraudulent act at any stage of the application process;
- The applicant is physically or mentally unfit to perform the essential duties of the position, even with reasonable accommodation;
- The applicant has been convicted of a crime which could conflict with the duties of the position for which he/she has applied;
- The applicant for positions requiring operation of a motor vehicle does not meet the requirements of UIW Safety Policy and/or Driver Policy (see Section 7.13, Driver Policy);
- Placement of the applicant would violate UIW's nepotism Policy (see Section 7.4, Employment of Relatives);
- The applicant was discharged and not recommended for rehire by UIW;
- Placement of the applicant would violate the UIW Age Requirement Policy (see Section 2.2 - Age Requirements); or
- The applicant is not in compliance with the Immigration Reform and Control Act of 1986.

Hiring managers and/or search committees conducting interviews will adhere to strict non-discriminatory procedures. All applicants must be asked the same general questions. When a search committee has been established, all members of the committee must make every effort to participate in the telephone and on-campus interviews of all selected candidates.

The immediate supervisor will interview the candidates who best meet the needs of the vacant position and recommend an applicant for selection based on measurable and objective job-related criteria. Employment and professional references must be verified by the hiring manager prior to making a recommendation for hire. Following that recommendation, the selected applicant will be made a conditional offer subject to the completion of a successful background check conducted by Human Resources and contingent upon confirmation by the Vice President for Mission and Ministry (or designee). No regular full-time employee may begin work without receiving the approval of the Vice President for Mission and Ministry, satisfactory completion of the background check, completion of the USCIS Form I-9, and a formal offer letter from the President.

All new full and part-time staff, administrators, and contracted administrators will begin employment on the 1<sup>st</sup> or 16<sup>th</sup> of the month. The first day of employment will be dedicated to attending the New Employee Orientation (NEO). If the 1<sup>st</sup> or 16<sup>th</sup> fall on a weekend or holiday, the NEO will be held the following workday. NEO encompasses the entire first day of employment. New employees are available to begin work in their assigned department on the next scheduled workday after completion of NEO.

## **Section 2.5 - Introductory Period**

Scope: Staff and Administrators

All employees are required to successfully complete a six month introductory period. An initial orientation and overview outlining performance expectations will be provided by the supervisor. During the introductory period, the supervisor will closely observe and evaluate the performance of the employee. A formal evaluation will be conducted prior to the end of the six month introductory period. The employee's progress and deficiencies will be discussed with the employee. Periods of lost time such as leave of absence, sickness, etc. will extend the introductory period so that the supervisor has a full six months to evaluate performance. In unusual circumstances, the introductory period may be extended with the approval of the department director and the Director of Human Resources, not to exceed two additional months.

The introductory period will also apply to employees who accept a transfer, demotion or promotion. In the event the employee's job performance in the new position is unsatisfactory or the employee is found to be unqualified to perform the duties of the position, the employee may be relieved of duties in that position. Under some circumstances, the employee may, at the discretion of management, be placed in a vacant position for which the employee is deemed to be best qualified.

## **Section 2.6 - Promotion of Employee**

Scope: Staff and Administrators

A promotion is the assignment of an employee from a position in one job classification to a position in another job classification having a higher starting salary. UIW prefers to fill vacancies by promotion within the organization, and employees are encouraged to develop their qualifications and apply for positions for which they qualify. Internal promotion opportunities are posted on the applicant tracking system. All promotions are subject to the prior approval of the Director of Human Resources.

Supervisors are prohibited from offering pay raises to employees in exchange for or in connection with declining promotional opportunities. The current employing department may not raise the salary of an employee to keep the employee from accepting a job in another department.

## **Section 2.7 - Lateral Transfer of Employee**

Scope: Staff and Administrators

A lateral transfer is the assignment of an employee from one position to another position in the same pay classification in the same or different department. Department directors may, after prior consultation with the Director of Human Resources and the approval of their Vice President, transfer employees to other positions within a department if the employee is qualified to perform the duties of the position.

Supervisors are prohibited from offering pay raises to employees for declining lateral transfer opportunities. The current employing department may not raise the salary of an employee to keep the employee from accepting a job in another department.

## **Section 2.8 - Demotions**

Scope: Staff and Administrators

A demotion is the assignment of an employee to a position in a lower pay grade. A demotion requires the approval of the department director, the Director of Human Resources and the Vice President. The salary

of a demoted employee (voluntary or involuntary) will be adjusted in accordance with UIW policy (see Section 3.6, Demotion of Employee).

## **Section 2.9 - Reinstatement of Employee**

If UIW, at its discretion, rehires an employee, who terminated due to a disability or due to military service (See Section 4.12, Military Leave) the employee will be credited with their prior length of service for purposes of determining eligibility for benefits. The employee will not be deemed to have earned any seniority or benefits during the period of his/her separation unless required by law. Unused vacation and sick leave balances are not reinstated upon rehire.

If UIW, at its discretion, rehires a former employee who terminated for reasons other than disability or military service, the employee will begin accruing service credit upon rehire. Prior employment will not count toward length of service for vacation, sick leave, or tuition benefits. Rehired employees will earn vacation and sick leave based on their most current hire date. Eligibility for tuition waivers and tuition exchange benefits will be based on their current date of employment. Retirement benefits, including the retirement health solution, and service recognition will be based on the adjusted service date. The employee will not be deemed to have earned any seniority or benefits during the period of his/her separation unless required by law.

## **Section 2.10 - Duration of Employment**

Scope: Staff and Administrators

UIW wants all of its employees to have a mutually rewarding employment relationship. All employees are nevertheless reminded that their employment with the University is “at-will”, meaning either the employee or UIW may terminate the employment relationship with or without notice or cause; no promises to the contrary will be binding upon UIW unless they are reduced to writing and signed by the President and the affected employee. No other official of UIW has the authority to bind the university in any manner contrary to this policy.

## **Section 2.11 - Available for Placement Status**

Scope: Staff and Administrators

After all eligibility for Family Medical Leave (and/or other approved paid/unpaid 90 calendar day Leave of Absence) has been exhausted, and an employee is still unable to return to work, the position formerly occupied by that employee may be filled in a manner consistent with federal and state law. The employee (former occupant of the position) will then be placed on “available for placement” status for a period of 180 calendar days. An employee on “available for placement” status may apply and receive consideration for any vacant position for which he/she is qualified and able to perform the essential functions of that job. “Available for placement” employees will be afforded the same consideration as other qualified applicants for the position. If the employee is selected for a specific job, he/she will be paid no more than the budgeted pay/salary for that position. Should the employee be unable to secure another position at UIW within the 180 calendar days of available for placement status, that employee will be terminated.

## **Section 2.12 - Employment Visas and Sponsorship for Permanent Residency**

Scope: Tenure and Tenure Track Faculty

The purpose of this section is to provide information and guidelines for filing petitions for non-immigrants employed by UIW. Non-immigrant employees make a great contribution to the teaching and mission of UIW. Therefore, departments and offices where these individuals are employed or proposed

for employment must be aware of UIW procedures for processing these petitions. Following is an overview of approved procedures for filing employer sponsored petitions.

- In compliance with the provisions of the Immigration Reform and Control Act, UIW will not employ individuals who are not authorized to work in the United States.
- Petitions submitted on behalf of non-immigrants must fully comply with Federal laws and regulations of the Department of Labor (DOL) and the Department of Homeland Security (DHS).
- Petitions for employment authorization must support the teaching and mission of the University.
- UIW is committed to filing temporary and when appropriate permanent employment authorization petitions on behalf of full-time tenured and tenure track faculty.
- Requests for temporary and permanent employment authorization for other faculty and administrative positions shall be evaluated on a case-by-case basis. Part-time positions are not eligible for petition based employment authorization.
- The Human Resources Office facilitates the preparation and filing of petitions for temporary employment authorization and recommends cases for processing by board certified immigration attorneys. The Human Resources Office does not provide legal advice.
- Board certified immigration attorney's working on behalf of UIW may facilitate the preparation and filing of petitions for permanent employment authorization for non-immigrants.

#### Definitions

- Beneficiary: The employee or prospective employee for whom UIW is filing a petition.
- H-1B: A non-immigrant category for the temporary employment of a non-immigrant who performs services in a specialty occupation by a specific employer. A specialty occupation requires the theoretical and practical application of a body of specialized knowledge and a bachelor's degree or the equivalent in a specific specialty. H-1B employment authorization is granted by the US Citizenship and Immigration Services (USCIS), an agency of the DHS by submission of Form I-129.
- Immigrant or Permanent Resident: A person who has been lawfully admitted to the U.S. to reside and work unrestricted on a permanent basis; sometimes referred to as a lawful permanent resident, resident alien, or green card holder.
- Labor Certification: In most instances, before the employer can petition for permanent residency, the employer must obtain a labor certification from the Department of Labor's (DOL) Employment and Training Administration (ETA). The DOL must certify that there are not sufficient U.S. workers able, willing, qualified and available to accept the job opportunity in the area of intended employment and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.
- Labor Condition Application: Form ETA 9035E Labor Condition Application (LCA) is required by the DOL for all H-1B petitions and includes attestations regarding hiring practice, employment notification and prevailing wage.

- **Legal Permanent Residency:** Legal Permanent Residency (LPR) is the process whereby a non-immigrant becomes an immigrant and receives permanent resident status to live and work in the U.S. For employment based LPR, Form I-140 is submitted by the employer to request an immigrant visa on behalf of a beneficiary. Upon approval of the I-140 petition, the beneficiary submits Form I-485 application to adjust their status from non-immigrant to immigrant.
- **Non-immigrant:** A person who has been lawfully admitted to the U.S. for a temporary period and specified purpose. Non-immigrants may be employed in the U.S. only if permission to work has been authorized by the Department of Homeland Security (DHS).
- **Permanent Employment Certification:** Form ETA 9089 Permanent Employment Certification (PERM) is required by the DOL as the first step for most employment-based immigrant visa petitions. Evidence of a competitive recruitment and selection process is required. The beneficiary must be the most qualified. Specific advertising and recruitment steps are required.
- **Petition:** The completed appropriate U.S. government form or forms and required supporting documentation, signatures, and associated fees submitted to the DHS for the purpose of employing a non-immigrant. UIW is the petitioner for all employment-based petitions.
- **Prevailing Wage:** The prevailing wage is defined as the average wage paid to similarly employed workers in a specific occupation and in the area of intended employment.

#### General Information Related to Filing Petitions

1. Deans and directors should ensure that they understand the UIW employment policies and procedures. Failure to carefully follow UIW employment policies can jeopardize the process of filing a petition.
2. The department proposing to hire the non-immigrant should discuss the issue of work authorization with the prospective employee early in the process. Consultation with the Office of Human Resources is recommended to ensure protection of the job applicant's rights.
3. When a non-immigrant candidate has been selected for employment, the Dean should notify the Director of Human Resources of their intent to hire a non-immigrant.
4. Upon notification from the Dean, the Office of Human Resources will request the candidate complete a non-immigrant questionnaire, and forward the information to the UIW immigration attorney where it will be reviewed to determine if the prospective non-immigrant is employable in their current status or, if not, determine the appropriate employment authorization petition necessary for employment.
5. The Director of Human Resources will authorize the UIW immigration attorney to initiate the process. The Director of Human Resources will serve as the liaison between the attorney, UIW, the hiring Dean, and the beneficiary.
6. Filing a petition does not guarantee that the petition will be approved by DHS. Hiring departments must be aware of expiring work authorization dates and ensure all conditions of employment defined in the petition are met.
7. Departments employing non-immigrants must notify the Office of Human Resources immediately in the event of a change in employment status or separation of the employee. Federal regulations require employers to report terminations to USCIS prior to the expiration of the beneficiary's work authorization.

8. The Office of Human Resources will inform the employing department within 90 days of the expiration of the beneficiary's work authorization so that steps can be taken to file an extension, if necessary and appropriate.

#### H-1B Temporary Worker Petitions

1. The UIW immigration attorney files petitions for the H-1B temporary worker using Form I-129, Form ETA-9035E Labor Condition Application, and other supporting documentation.
2. The beneficiary may not complete forms I-129 or ETA-9035E.
3. The Dean/Provost must agree to pay, at a minimum, the prevailing wage as determined by a legitimate source as defined by the DOL.
4. The Dean of the hiring department must certify that funding is available for the period of employment requested, and in the event of termination, return transportation will be provided.

#### Permanent Resident Petitions

1. The UIW immigration attorney files petitions for Legal Permanent Residency (LPR) using Form I-140, the associated Form ETA-9089 Labor Certification Application, and other associated forms.
2. The beneficiary may not complete Form I-140.
3. UIW may not seek or receive payment of any kind for any activity related to obtaining permanent labor certification, including payment of the employer's attorney's fees, per Chapter V, Title 20, Code of Federal Regulations – Part 656 (20 CFR 656).
4. The Office of Human Resources, the hiring Dean, and the UIW immigration attorney must review job postings when related to filing a petition for permanent residency.
5. Following the submission of Form I-140, the beneficiary may apply for adjustment of status using Form I-485. UIW is not responsible for processing the adjustment of status or immigrant visa applications. The beneficiary may wish to seek assistance from a board certified immigration attorney for these applications.
6. The Dean/Provost must agree to pay, at a minimum, the prevailing wage as determined by the Texas Workforce Commission.
7. When possible, the Dean should make a request for LPR petitions within 12 months of progress toward tenure and within 18 months of making the initial job offer.

#### Payment of Fees

- UIW pays fees related to filing petitions on behalf of the beneficiary. This includes attorney fees, application fees, and the cost of premium processing, when premium processing is necessary. The Office of Human Resources' budget is funded for fees associated with temporary and permanent work authorizations.
- Continuation of this program is subject to available funding.
- The beneficiary is responsible for fees related to filing petitions for the beneficiary's dependents.

- The beneficiary pays fees related to filing Form I-485.
- The hiring Dean should inform the prospective employee regarding the payment of fees.

#### Recordkeeping

- Files related to the filing of petitions are maintained by the Office of Human Resources.
- Public Access files are maintained by the Office of Human Resources.
- Search Committee files are maintained by the respective Dean and when supporting the Labor Certification Application must be submitted to the Office of Human Resources when petitioning for permanent residency.

#### **Section 2.13 - Presidential Appointment**

Scope: Faculty and Administrators

In rare circumstances, the President may appoint individuals with unique qualifications to faculty and/or administrative positions within the institution that serve at the pleasure of the President. Appointees under this provision shall complete the application and be subject to the requirements of a background check initiated by the Office of Human Resources.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 3 – COMPENSATION**

**Effective Date:** June 1, 2015

**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to administrator and staff compensation practices.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.



UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015  
**Revised:** February 1, 2018  
**Revised:** February 25, 2020

## **CHAPTER 3 – COMPENSATION**

### **Section 3.1 – General**

The Office of Human Resources coordinates the compensation and benefits programs for UIW. Each employee is paid in accordance with their level of workplace responsibility as well as their demonstrated performance. Periodic surveys of the labor market may be conducted to maintain a competitive pay structure.

### **Section 3.2 - Compensation for New Employees**

Scope: Staff and Administrators

Generally, new employees are hired at the minimum of the appropriate salary range. Eligibility for fiscal year pay increases for employees with less than one year of service will be as follows:

- Employees completing six or more months of service prior to the beginning of the new fiscal year may be eligible for full merit and cost of living increases.
- Employees completing at least three, but less than six months of service prior to the beginning of the new fiscal year may be eligible for 50% merit and 50% cost of living increases.
- Employees completing less than three months of service prior to the beginning of the new fiscal year will not be eligible for any pay/salary increases.

### **Section 3.3 - Performance Evaluation**

Scope: Staff and Administrators

The work performance of each administrator and staff employee will be evaluated by the immediate supervisor every 12 months following completion of the Introductory Period. The purposes of the performance evaluation program are to:

- Provide feedback to the employee regarding job performance;
- Serve as input for merit increases;
- Identify development needs;
- Recognize accomplishments and areas for improvement; and
- Set employee/employer goals for the coming year.

The Performance Evaluation Program is logistically administered through the Office of Human Resources (See section 18.3 – Performance Evaluation)

### **Section 3.4 - Promotion of an Employee**

Scope: Staff and Administrator

A promotion is an appointment to a position requiring higher qualifications, greater skill, or experience and involving a higher level of responsibility, a higher rate of pay, and a title change. A promoted employee shall be eligible to earn the minimum starting salary of the new position or may receive an increase of five percent of his/her current salary. With written justification to the Director of Human

Resources, the department director may authorize a starting salary of up to five percent above the minimum. A starting salary in excess of five percent above minimum requires that the department director submit written justification through the Director of Human Resources to the Vice President/President for approval. Following successful completion of the introductory period, an employee may be eligible to receive a merit-related increase in pay.

### **Section 3.5 - Lateral Transfer of Employee**

Scope: Staff and Administrator

An employee who transfers laterally from one position to another position in the same job classification will continue to receive the same salary and will retain the same eligibility date for merit evaluations. Lateral transfers are subject to an introductory period (see Section 2.5- Introductory Period).

### **Section 3.6 - Demotion of Employee**

Scope: Staff and Administrator

An employee who is demoted from one position to another position having a lower pay range will be compensated at a rate within the lower range as determined by the department director and the Director of Human Resources with approval of the Vice President. *ALL* demotions require a reduction in salary unless otherwise approved by the President.

### **Section 3.7 – Reclassification**

Scope: Staff and Administrator

A job reclassification is the result of job evaluation to determine the levels of skill, efforts, responsibilities, and working conditions required of an employee in the performance of a job. Reclassification requests require the review and approval of the Director of Human Resources and divisional Vice President. Reclassifications may result in an increase, decrease or no change of compensation.

### **Section 3.8 - Maximum Rate of Pay**

An employee will not be paid in excess of the approved pay range for a job without the approval of the President.

### **Section 3.9 - Time Record**

*(Revised 02/25/2020)*

Scope: Staff and Student/Hourly Employees

All non-exempt employees are required to record their exact hours of work utilizing Banner Web-Time Entry. Employees should check the time carefully to assure it is accurate before submitting it to their supervisor for approval. If the hours are incorrect, employees should not submit the time for approval until it has been corrected. It is the supervisor's responsibility to review and ensure the accuracy of all time worked and employee absences before approving the timesheet. Employees must never complete other employees' timesheets. Employees are responsible for the accuracy of the time worked on their timesheets. They are also responsible for reflecting any absences from the workplace. Any misrepresentation of reported work time and/or absences may result in disciplinary action up to and including termination of employment. Supervisors are responsible for submitting hours worked in accordance with the payroll cycle due dates.

The University complies with the Fair Labor Standards Act. Therefore, no work shall be performed by employees prior to their clocking-in at the start of their workday, during their lunch break when they are clocked out, or after they have clocked out at the end of their workday. Work “off the clock” is strictly prohibited.

### **Section 3.10 - Pay Cycle**

Scope: Faculty, Staff, Student Employees, and Administrators

Staff and student employees are paid twice each month. The pay cycle for staff employees is as follows:

- Time worked from the 1<sup>st</sup> through the 15<sup>th</sup> of each month is paid on the 22<sup>nd</sup> day of the month, and
- Time worked from the 16<sup>th</sup> through the end of the month is paid on the 7<sup>th</sup> day of the following month.

Administrators and faculty are paid once each month. The pay cycle for administrators is completed at the end of the month with pay issued on the same day. If a payday falls on a holiday or weekend, paychecks will be issued the last workday prior to the holiday or weekend.

The Payroll Office is responsible for the distribution of payroll checks. Employees are strongly encouraged to verify their paycheck to ensure hours worked, pay rate and deductions are correct. If the paycheck is incorrect, the employee should immediately report the error(s) to his/her supervisor as well as the Payroll Office.

### **Section 3.11 - Overtime Pay**

Scope: Staff

#### **NON-EXEMPT EMPLOYEES**

*(Revised 02/25/2020)*

For overtime pay purposes, the work week will be seven days in length and extends from Sunday to Saturday. Employees are required to work overtime hours when necessary and those hours are scheduled by their department supervisor. Employees may work overtime hours only with the advance approval of their supervisor. An employee who works overtime without pre-approval will be subject to disciplinary action. The Fair Labor Standards Act (FLSA) mandates that non-exempt employees must be paid overtime for all time actually worked in excess of 40 hours during a workweek. Overtime pay is calculated at one and one-half (1 1/2) times the regular hourly rate. In order to be paid, overtime hours must be fully documented on departmental timesheets (Banner Web-Time Entry) and authorized by the supervisor and/or department director. Scheduled holidays, authorized bereavement leave, vacation leave, administrative leave (see Section 4.1 - Administrative Leave), unscheduled absences, or time off for sickness, disability leave, emergencies or other personal reasons are not considered work time for the purpose of determining overtime pay. Non-exempt employees who are not on duty and not performing work are not permitted to be at their work stations. "Comp time" is not permitted in lieu of overtime.

#### **EXEMPT EMPLOYEES**

The Fair Labor Standards Act (FLSA) is the federal law governing minimum wage and overtime compensation. The minimum wage and overtime pay requirements of the FLSA do not apply to certain categories of executive, administrative, and professional employees. These “exempt” employees are

normally paid a fixed salary rather than an hourly wage. Deductions for the absences of FLSA exempt employees will be made in accordance with the FLSA and applicable state law. Exempt employees are not eligible to receive overtime pay and are expected to work the number of hours necessary to complete their job assignments. There is no "comp time" benefit available to exempt employees.

### **Section 3.12 - Terminal Pay**

Employees who voluntarily terminate employment with UIW will receive their final paycheck on the next regularly scheduled pay date, provided all property belonging to UIW has been returned and/or accounted for. Any monetary debts owed to UIW will be deducted in full, from the final paycheck. Any earned and unused vacation leave will be compensated, provided the employee gives the required notice period (30 calendar days for administrators; 14 calendar days for staff employees) and resigns in "good standing" (see Section 10.2 - Voluntary Resignation). Earned and unused sick leave will not be compensated upon termination.

Employees terminating employment prior to completing their introductory period are NOT eligible to receive vacation pay at termination. Involuntarily terminated employees will receive their final paychecks in accordance with the timeframe mandated by the Texas Payday Law (currently six calendar days from the day of their separation) but will not be compensated for either vacation or sick leave. Final paychecks will not be direct deposited into the employee's bank or other financial institution. Final paychecks must be picked up in the Human Resources Office. Employees may request that the check be mailed to them.

### **Section 3.13 - Benefits of Deceased Employees**

The employee's designated beneficiary (as designated on the basic life insurance form completed by the employee or through other documentation as appropriate) will receive the employee's pay for any time worked but not paid and for earned but unused vacation leave. The beneficiary will also receive any UIW basic life insurance benefits in force at the time of the employee's death.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 4 – LEAVES OF ABSENCE, VACATION, AND HOLIDAYS**

**Effective Date:** June 1, 2015

**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to employee leaves of absence, vacation, and holiday time off.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## OVERSIGHT RESPONSIBILITIES FOR THIS POLICY

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

<b>First Approved:</b>	June 1, 2015
<b>Revised:</b>	June 1, 2016
<b>Revised:</b>	February 1, 2018
<b>Revised:</b>	January 1, 2019
<b>Revised:</b>	November 1, 2019
<b>Revised:</b>	February 13, 2020

## **CHAPTER 4 – LEAVES OF ABSENCE, VACATION, AND HOLIDAYS**

### **Section 4.1 - Administrative Leave**

Administrative leave is paid leave which is not charged against vacation or sick leave benefits and is granted for various purposes, including:

- Closing due to inclement weather or disaster as determined by the President;
- To vote in Municipal, State and Federal elections;
- To attend conferences, conventions, or seminars with supervisory approval;
- To represent UIW at meetings related to our operations and with authorization of the department director;
- Extended jury duty or witnessing in court as defined in Court Leave (see Section 4.4 - Court Leave); and
- Any other purpose deemed appropriate by the President or designee.

Administrative leave will not be paid unless the department director and/or Vice President (where appropriate) approves the leave. Employees on administrative leave are not eligible for pay increases.

### **Section 4.2 - Employee Emergency Notification Policy and Procedures**

In the event of adverse weather conditions, power failure, or other occurrence which might seriously affect the operation of UIW, the following procedures will be in effect:

1. The decision to close facilities, cease operations and cancel classes is reserved to the President. In his absence, the decision will be made jointly by the Provost and the Vice President of Business and Finance, or the President's designee. The decision to close will be communicated to all Vice Presidents, who are then responsible for notifying Deans, Directors, and the staff reporting to each of them. The principal at each of the high schools and the chief administrators at off-campus sites must also consult with these UIW administrators before deciding closure or cancellations affecting their locations, especially if this decision is exclusive of UIW's main operating locations.
2. Public announcement of any interruption of UIW operations, including whether or not employees should report to work, will be made via local television and radio stations (all TV stations and WOAI-1200 AM) between 6:00 a.m. and 8:00 a.m. If closure is to affect afternoon classes only, announcements will be made as early as possible, but no later than 10:00 a.m. If closure is to affect evening and SPS classes, announcements will be made by 3:00 p.m. Announcements for Incarnate Word High School and St. Anthony Catholic High School will be made independent of other public and private schools. All contact with television and radio stations is to be made directly by the Director of Public Relations or his/her designee.
3. Information regarding UIW closures and emergency information may be found on the website at [www.uiw.edu](http://www.uiw.edu). Employees are encouraged to enroll in the Rave Alert emergency notification



system to receive text messages on closures, cancellations, and other emergency communications.

4. Internal communication of emergency information will be shared, as necessary, with affected employees by their immediate supervisors using telephone and/or email communications.
5. Unless absolutely necessary, employees should not call the University or the High Schools. They should seek information from the local television or radio stations, the UIW website, Rave Alert, await a call from the supervisor, or report to work.
6. In the event an employee feels it is unsafe to travel, his/her mode of transportation is nonoperational, or for some other compelling reason the employee cannot report to work, the employee must call in to notify the supervisor that he/she will be absent. The employee may be expected to make up the hours within the same pay period at a time mutually agreed upon by the employee and the supervisor. If the employee cannot make up the hours within the same pay period, the employee's vacation leave will be charged for the hours he/she was absent from work.
7. Should inclement weather begin during the workday and the decision is made to close early, all departments will be appropriately informed and the employee will be paid for the hours closed. If an employee feels that he/she must leave early due to inclement weather when the decision has been made to keep the campus open, the lost hours will be charged to the employee's vacation leave.
8. When school is in session and students are residing on one or all of the campuses, provisions should be made to keep essential services open and available to them. Sufficient staffing should be available to maintain the residence halls (University and High Schools) and keep the necessary buildings operational. Supervisors of these buildings are responsible for having a plan in place to provide sufficient staffing to keep these facilities open and available to students. Copies of these procedures should be kept in each building and available to the staff for review. They should also be on file in the Office of the Provost, the Vice President of Business and Finance (University) and the Principal's Office (High Schools).
9. When classes are not in session and the University and/or High Schools have announced a closing due to adverse weather conditions, certain key personnel must still report to work. These persons occupy positions which are critical to maintaining safety and communications to the members of the University and High School communities. These personnel are campus police, designated residence life staff, and physical plant employees. Individual supervisors may also identify other key personnel and schedule them to work regardless of the University and/or High Schools closing due to adverse weather conditions.

### **Section 4.3 - Bereavement Leave**

Bereavement leave with full pay, up to a maximum of three working days, will be granted to employees in the case of death in the immediate family. Immediate family is defined as husband, wife, father, father-in-law, mother, mother-in-law, son, daughter, brother, sister, grandchild, grandfather or grandmother. Proof of death, such as an obituary notice, may be required. The three day period of absence is not automatic but rather the maximum allowed under this type of leave. Employees may be authorized less time as necessitated by area of responsibility and workload.

If an employee wishes to attend other funerals under bereavement leave, he/she must request approval from the department director and the Director of Human Resources.

## **Section 4.4 - Court Leave**

UIW recognizes that jury service is a public service in the administration of the American judicial experience. Administrator/Staff employees are allowed unlimited leave with pay for jury duty (employee must submit summons to his/her supervisor). An employee will receive leave with pay to appear in court as a party defendant or when he/she is subpoenaed to testify as a non-party witness if any of the incidents or matters about which he/she is expected to testify occurred while the employee was within the authorized course and scope of his/her employment. Administrator/Staff employees who are parties to litigation, or are subpoenaed to appear in court in other circumstances will not be paid unless they use vacation leave.

## **Section 4.5 - Holiday Leave**

*(Revised 06/01/2019)*

The following is a list of approved UIW holidays (see Section 7.11 - Holidays, Rules Governing):

- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve thru New Year's Day (Days inclusive)
- Martin Luther King Jr.
- Good Friday
- Battle of Flowers
- Memorial Day

## **Section 4.6 - Sick Leave**

*(Revised 02/13/2020)*

Sick leave is a benefit provided to regular, full-time UIW employees to be used when an employee is unable to work due to personal injury or illness of the employee or of a member of the employee's dependent family. A dependent family member is defined by UIW as a husband, wife, daughter, son, mother, father or other member of kinship who is legally dependent upon the employee (see Section 7.10 - Attendance).

### Accrual

All regular full-time employees will accrue sick leave at the rate of eight hours per month. Employees may use sick leave only after it is earned. Sick leave accrues from year to year to a maximum of 480 hours (60 days). Employees will not earn sick leave while on unpaid leave of absence or during 30 days of disability leave of absence. Faculty on 10-month contracts will accrue sick leave for 10 months out of the academic year.

Employees who separate from employment and are rehired begin accruing sick leave upon reinstatement. Rehired employees do not retain any prior sick leave balance upon reinstatement. Employees who separate from employment are not eligible to receive compensation for accrued but unused sick leave.

### Use

Absent an emergency, to receive paid sick leave, an employee must communicate with his/her immediate

supervisor prior to the start of the work shift. (See Section 7.10 - Attendance).

- Eligibility for use of sick leave begins immediately.
- If a staff or administrative employee uses all accumulated sick leave, accrued vacation leave may be used in lieu of sick leave with medical documentation and supervisory approval.
- Supervisors may require proof of injury or illness for either the employee or the employee's dependent family member. Failure to provide requested proof of illness will result in an unexcused absence (see Section 7.10 - Attendance).
- An employee will become ineligible for sick leave benefits upon giving notice of resignation.
- Sick leave is not to be used for any purpose other than illness or pregnancy-related disability, or injury of the employee or a dependent family member. Any attempt to use sick leave benefits for any other reason may result in dismissal of the employee.

## **Section 4.7 - Medical Leave of Absence**

*(Revised 02/13/2020)*

### Eligibility

Full-time employees who do not qualify for leave under the Family and Medical Leave Act (FMLA) may apply for, or be placed on, a medical leave of absence for the treatment of their own or a family member's serious health condition. Part-time employees are not eligible for medical leave. Employees will be eligible for medical leave after completing six months but no more than one year of continuous employment, except for on-the-job injuries, for which medical leave can begin immediately.

Medical leave is limited to a maximum of 12 weeks within a "rolling" 12-month period. Medical leave must be taken on a continuous basis and may not be taken in intermittent periods or on a reduced work schedule except where medically necessary for absences due to a job-related injury or illness. Medical leave may be utilized for basic leave reasons and military family leave entitlements as defined under the FMLA.

### Notice Regarding the Genetic Information Nondiscrimination Act of 2008 (GINA)

GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, UIW asks employees not to provide any genetic information when responding to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### Medical Certification

Employees requesting or placed on medical leave must provide a completed healthcare provider certification on the form provided by UIW. When the need for medical leave is foreseeable and the

employee has provided at least a 30-day advance notice, the employee must provide a complete and sufficient medical certification before the leave begins. When the leave is not foreseeable, a complete certification must be provided within 15 days. If a certification is incomplete or insufficient, the employee will be advised of the deficiencies and allowed seven working days to submit a complete and sufficient certification. If the certification deficiencies are not corrected, medical leave may be denied, the employee's absence will be considered unexcused, and the employee will be subject to disciplinary action up to and including dismissal.

If UIW has reason to doubt the validity of the medical certification, it may require a second opinion (at UIW expense) from a healthcare provider designated by UIW. If there is a conflict between the opinion of the first and second healthcare providers, UIW may require that the employee obtain the opinion of a third healthcare provider (at UIW expense) designated jointly by UIW and the employee. The opinion of the third healthcare provider will be final.

Employees on medical leave will be required to provide re-certifications from their healthcare provider every 30 days (or more frequently) if:

- The employee requests an extension of leave;
- The circumstances described in the original medical certification change significantly, or
- UIW received information that casts doubt on the continuing validity of the original medical certification.
- All re-certifications will be at the employee's expense.

Prior to reinstatement from medical leave, an employee must submit a written certification from his/her treating healthcare provider on the form provided by UIW that the employee has been released to return to work and is able to perform the essential functions of his or her job, with or without accommodation. The employee's healthcare provider may also be required to designate the essential job functions, if any, which the employee cannot perform. Employees will not be reinstated until the return-to-work/fitness for duty certification is received by UIW. All re-certifications will be at the employee's expense.

#### Other Employment During Leave

UIW discourages, but does not prohibit, employees from continuing pre-established secondary or "moonlighting" employment while on an approved leave of absence. Employees who decide to continue their secondary employments during their leaves of absence will not violate this policy, provided that:

- The employee notifies his or her supervisor of the other employment upon commencement of his or her leave of absence from UIW, and
- The secondary employment does not involve job duties which the employee is restricted from performing in his or her position with UIW.

However, employees who commence other employment (including self-employment) for personal gain, while on any type of leave of absence are subject to the following conditions:

- The employee must notify his or her supervisor prior to commencing the other employment;

- The employee cannot engage in other employment that involves job duties that exceed any medical restrictions imposed by his or her treating physician; and
- The employee cannot commence or engage in other employment during his or her UIW scheduled working hours.

Employees who engage in other employment in violation of the provisions of this section are subject to immediate termination of employment. These limitations do not apply to employees engaged in military service while on approved military leave.

#### Vacation, Sick Leave, and Holiday Pay During Leave

Following 30 calendar days of medical leave, employees will not earn or accrue sick leave benefits, vacation benefits, or holiday pay but will retain their original service dates for purposes of further accruals. If an employee has accrued vacation or sick leave benefits at the time the medical leave commences, the employee must use these paid benefits during their medical leave in accordance with UIW policies. The remainder of the medical leave would be unpaid. The availability of paid benefits will not extend the duration of a medical leave. Employees may not receive more than one hundred percent of their regular, weekly compensation through the use of any paid benefits during their medical leave.

#### Employee Health Care Plan During Leave

During the leave period, employee coverage under UIW's health plan will be maintained at the current level and conditions of coverage. Employees are required to continue paying their portion of the premium during the leave period to maintain their coverage.

Premiums may be paid in two ways:

- (1) If the leave is paid, then the payroll deduction system will be used to the greatest extent possible;
- (2) If payroll deduction does not cover the employee's entire premium cost, or the leave is unpaid, the employee must deliver the monthly cost of his or her share of premiums to UIW on or before the last day of the month prior to the month for which coverage is desired.

Employees who fail to pay their premiums in a timely manner will be dropped from coverage. The employee and his/her dependents may re-enroll in coverage at the time of reinstatement of employment.

#### Reinstatement from Medical Leave

Employees who are medically released (full or partial) by their health care provider must report to UIW on the first regular workday after their release. Failure to report to UIW as required is considered grounds for dismissal. Full-time faculty will be subject to the provisions contained in the Faculty Handbook. Prior to reinstatement from medical leave, an employee must provide UIW with a written return-to-work/fitness for duty certification from his or her health care provider(s) confirming the employee's release for work and their ability to perform the essential functions of their job (with or without accommodation). UIW may also require the employee's health care provider(s) to designate the essential job functions, if any, which the employee cannot perform at the time the employee requests reinstatement.

An administrator or staff member's reinstatement from medical leave is subject to staffing requirements. A full-time faculty member's reinstatement from medical leave will be handled in accordance with the Faculty Handbook.

Employees are not guaranteed reinstatement or placement in their former or alternate positions. Administrators and staff members who are not reinstated before the expiration of their medical leave will be dismissed from employment unless additional leave has been requested and granted as a reasonable accommodation under the Americans with Disabilities Act Amended Act (ADAAA). Full-time faculty members who are not reinstated before the expiration of their medical leave will be treated in accordance with the Faculty Handbook.

An employee requesting reinstatement before the expiration of his or her medical leave benefits will be reinstated to the former position, if it is available, provided the employee submits a satisfactory return-to-work/fitness for duty certification and can perform the essential functions of the job position (with or without reasonable accommodation).

If an employee's former position is not vacant or the employee cannot perform the essential functions of the position, UIW will consider the employee, along with other qualified candidates (internal and external), for vacant positions which the employee is determined to be qualified. UIW will select the most qualified candidate for the position. If an employee accepts an alternate position offered by UIW, he or she will be subject to the pay, benefits, and schedule for that position.

If no positions are vacant for which the employee is qualified, if the employee is not selected for an alternate position, or if the employee refuses the first position offered by UIW, the employee would be released from employment. Employees released under this policy are eligible to apply for posted vacancies by submitting an application to UIW.

If an administrator or staff member does not request reinstatement and does not return to work on or before the expiration of his or her medical leave, the employee will be dismissed from employment unless the employee has requested and has been granted an extension of leave as a reasonable accommodation under the ADAAA or other applicable law(s). Employees who are dismissed under this policy are eligible to apply for posted vacancies by submitting an application to UIW.

If a full-time faculty member does not request reinstatement and does not return to work on or before the expiration of his or her medical leave, the matter will be handled in accordance with the Faculty Handbook unless the faculty member has requested and has been granted an extension of leave as a reasonable accommodation under the ADAAA or other applicable laws.

Faculty members dismissed under the provisions of this policy are eligible to apply for posted vacancies by submitting an application to UIW.

#### Extension of Leave as Reasonable Accommodation

Employees who exhaust their medical leave but need additional time off in order to return to work may qualify for a reasonable extension of their leave under the ADAAA. To qualify for such a reasonable extension of leave, an employee must:

- (1) Show that he or she is disabled within the meaning of the ADAAA;
- (2) Request the extension prior to exhaustion of his or her pending Medical leave; and

(3) Provide UIW with a written medical certification from his or her treating physician that:

- The employee has a physical or medical impairment that substantially limits a major life activity (temporary, non-chronic impairments typically do not qualify as disabilities, e.g., broken bones, pregnancy, appendicitis, and non-chronic infections); and
- A supplemental leave of a specified duration will permit the employee to return to work in the near future and perform the essential function of his/her job; and
- There is no other reasonable accommodation that would allow the employee to return to work and perform the essential functions of his or her job before exhaustion of his or her leave.

UIW will evaluate timely requests submitted by an employee on an individualized basis and grant reasonable extensions of leave in compliance with the ADAAA and other applicable laws.

## **Section 4.8 - Family and Medical Leave**

*(Revised 02/13/2020)*

### Eligibility

To be eligible for leave under the Family and Medical Leave Act (FMLA), an employee must have been employed with UIW for at least 12 months (which do not have to be consecutive), worked at least 1,250 hours during the previous 12 months, and be assigned to a qualifying location (50 or more employees within a 75 mile radius). Eligible employees will be granted or placed on FMLA leave for up to 12 weeks within a "rolling" 12-month period for any of the following reasons:

- The birth or placement (adoption or foster care) of a child; or To bond with a child (leave must be taken within 1 year of the child's birth or placement); or
- To care for a family member (the employee's spouse, child or parent, but not a parent-in-law) with a serious health condition (subject to certification by a health care provider); or
- For a serious health condition that makes the employee unable to perform the functions of his or her position (subject to certification by a health care provider).

Spouses who are both employed by UIW are limited to a combined total of 12 weeks leave under the FMLA within the "rolling" 12-month period for the birth or placement of a child or the care of a parent with a serious health condition.

Leave for the birth, placement, adoption or foster care of a child, or to care for a child after birth must be taken in a continuous time period, and may not be taken on an intermittent or reduced work schedule basis. Leave for a newborn must be completed within 12 months after the birth, adoption or placement of the child.

An employee may take leave for their own serious health condition, or the serious health condition of a family member in a continuous time period, in intermittent time periods (e.g., a period of working followed by a period of absence) or through a reduced work schedule (such as cutting back on work hours). Leave for a serious health condition is permitted only during the medically required absence period.

### Job-Related Injuries

Absences for job-related injuries or illnesses under workers' compensation programs will be considered FMLA leave, provided that the employee meets the FMLA eligibility requirements and the injury or illness is a serious health condition. Employees on FMLA leave for a job-related illness or injury who are receiving workers' compensation lost wage benefits may use accrued vacation, sick leave or other paid time off prior to the onset of lost wage benefits.

The employee should contact the Office of Human Resources to request the use of vacation, sick leave or other paid time off following a work-related injury or illness.

### Required Notice of FMLA Leave

#### A. Foreseeable Leave

When a family or medical leave is foreseeable (including intermittent or reduced work schedule leave), employees shall provide UIW with 30 days advance notice before FMLA leave is to begin. If an employee gives less than 30 days advance notice of the need for foreseeable FMLA leave, the employee may be compelled to explain the reason why it was not practicable to provide UIW with the required notice. If an employee fails to give timely advanced notice with no reasonable excuse, UIW may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must be clearly foreseeable to the employee 30 days in advance of the leave. This 30-day notice requirement does not apply to qualifying exigency leave for a military service member. An employee must give UIW notice of their need for FMLA qualifying exigency leave as soon as possible.

#### B. Unforeseeable Leave

If 30 days prior notice is not practicable because of unforeseen circumstances, then notice of the leave must be given as soon as practicable. This means that the employee must give UIW notice on the same day the employee learns of the need for leave, and in accordance with UIW call-in procedures for reporting an absence. The notice should include the reasons for the requested leave, the anticipated start date of the leave, and the anticipated duration of the leave.

### Reporting Absences

Employees must comply with UIW procedures for calling in/reporting absences relating to leave. Absent unusual circumstances, the failure to comply with established call-in procedures and properly notify UIW of absences may result in the delay of FMLA leave. If an employee fails to follow call-in procedures and FMLA leave is delayed, the absence would be unprotected and treated as unexcused ("no call-no show"). (see Section 7.10 - Attendance).

### Designation of FMLA Leave

An employee does not have to share a medical diagnosis but must provide enough information to UIW so it can determine if the leave qualifies for FMLA protection.

After receiving a request for a leave of absence, UIW will:



- Notify the employee whether he/she meets the eligibility requirements for leave under the FMLA;
- Provide the employee with information regarding his/her FMLA rights and responsibilities; and
- Identify and provide the employee with any certification required to support his/her request for leave.

An employee is obligated to provide any required certification to UIW within 15 day upon request. Once UIW receives a complete and sufficient certification from the employee, UIW will notify the employee whether the absence will be designated as FMLA leave. If an absence is designated as FMLA leave, UIW will inform the employee of the amount of leave, effective from the employee's first day of absence, that will be counted against his/her FMLA leave entitlement.

#### Reassignment During FMLA Leave

If leave is taken on an intermittent basis or reduced work schedule for foreseeable and planned medical treatment because of an employee's or a family member's serious health condition or to care for a military service member, UIW may transfer the employee during the leave to an alternative position with equal pay and benefits which better accommodates the intermittent or recurring leave schedule.

#### Scheduling of Medical Appointments

If the leave is foreseeable and for the medical treatment of an employee or a family member, the employee must make a reasonable effort to schedule the medical treatments so as not to disrupt UIW operations.

#### Notice Regarding the Genetic Information Nondiscrimination Act of 2008 (GINA)

GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, UIW asks employees not to provide any genetic information when responding to a request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

#### Medical Certifications

##### *A. Initial Certifications*

An employee who requests or is placed on leave because of a family member's or his/her own serious health condition must provide a complete and sufficient medical certification from a health care provider on the U.S. Department of Labor form provided to the employee by UIW.

When the need for leave is foreseeable, and 30-day notice was provided to UIW, the employee must provide a complete and sufficient certification before the leave begins. When the need for leave is not foreseeable, the employee must provide a complete and sufficient

certification to UIW within 15 days. UIW may also require that the employee's health care provider designate the essential job functions which the employee cannot perform as a result of his or her serious health condition.

If the certification submitted by the employee is incomplete or insufficient, the employee will be advised of the deficiencies and allowed 7 days to submit a complete and sufficient certification. If certification deficiencies are not corrected in the resubmitted certification, FMLA leave may be denied, the employee's absence would be considered unexcused and he or she would be subject to disciplinary action, up to and including termination.

If an employee fails to return a certification within 15 days upon request, UIW will consider the employee's absence as unexcused and the employee will be subject to disciplinary action up to and including termination.

If UIW has reason to doubt the validity of the medical certification, it may require (at UIW expense) that the employee obtain a second opinion from a health care provider designated by UIW. If there is a conflict between the first and second opinions, UIW may also require (at its expense) a third opinion by a health care provider designated jointly by UIW and the employee. The opinion rendered by the third health care provider is final.

#### *B. Recertification's During the Leave*

An employee is also required to provide a health care provider recertification, at the employee's expense, every 30 days or the minimum period that the employee's treating health care provider(s) set for his or her incapacity or treatment; whichever is greater. If the period of incapacity is for more than six months or an indefinite period, the employee may be required to submit a recertification every six months. UIW may also require recertification when the employee requests an extension of leave, the circumstances set out in the original medical certification change significantly, or UIW receives information that casts doubt on the continuing validity of the medical certification.

If recertification is not provided within 15 days of the request, or as soon as practicable, UIW may delay FMLA leave protection until the recertification is provided. If an employee fails to provide the required recertification, the leave will not be protected FMLA leave and the employee will be subject to disciplinary action, up to and including termination, for unexcused absences.

Employees on leave may be required to periodically report to UIW (every 30 days) regarding their intention to return to work upon completion of the leave.

#### *C. Annual Medical Certification*

When the need for leave for an employee's or family member's serious health condition lasts beyond a single leave year, UIW will require a new medical certification with the first absence in a new 12-month leave year. Because it is a new certification and not recertification, UIW may seek second and third opinions for these new medical certifications, as well as to authenticate or clarify the certification with the health care provider.

#### *D. Fitness for Duty - Return to Work Certification*

Prior to reinstatement from leave, an employee must submit a written fitness for duty certification from his/her treating health care provider(s) that he/she has been released to return to work and can perform the essential functions of his/her job, with or without accommodation. The employee's health care provider(s) may also be required to designate the essential job functions the employee can perform at the time he or she requested reinstatement. An employee will not be reinstated until the certification is received by UIW.

#### Other Employment During FMLA Leave

UIW discourages, but does not prohibit employees from continuing pre-existing secondary "moonlighting" employment while on an approved leave of absence. Employees who continue pre-existing secondary "moonlighting" employment during their leave of absence will not violate this policy, provided that:

- The employee notifies his or her supervisor of the other employment upon commencement of his or her leave of absence from UIW, and
- The secondary employment does not involve job duties which the employee is restricted from performing in his or her job position with UIW.

Employees who commence other employment (including self-employment) for personal gain while on any type of leave of absence are subject to the following conditions:

- The employee must notify his or her supervisor prior to commencing the other employment;
- The employee cannot engage in other employment that involves job duties that exceed any medical restrictions imposed by his or her treating physician; and
- The employee cannot commence or engage in other employment during his or her UIW scheduled working hours.

Employees who engage in other employment while on leave of absence, in violation of the provisions of this section, are subject to termination of employment. These limitations do not apply to employees engaged in military service while on approved military leave.

#### Benefits During Leave

##### **Paid Leave:**

If an employee has accrued vacation or sick leave benefits at the time the leave commences, the employee must use these paid benefits during his or her FMLA leave in accordance with the policies of UIW until exhausted. The remainder of the FMLA leave would be unpaid. If the employee is receiving lost wage benefits under a workers' compensation program for a job-related injury/illness or UIW accrued vacation or sick leave, FMLA regulations allow the use of accrued vacation, sick leave or other paid time off to supplement the workers' compensation benefits under certain circumstances. Employees may use their accrued vacation, sick leave or other paid time off benefits to supplement their UIW workers' compensation lost wage benefits (up to 100

percent of their regular weekly wages) if the employee and UIW voluntarily agree to this supplemental payment.

Employees should contact the Office of Human Resources to request the use of vacation, sick leave or other paid time off benefits to supplement workers' compensation lost wage benefits. The use of paid time off benefits will not extend the duration of an FMLA leave. Employees may not receive more than 100 percent of their regular weekly compensation through the use of any combination of paid benefits relating to their employment.

While an employee is using UIW- accrued vacation, sick leave or other paid time off benefits during an FMLA leave, the employee must continue participating in the UIW Health Plan, and premiums will be deducted from the UIW- accrued vacation, sick leave or other paid time off benefits used during the leave.

If an employee fails to pay his or her portion of the Health Plan premiums within 30 days of a payment due date, the employee's coverage will end as of the date on which the premium payment was due. The employee's coverage will be reinstated only upon return to work before exhaustion of his or her FMLA leave.

#### Employee Healthcare Plan During Leave

While you are using vacation or sick leave during an FMLA leave (paid leave), you must continue participating in UIW's Health Plan, and you must continue to pay your portion of the Health Plan premiums to maintain coverage during the leave. Premiums will be deducted from vacation or sick leave used during the leave.

During the unpaid portion of an FMLA leave, you may:

Option 1: Continue participating in UIW/IWHS/SACHS Health Plan by paying your portion of the premium (payment options available to you during unpaid FMLA leave will be provided in accordance with this UIW/IWHS/SACHS's cafeteria plan, if applicable). You should coordinate the method of premium payment with Human Resources when you commence unpaid FMLA leave; or

Option 2: Revoke coverage; or

Option 3: Cease paying your portion of the medical plan premium, which will result in cancellation of coverage.

If an employee ceases paying his/her portion of the Health Plan premiums while on unpaid leave, he/she will be dropped from coverage for the remainder of your FMLA leave. If UIW pays the employee portion of the Health Plan premiums while on paid or unpaid FMLA leave, UIW may be entitled to recover the cost of such premiums from the employee after their return to work, or failure to return to work from an FMLA leave.

#### Reinstatement From FMLA Leave

Employees who are medically released (full or partial) by their health care provider must report to UIW Human Resources on the first regular workday after their medical release.

Prior to reinstatement from FMLA leave, employees must provide UIW with a written return-to-work statement from his/her health care provider confirming the employee's release and ability to perform the essential job duties (with or without accommodation). Employees who fail to report to UIW in a timely basis after being released by their doctor are subject to dismissal.

UIW will reinstate an employee requesting return-to-work from FMLA leave to an existing former position, provided the employee seeks reinstatement before the expiration of 12 cumulative weeks of leave and can perform the duties of the position (with or without reasonable accommodation). If the employee's former position is not available, the employee requesting return-to-work will be reinstated to an equivalent position.

If an administrator or staff member does not request reinstatement and does not return to work on or before the expiration of his or her FMLA leave, the employee will be dismissed from employment unless the employee has requested and has been granted an extension of leave as a reasonable accommodation under the ADAAA or other applicable laws. Employees dismissed under this policy are eligible to reapply for future employment by submitting an application to UIW.

#### Military-Related FMLA Qualifying Exigency leave

Employees who are eligible for FMLA leave may request to be placed on FMLA military service member leave if the employee's spouse, son, daughter, or parent is on active duty in the Armed Forces or receives notice of an impending call/order to active duty in support of a "contingency plan" and the employee's absence from work is for a "qualifying exigency" related to the family member's military service.

A "qualifying exigency" means:

- Short-notice deployment: Leave needed to address issues arising from the family member's notification of an impending call or order to active duty in support of a contingency operation seven or fewer calendar days prior to the date of deployment-leave taken for this purpose can be used for a period of seven calendar days beginning on the date of the covered military member's notification.
- Military events and related activities: Leave needed to attend official ceremonies, programs, or events sponsored by the military, related to the active duty or call to active duty status of the family member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status for the family member.
- Childcare and school activities: Leave needed to arrange for alternative childcare; to provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis); to enroll a child in or transfer a child to a new school or daycare facility; and to attend meetings with staff at a school or daycare facility when such meetings are necessary.
- Financial and legal arrangements: Leave needed to make or update financial or legal arrangements to address the family member's absence and to act as the family member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status, and for 90 days following the termination of the covered military member's active duty status.

- Counseling: Leave needed to attend counseling provided by someone other than a health care provider for the employee, the employee's family member and/or the family member's child, provided that the need for counseling arises from the active duty or call to active duty status.
- Rest and recuperation: Leave needed to spend time with the family member who is on short-term, temporary, rest and recuperation leave during the period of deployment-up to five days of leave may be taken for each instance.
- Post-deployment activities: Leave needed to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military within 90 days following the termination of the family member's active duty status; and to address issues arising from the death of a family member while on active duty status.
- Additional activities: Leave needed to address other events arising out of the family member's active duty or call to active duty status, provided that the employee and UIW agree that the leave will qualify as an exigency, and agree to both the timing and duration of the leave.

FMLA leave for a "qualifying exigency" may be taken for up to 12 workweeks within a "rolling" 12 month period in a continuous time period, or in intermittent time periods, or through a reduced work schedule.

The 30-day notice requirement for medical-related leaves does not apply to qualifying exigency leave for a military service member. However, employees must give UIW notice of the need for FMLA qualifying exigency leave as soon as practicable. The same rules that apply to FMLA leave apply to qualifying exigency leaves. Employees are required to complete the pertinent certification form within 15 days of requesting a qualifying exigency leave. In addition, the first time an employee requests a qualifying exigency leave, the employee will be required to provide a copy of the covered military member's active duty orders, or documentation of the call to active duty, in support of a contingency operation and the dates of active duty service.

#### Military-Related FMLA Caregiver Leave

Employees who are eligible for FMLA leave may request or be placed on FMLA military service member leave for their spouse, son, daughter, parent, or next of kin who is a "covered servicemember" and has incurred an injury or illness in the line of duty while on active duty in the Armed Forces.

FMLA leave to care for a "covered servicemember" who has incurred an injury or illness in the line of duty may be taken for up to 26 workweeks in a "rolling" 12 month period. The amount of leave for which an employee is eligible may be reduced if the employee has taken other FMLA leave during the preceding 12 months.

If leave is taken on an intermittent basis or reduced work schedule to care for a military service member, UIW may transfer the employee during the leave to an alternative position with equal pay and benefits which better accommodates the intermittent or recurring leave schedule. The same rules that apply to other FMLA leave also apply to military caregiver leaves under the FMLA. Employees are required to complete the required certification applicable to this type of leave within 15 days of requesting caregiver leave.

### Extension of Leave as a Reasonable Accommodation

Employees who exhaust their FMLA leave but need additional time off in order to return to work may qualify for an extension of their leave under the ADA. To qualify for such an extension of leave, an employee must request the extension prior to exhaustion of their pending FMLA leave, and provide UIW with a written medical certification from their treating physician that:

- The employee has a physical or medical impairment that substantially limits a major life activity (temporary, non-chronic impairments typically do not qualify as disabilities, e.g., broken bones, pregnancy, appendicitis, and non-chronic infections); and
- A supplemental leave of a specified duration will permit the employee to return to work in the near future and perform the essential function of his/her job; and
- There is no other reasonable accommodation that would allow the employee to return to work and perform the essential functions of his/her job before exhaustion of their leave.

UIW will evaluate timely requests submitted by an employee on an individualized basis and grant reasonable extensions of leave in compliance with the ADA and other applicable laws.

### Nondiscrimination/Nonretaliation

UIW will not interfere with, restrain or deny any employee's right to request FMLA leave in accordance with the terms and provisions of this policy. Furthermore, UIW will not discriminate or retaliate against an employee for requesting or taking FMLA leave in accordance with this policy. If any employee believes that he or she has been subjected to discrimination or retaliation in violation of this policy, the employee should immediately contact the Director of Human Resources.

### **Section 4.9 - Vacation**

*(Approved by the Executive Council, 6/1/16)*

Vacation time provides employees with an opportunity to rest, relax, and refresh themselves, which benefits both the employee and UIW. All employees are encouraged to take their earned vacations. Vacation leave accrues from the first day of employment; however, no vacation leave may be taken during the first six months of employment.

#### **A. Staff and Administrator Accrual:**

Regular full-time employees of UIW will earn paid vacation leave. Temporary and student employees do not earn vacation leave. A regular employee placed on unpaid leave in excess of 30 calendar days will have his/her vacation benefit for that year reduced on a pro-rated basis (see Section 4.7, Medical Leave of Absence).

All regular, full-time administrators and staff accrue 6 2/3 hours of vacation time each month during the first five years of service. After five years of service, ten hours accrue each month. After ten years of service, 13 1/3 hours accrue each month. Accrued days may not exceed 15 days at any time during the first five years of employment, 20 days during the following five years of service, and 25 days after ten years of service. Accrued vacation time will be compensated only at the time of resignation (see Section 10.2 - Voluntary Resignation).

Vacation Accruals Based on Length of Employment		
Employment Period	Monthly Accrual	Max Hours Allowed
1 – 60 Months	6 2/3 Hours/Month	120 Hours (3 Weeks)
61 – 120 Months	10 Hours/Month	160 Hours (4 Weeks)
121 Months & Beyond	13 1/3 Hours/Month	200 Hours (5 Weeks)

**B. Contracted Administrator Accrual:**

All contracted administrators receive 20 days' vacation per year regardless of years of service. Contract administrators are also allowed to use (completely or incrementally) all allotted vacation leave hours at the start of each fiscal year (June 1). Accrued days may not exceed 25 days (200 hours) at any time. If the administrator terminates employment during the fiscal year, vacation leave earned will be calculated by dividing the total number of hours of vacation leave that the employee is eligible to earn by 12 months. This number will be multiplied times the number of months the administrator worked at the time of termination to determine the number of earned vacation leave hours. The result will be compared with the vacation leave hours already used by the administrator. If the number of vacation leave hours earned exceeds the amount used, the administrator will be paid in accordance with Section 3.12 - Terminal Pay. If the number of vacation leave hours used exceeds the amount earned, an appropriate deduction will be made to the administrator's final paycheck.

**C. Use:**

Vacation Leave will be scheduled as follows:

- Schedule leave in advance with supervisor according to approved department policy;
- Vacation leave should be requested at least twenty-four (24) hours in advance. Request is subject to supervisor's approval;
- Leave of more than a week in duration will be scheduled at least one week in advance;
- Supervisors may require employees to take vacation of a specific duration each year; and
- Administrator and Contracted Administrator employees are required to complete and submit a Vacation Leave Form to Payroll. This form is available on the Office of Human Resources and Payroll websites. Failure to complete this form will result in the leave being classified as unpaid.
- Staff employees must designate vacation leave in Web-time Entry.

Use of vacation leave will be at the convenience of the employee if possible. However, the use of vacation leave should not interfere with the normal functioning of UIW operations. An employee may not be granted vacation leave in excess of their accumulated leave. Employees may not receive pay in lieu of vacation leave. Vacation leave is not transferable to another employee. Employees will be allowed to retain their vacation leave if they are reassigned, promoted, or demoted. Employees voluntarily



terminating employment may be compensated for any earned and unused vacation leave provided the employee gives the required notice period (see Section 3.12 – Terminal Pay).

#### **Section 4.10 - Sickness during Vacation Leave**

An employee who becomes ill or is injured during his/her vacation time may request that time of illness or injury is charged to sick leave. The request must be approved by the immediate supervisor and must be supported by a doctor's certification that the employee would have been unable to work.

#### **Section 4.11 - Holidays During Vacation**

UIW holidays that occur during an employee's vacation will not be charged to vacation time, but rather to paid holiday leave.

#### **Section 4.12 – Military Leave**

*(Revised by the Director of Human Resources, 06/01/2016)*

UIW is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is UIW's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in, or obligation to perform service for, any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because of exercising their rights under this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Director of Human Resources.

#### Procedure Guidelines

##### **1. Extended Military Leave**

- Employees directed to participate in extended military duties in the U.S. Armed Forces that exceed three working days will be placed on an unpaid military leave of absence status for a period of as long as five years. There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency. The employee will be entitled to the rights and benefits described below, subject to the procedures outlined below.

##### **2. Procedures For All Military Leave**

- The employee will provide his or her immediate supervisor with notice, (either verbal or written) that the employee will be engaging in military service. Employees are requested to provide such notice as soon as they have knowledge of upcoming military service.
- Employees on short term or extended military leave may, *at their option*, use any or all accrued paid vacation or personal leave during their absence.

- When the employee intends to return to work, he or she must make notification of reinstatement to Human Resources within the application period set forth below.
- If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken.

### 3. Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

- If an employee has military orders for over 31 days, the employee and covered dependents will be offered a “Cobra like” health coverage for up to 24 months at 102% of the overall (both employer and employee) premium rate. Beginning after the first 31 days of military leave, group health insurance coverage for an employee and/or an employee’s covered dependents will run concurrently with applicable health insurance coverage under COBRA.
- The group term life/AD&D insurance provided by UIW will be suspended the day the employee becomes active military.
- The group long-term disability insurance provided by the UIW will be suspended the day the employee becomes active military.
- Employees do not accrue vacation or sick leave while on military leave of absence status.
- With respect to the UIW retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reinstatement, the employee may, at the employee’s election, make any or all employee contributions that the employee would have been eligible to make had the employee’s employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee’s reinstatement and that is not greater in duration than three times the length of the employee’s military service, not to exceed five years. Employees will receive all associated company match for such contributions.
- Voluntary supplemental life/AD&D insurance will suspend the day the employee becomes active military. Converting to an individual policy will continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the suspension of coverage.

### 4. Reinstatement

Upon an employee’s prompt application for reinstatement (as defined below); an employee will be reinstated to employment in the following manner depending upon the employee’s period of military service:

- a. For a period of 1 to 90 days-
  - i. In the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or
  - ii. In the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (i.) after reasonable efforts by the employer to qualify the person.
- b. 91 or more days-
  - i. In the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or
  - ii. In the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph (i.) after reasonable efforts by the employer to qualify the person.

*Employee with a service-connected disability* - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts; or if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

## 5. Application for Reinstatement

An employee who has engaged in military service must, in order to be entitled to the reinstatement rights set forth above, submit an application for reinstatement according to the following schedule:

- *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reinstatement at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours rest and after a time for safe transportation back to the employee's residence.

- *If service is for 31 days or more but less than 180 days* - the employee must submit an application for reinstatement with the Office of Human Resources no later than 14 days following the completion of service.
- *If service is 181 days or more* - the employee must submit an application for reinstatement with the Office of Human Resources no later than 90 days following the completion of service.
- *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reinstatement with the Office of Human Resources no later than two years following completion of service.

#### Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- UIW's circumstances have so changed as to make reemployment impossible or unreasonable;
- The employee's employment prior to the military service was for a non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period; or
- The employee did not receive an honorable discharge from military service.

#### General Benefits Upon Reinstatement

Employees reinstated following military leave will receive seniority and other benefits that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. In addition, an employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their position.

#### Documentation

An employee's manager will, upon the employee's reinstatement, request that the employee provide the Office of Human Resources with their military discharge documentation (DD214) that establishes the length and character of their military service.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 5 – BENEFITS**

**Effective Date:** June 1, 2015

**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to the benefit programs available to employees.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015  
**Revised:** June 1, 2016  
**Revised:**

## **CHAPTER 5 - BENEFITS**

### **Section 5.1 - Direct Deposit**

All employees are required to participate in Direct Deposit. Current employees, including students, not participating in Direct Deposit are encouraged to visit Payroll and enroll in the Direct Deposit Program. UIW recommends that all employees participate in Direct Deposit as a means of ensuring payment for wages in the event of emergencies that could prevent the issuance of checks.

### **Section 5.2 - Insurance**

UIW offers group insurance coverage to regular full-time employees. Insurance coverage is available for health, dental, vision, life, accidental death and dismemberment. Health insurance is compliant with the Patient Protection and Affordable Care Act. The Office of Human Resources has current information detailing available coverage, eligibility and cost - all of which are subject to change. UIW may subsidize health insurance premiums to ensure affordability.

Student employees should refer to the Student Handbook for information regarding health and dental insurance.

**IMPORTANT NOTICE:** All new employees must enroll themselves, legal spouses and/or eligible dependents in the various benefit options within the initial 30 days of employment. Should the employee fail to do so, applicable contract requirements will prevail (e.g. evidence of insurability).

### **Section 5.3 – Scheduling of Non-Benefits-Eligible Positions and Health Insurance Availability**

The primary purpose of this section is to set forth the guidelines for scheduling and monitoring the hours worked by non-benefit-eligible employees.

UIW has a responsibility to track hours worked per week by adjunct faculty and other employees in positions that have not been historically deemed benefit-eligible. The basis of this legal obligation is the conditions imposed by the federal Patient Protection and Affordable Care Act (“ACA”) and guidelines issued by the Internal Revenue Service (IRS).

#### Definitions

- Adjunct Faculty - part-time, non-tenure track faculty who do not meet the definition of full-time. These procedures shall have no application to the adjunct faculty appointment of persons otherwise employed in a full-time capacity.
- Administrative Period - a period of one month, June, for making full-time determinations for ongoing employees and offering/implementing full-time employee coverage for the ensuing stability period. The administrative period shall also be that one month period immediately following the initial measurement period for newly-hired, variable hour employees.
- Health Insurance Plan Eligibility - full-time employees who work an average of at least 30 hours per week are eligible for benefits to include health insurance. If a new employee is reasonably expected to average at least 30 hours per week at the time of hire, the employee must automatically be treated as full-time and offered group health coverage within the new hire enrollment period.

- Initial Measurement Period - a designated period of time of 12 months used to determine whether a newly-hired variable hour employee is full-time.
- Non-Benefit-Eligible Employee - one who, but for the ACA, would not have been considered full-time by UIW nor would have been considered eligible for health insurance coverage prior to the ACA mandate.
- Patient Protection and Affordable Care Act (ACA) - federal statute signed into law by President Barack Obama on March 23, 2010. Together with the Health Care and Education Reconciliation Act, it represents the most significant government expansion and regulatory overhaul of the U.S. healthcare system since the passage of Medicare and Medicaid in 1965. Provisions take effect beginning in 2010 through 2020.
- Stability Period - a designated period of 12 months during which UIW will offer health insurance coverage to all full-time employees. For ongoing employees, the stability period coincides with the fiscal year which serves as UIW's health insurance plan year.
- Standard Measurement Period – a designated period of 12 months used to determine whether an ongoing employee is full-time. The standard measurement period runs June 1 through May 31.
- Variable Employee - an employee for whom it cannot reasonably be determined at the time of hire whether the individual will be regularly scheduled to work no fewer than 30 hours per workweek.

#### Administrative Procedure

The assignment of adjunct faculty members shall be made by the program coordinator subject to review and approval by the respective Dean with final approval by the Provost for the specific purpose of adherence to this procedure. All adjunct faculty employees shall be selected through a systematic process designed to employ the most qualified person while adhering to equal opportunity employment and minimum qualification guidelines.

Adjunct faculty members are intended to be relied upon to supplement, but not to supplant, full-time instructional staff. Supervisors are to ensure adjunct hours worked per week fall into alignment with the UIW Faculty Handbook.

The Provost will review hours worked for adjunct employees on an annual basis to coincide with UIW's fiscal year, which also serves as the benefits' plan year for determination of health insurance coverage eligibility. The Office of Human Resources will review newly-hired adjunct and other non-benefit-eligible employees after the initial measurement period and after an entire standard measurement period. Once an adjunct or other non-benefit-eligible employee has been employed for an initial measurement period and an entire standard measurement period, the employee is tested for full-time status as an ongoing employee, beginning with the immediately ensuing standard measurement period.

An employee, who tests as full-time during the initial measurement period, but not as full-time during an overlapping or immediately following standard measurement period, will continue to be treated as full-time until the end of the stability period associated with the initial measurement period. An employee who does not test as full-time during the initial measurement period but who tests as full-time during the



overlapping or immediately following standard measurement period, will be treated as a full-time employee for the entire stability period that corresponds to the standard measurement period. The first stability period is fiscal/plan year 2016 (June 1, 2015 – May 31, 2016) relative to the first measurement period of fiscal/plan year 2015 (June 1, 2014 – May 31, 2015). Each stability period thereafter will reference the standard measurement period in the preceding fiscal year for ongoing employees.

### Enforcement

UIW's Office of Human Resources will be responsible for the enforcement of this policy to ensure the university's compliance with the ACA. The policy was written in accordance with the definition of full-time status for health insurance coverage purposes as defined by regulations of the Patient Protection and Affordable Care Act (PPACA) with guidance issued by the Internal Revenue Service (IRS). Effective on the date of adoption of this policy, each adjunct faculty appointment letter/contract shall include the following language:

*By entering into this contract, the employee agrees to abide by the terms and conditions of the Employee Handbook relating to the Scheduling of Non-Benefit-Eligible Positions and Health Insurance Eligibility. These terms and conditions require the employee to agree: (1) not to actually work in excess of an average of 29 hours per week in connection with work performed under the contract within the duration of a semester appointment without prior approval; (2) not to perform any work for any other department of UIW, except as may have been disclosed by the employee in writing prior to or upon the execution of this contract. Any failure by an employee to adhere to each of these terms will be considered a basis for termination of contract.*

### Exceptions

The President of UIW, or his designee, may make exceptions to this policy for academic and other reasons as deemed appropriate.

### **Section 5.4 - Continuation of Insurance Coverage (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides that all employees are eligible to continue their group insurance coverage for up to 18 months when employment is terminated due to resignation, reduction of work hours, or dismissal (for other than gross misconduct). The law also allows dependents of a covered employee to continue their group insurance coverage for up to 36 months upon the death of a covered employee; the employee's divorce or legal separation; when dependent children are no longer "eligible dependents" under the definition in the policy; and when the employee ceases to participate in the UIW sponsored plan if the employee is Medicare eligible. The employee or dependent must request continuation of coverage and must pay the complete cost of coverage plus a two percent administrative fee. Details regarding this benefit may be obtained from the Office of Human Resources.

### **Section 5.5 – Retirement Plan**

UIW offers a 403(b) Defined Contribution Plan to eligible employees. This retirement plan is administered by Teachers Insurance Annuity Association – College Retirement Equities Fund (TIAA-CREF). Eligible employees must apply through the Office of Human Resources to participate in the Plan. Employees may begin participating after one year of eligible service. Enrollment in the program requires employees to contribute a minimum of 3% of their gross monthly salary and UIW will contribute an additional 7% of the gross monthly salary. UIW matching contributions are subject to change.

Participation in the plan is voluntary for the first 10 years of employment. After 10 years all eligible employees are required to participate in the Plan.

TIAA-CREF also offers a tax-deferred or Supplemental Retirement Annuity (SRA) and an after-tax Roth 403(b). Participation in these funds does not include an employer match.

### **Section 5.6 – Retirement Health Solutions**

*(Revised by the Director of Human Resources, 09/16/15)*

UIW will begin to make contributions for employees when they reach age 40 with one year of service. UIW will cease making its contributions on the earliest of the following: the date UIW has made 25 years of contributions to the individual account, the date employment ceases with UIW, or upon death of the employee.

Employees may begin making voluntary contributions to the Plan on a flat dollar basis each payroll period if they are age 21 or older with one year of service. The amount of contribution will be determined by the employee.

Employees will be eligible for the Emeriti Health Insurance Plan Options and/or the Emeriti Reimbursement Benefit if they satisfy the criteria for Retirement Eligibility under the Plan. Employees have met these criteria if they have attained age 55 while employed by UIW with at least 10 years of continuous service, or age 65 with five years of service for late hires. Employees also satisfy retirement eligibility if they become permanently disabled during active service and receive a disability determination letter from Social Security. To enroll in the Emeriti Health Insurance an employee must meet the retirement eligibility requirements above, retire, attain age 65, and enroll in Medicare Parts A and B.

Employees who separate with five continuous years of service that do not meet the criteria for Retirement Eligibility above are still eligible for the Emeriti Reimbursement Benefit, but not eligible for the Emeriti Health Insurance Plan Options.

Once an employee has separated from employment with UIW, it is important to note that the Emeriti insurance benefit is a retiree only plan. Under the Affordable Care Act (ACA) an employer is not allowed to sponsor a stand-alone plan such as the Emeriti plan for its active employees. An active employee includes a part time non-benefits eligible individual and such individual will not be eligible to collect benefits under the Emeriti health plan. A retiree who is rehired (who receives either a W-2 or 1099) will be treated as an active employee and that individual will lose eligibility when they return to employment. Upon rehire, the employee will not be eligible for the health insurance offered through Emeriti nor the reimbursement benefit.

### **Section 5.7 - Tuition Waiver**

*(Approved by the Executive Council, 6/1/16)*

#### **I. Purpose**

The primary purpose of the Tuition Waiver Policy is to set forth the conditions and terms under which current employees, spouses and dependents of current employees, certain relatives of the Sisters of Charity of the Incarnate Word, and others may receive assistance toward tuition costs at the University of the Incarnate Word.

Related purposes include delineation of eligibility for tuition waiver at Incarnate Word High School, St. Anthony Catholic High School, other Brainpower Connection schools, and various Colleges/Universities who are participating members of tuition exchanges in which UIW is also a participating member.

## **II. University of the Incarnate Word**

### **General**

- A. Any otherwise eligible individual must also meet the admission requirements of UIW in order to utilize the tuition waiver benefit.
- B. All costs other than academic tuition (e.g. fees, books, room and board, etc.) will be considered the financial responsibility of the student and are not covered under the tuition waiver benefit. Likewise, any tuition costs designated for technology-related purposes are not covered under the tuition waiver benefit.

Any individual utilizing the tuition waiver benefit must demonstrate Satisfactory Academic Progress (SAP) by maintaining a 2.0 GPA on all undergraduate courses and a 3.0 GPA on all graduate courses taken at UIW. In addition, individuals must complete 75% of the coursework they attempt. Any student not maintaining SAP forfeits all future rights to the tuition waiver benefit. At the end of each Spring semester (or Spring 2 for Extended Studies programs) the Office of Financial Assistance will review the academic progress of each individual and contact individuals that are not maintaining SAP. A complete electronic version of the SAP policy is available on-line

[http://www.uiw.edu/finaid/documents/1516\\_sap\\_policy.pdf](http://www.uiw.edu/finaid/documents/1516_sap_policy.pdf)

- C. All individuals will be required to meet SAP standards, beginning 06/01/2011. Any coursework taken from that date forward will be included in the SAP review. Please refer to the Office of Financial Assistance Employee/Dependent Waiver Information Form for additional details.
- D. The Tuition Waiver Application must be completed and submitted to the Office of Human Resources *for each semester, session, and/or term* before tuition remission will be granted. Waivers must be submitted no later than fourteen calendar days after the last day to add a course for the term. Failure to complete and submit the application in a timely manner will result in denial of the waiver request.
- E. The tuition waiver benefit will not be used for courses in which the instructor is compensated on a per capita basis (except for online courses). Such courses include (but are not limited to) voice, music, ballet, or other individual instruction. Tuition waiver covering the banded tuition rate will be reduced by the tuition charge for the number of hours of individual instruction.
- F. The tuition waiver benefit may be used to audit courses free of charge provided the instructor offering the course approves the audit. All other eligibility factors applicable to the status of the student as outlined in this document must be satisfied.

## **III. Employee Eligibility**

Any individual who is employed at UIW on a regular, full-time employment agreement (for at least 75% of the time) as a faculty member, administrator, or staff member may receive a full tuition waiver for themselves for undergraduate and/or graduate classes with the following stipulations:

- A. Only three credit hours or less per regular semester, and three credit hours or less during the summer, are eligible for tuition waiver for a maximum of nine credit hours per academic year. Any courses/credit hours taken over the allowable amount will be considered the financial

responsibility of the employee.

- B. A maximum of twelve undergraduate or nine graduate credit hours per academic year beginning with the first full term of the fiscal year (Summer I and ending with Term VI- Spring 2) are eligible for tuition waiver through the Adult Degree Completion Program. However, no more than three credit hours may be taken during any single term utilizing the tuition waiver benefit. Any courses/credit hours taken over the allowable amount will be considered the financial responsibility of the employee.

With the concurrence of the dean and supervisor, the Director of Human Resources may approve a maximum tuition waiver for 6 hours (or 2 3-hour courses) in one term.

- C. A maximum of fifteen credit hours for undergraduate or a maximum of nine credit hours for graduate classes per academic year are eligible for partial tuition waiver through online courses. The waiver will cover the per credit hour charge. Employees are responsible for the direct cost of instruction of \$350.00 per class. This amount is subject to change in future years. However, no more than three credit hours may be taken during any single term utilizing the tuition waiver benefit. Any courses/credit hours taken over the allowable amount will be considered the financial responsibility of the employee. With the concurrence of the dean and supervisor, the Director of Human Resources may approve a maximum tuition waiver for 6 hours (or 2 3-hour courses) of Online courses in a single term.
- D. Employee eligibility must be attained before the first day of classes for the specific semester/session/term for which the waiver of tuition is sought. Employees hired on a regular, full-time basis or converting to a full-time after the first day of classes must wait until the following semester/session/term to utilize this benefit.
- E. Eligible employees who are administrators or staff may not take courses during their normal working hours. Under no circumstances will the regular work schedule be reduced for the purpose of taking a college course. The Tuition Waiver benefit does not apply to doctoral courses.
- F. Graduate tuition waivers which exceed \$5,250 per calendar year are subject to federal income tax withholding. Taxable fringe benefits are defined in IRS Publication 15B and the Internal Revenue Code §127. Therefore, graduate tuition waivers in excess of \$5,250 will be added as taxable compensation on the last December paycheck each year, and federal income tax withholding will be deducted according to the withholding election on the employee's latest Form W-4. As a result, this amount will be included in the taxable income reported on the Form W-2.

#### **IV. Spouse/Dependent Eligibility**

##### **A. Faculty/Staff/Administrative Employees**

Individuals employed at UIW on a regular, full-time employment agreement (for at least 75% of the time) as faculty/staff/administrative employees may receive full tuition waivers for current legal spouses and/or legal dependents for undergraduate courses taken at UIW with the following stipulations:

1. Spouses/dependents of regular, full-time employees are eligible for the tuition waiver benefit according to the following scale:

- Less than one year of full-time employment      0% of cost
- One year or more of full-time employment      100% of cost

Additionally, the sponsoring employee must be in a regular, full-time work status for the length of time specified above, before the first day of classes for the semester/session/term for which the tuition waiver benefit is sought. Employees whose service anniversary date falls after the first day of classes for a particular semester/session/term, will not be eligible for the higher benefit percentage for spouses and/or dependents until the following term. Likewise, a spouse must have become the legal spouse of an otherwise eligible staff employee before the first day of classes for which a waiver is being sought. UIW reserves the right to request a copy of the marriage license or certificate of common-law marriage to confirm eligibility status.

2. Tuition waiver is limited to a maximum of 18 credit hours during the full fall semester, 18 credit hours during the full spring semester, and 12 credit hours during all summer sessions combined. Credit hours over the designated maximum are the financial responsibility of the individual and/or qualifying employee. Courses taken through the School of Professional Studies are eligible for spouse/dependent waiver providing that all other criteria for acceptance into that program are met.
3. The tuition benefit can only be applied to tuition charges for the lesser of 144 attempted credit hours or one baccalaureate degree.
4. In order for a dependent child to be eligible for the tuition waiver benefit, he/she must be the biological or legally adopted child of the employee. A stepchild of an otherwise eligible employee may utilize the waiver benefit provided his/her primary residence is the same as that of the employee. A child for whom the employee has legal guardianship and custody for a minimum of three years may utilize the waiver benefit provided appropriate court documents are presented for total or partial support in anticipation of adoption. In all of the above instances, the dependent child must have been claimed as a legal exemption of the sponsoring employee on the most recent federal income tax return of that employee, or be classified as a dependent student of the employee as defined in the 'Free Application for Federal Student Aid' (FAFSA) for the current school year.
5. Any child of an otherwise eligible faculty/administrator employee who is 25 years of age or older on or before the day classes begin for a particular semester/session/term is no longer eligible for the tuition waiver benefit under any circumstances. If a legally dependent child turns 25 after the first day of a semester/session/term for which tuition waiver has been granted, that child may receive the benefit for the remainder of that semester/session/term.
6. The tuition waiver benefit for spouses/dependents does not apply to graduate courses and graduate professional programs.
7. Some study abroad programs may be eligible for the tuition waiver benefit. If a student is studying at a straight exchange sister school, meaning UIW does not pay tuition to that sister school, then the tuition waiver does apply. Students are responsible for additional expenses such as fees, room, board, and transportation. A current list of

straight exchange sister schools is available in the Study Abroad Office of International Affairs.

8. Faculty and Administrative employees hired prior to June 1, 2016 are grandfathered under the prior Tuition Waiver Policy until their one year anniversary date or June 1, 2017, whichever date comes first.

## **V. Sisters of Charity of the Incarnate Word**

1. All Sisters of Charity of the Incarnate Word employed on a regular, full-time basis at UIW or on a leave of absence from UIW are eligible to receive a 100% tuition waiver for undergraduate courses for parents, brothers, sisters, nieces and nephews.

## **VI. Required Financial Assistance Procedures**

1. All individuals utilizing the tuition waiver benefit for six or more credit hours per semester/session/term must, in addition to the regular Tuition Waiver Application, complete all other necessary forms as required by the Financial Assistance Office.
2. The tuition waiver benefit in combination with any other grants and/or scholarships may never exceed the direct cost of attendance. The waiver benefit may be reduced by the amount of grants/scholarship funds received by the student, provided all other direct costs have been covered. Work Study wages and loans are not included in the waiver limitation.
3. The waiver benefit applies to tuition only. Students that live on campus may combine the waiver and an academic scholarship to help cover the costs of room (not board) and tuition. The waiver does not cover fees, books, food plans, or laptop charges.
4. Students who qualify for the Federal Pell grant and/or funded outside scholarships may use up to \$1000 per semester of those funds toward the costs which are not covered by the waiver program, up to their demonstrated need. Federal Pell and/or funded outside scholarships may be used to pay for course fees, books, food plan, or laptop.

### **For Example:**

	On Campus Example 1	Off Campus Example 2	Off Campus Example 3
Tuition	\$10,200	\$10,200	\$10,200
Room	\$ 3,240		
Total	\$13,440	\$10,200	\$10,200
UIW Academic Scholarships	(\$3,200)	(\$ 500)	(\$2,500)
Federal Pell Outside Scholarships			\$ 350
Remaining Balance	\$10,240	\$ 9,700	\$ 7,700
Allowable Waiver Limit	\$10,200	\$ 9,700	\$ 7,700

The above calculation of the tuition waiver limit may result in an amount exceeding the cost of tuition; the tuition waiver, however, may not exceed the cost of tuition.

## **VII. Other College Tuition Exchange Programs**

UIW participates in certain other tuition exchange programs which allow qualified employees and/or their legal spouses/dependents to receive tuition waiver benefits. These benefits are subject to the stipulations and specified limitations of the institution from which the tuition waiver is being requested. For more specific information, please contact the Office of Human Resources. UIW is currently a member of the following organizations offering this benefit to some degree:

1. Catholic College Cooperative Tuition Exchange (CCC) (currently consisting of 70 colleges/universities nationally).
2. Council of Independent Colleges (CIC) (currently consisting of 423 private colleges/universities nationally).
3. The Tuition Exchange (TE) (currently consisting of 625 colleges/universities nationally).

### Definitions and Details

1. **ELIGIBLE EMPLOYEE:** Any currently employed full-time UIW employee who has completed two years of continuous full-time service as of September 1 of the current academic year on the same basis as the UIW Tuition Waiver.
2. **DEPENDENT:** See UIW Employee Handbook, Section 5.7, IV, A. & B., 3 & 4.
3. **APPLICANT:** The dependent of an eligible employee who has applied for full-time admission to a college or university that participates in the Tuition Exchange (TE) program. Scholarships are not granted for graduate study, non-degree study, or second undergraduate degrees.
4. **DEADLINE:** By November 1 of each academic year dependents of eligible employees who are seeking TE will notify the Office of Human Resources in writing of their intention to apply.
5. **DETERMINATION:** By December 1 of each academic year, the Office of Human Resources will be in a position to determine how many new students can be certified.
6. **EQUITY:** If the number of applicants is equal to the number of TE scholarships available, each applicant will be given the opportunity to apply for a TE scholarship.
7. **TIEBREAKERS:** If the number of applicants exceeds the number of TE scholarships, candidates will be selected using the following priority ranking:
  - a. First priority will be given to applicants based on the employment seniority of the eligible employee. Seniority is based on years of continuous full-time service at UIW.
  - b. Among applicants whose parents have the same years of seniority, priority will be determined by financial need as measured by the FAFSA.

- c. Last priority will be given to students with family members who have already received a TE scholarship.

### **VIII. High School Waivers**

Tuition waivers are available for dependent children of otherwise qualified employees to attend Incarnate Word High School and St. Anthony Catholic High School. The High School waiver benefit covers 75% of tuition only. Fees, books, uniforms, etc. are the financial responsibility of the employee. Once a waiver is approved (and in order to provide uninterrupted academic progression for the child), the employee need not reapply for the benefit each year, provided he/she maintains his/her full-time employment status with UIW. High school waivers are not applicable to any summer school sessions. Employees of either high school are eligible to receive full tuition waivers for their dependent children. The children of these employees may attend either high school.

In order for a dependent child to be eligible for the tuition waiver benefit, he/she must be the biological or legally adopted child of the employee. A stepchild of an otherwise eligible employee may utilize the waiver benefit provided his/her primary residence is the same as that of the employee. A child for whom the employee has legal guardianship and custody for a minimum of three years may utilize the waiver benefit provided appropriate court documents are presented for total or partial support in anticipation of adoption. In all of the above instances, the dependent child must have been claimed as a legal exemption of the sponsoring employee on the most recent federal income tax return of that employee.

### **IX. Senior Connection Waiver Assistance**

Through the UIW Senior Connection Program, gifted students enrolled at participating high schools are able to achieve fifteen college credit hours simultaneously with the completion of their high school diploma requirements. Although each student selected for the Senior Connection Program currently receives a 50% tuition discount, tuition costs are not completely covered. If a dependent child of an otherwise eligible employee is selected for the Senior Connection Program, he/she will be eligible for a tuition waiver according to applicable guidelines contained in Parts III, IV, and V of this document.

### **X. Brainpower Connection**

UIW participates in certain reciprocal tuition waiver benefits with other Brainpower Connection schools (St. Peter, Prince of Apostles Elementary School and St. Anthony Elementary School). The principals of these elementary schools determine the availability of slots for dependent children of UIW as follows:

1. Full-time employees of UIW are eligible for a 50% tuition waiver for their eligible dependent children at St. Anthony Elementary School and St. Peter, Prince of Apostles Elementary School, with a number limitation of 1 per 50 students enrolled. These waivers apply for those dependents in kindergarten through 8th grade at St. Peter's Elementary and 3K through 8th grade at St. Anthony Elementary.
2. These guidelines pertaining to tuition benefits with other Brainpower Connection schools may not be honored in cases where a specific class enrollment is already so high that the additional child would require the school to hire an aide under TEA rules, or where the inclusion of an additional student would increase a specific class enrollment beyond limits previously established by school boards or TEA.
3. Applications must be made in a timely fashion. Prior to open enrollment dates, schools guarantee the slots in (1) above. It is the responsibility of the applicant to determine open



enrollment dates of specific schools. Entrance criteria established by each school will apply.

4. No more than one reduced tuition per family will be allowed unless the quota offered has not been reached.
5. Fees, books and uniforms are not included in the reductions and are the financial responsibility of the individual.
6. When applications exceed the number of available slots, job seniority of parent sponsor or employee applicant will be used in reaching a decision.
7. Tuition waiver and enrollment remain in effect as long as the student is in good standing and the parent or employee remains employed on a full-time basis by a Brainpower school. The reduction will remain in effect through the semester in which the parent was employed in order to protect the educational integrity of the student's program and to avoid a hardship on that student.
8. Teachers at St. Peter's and St. Anthony Elementary pursuing teacher certification are eligible to receive tuition waivers at UIW for a maximum of two classes per semester.

### **Section 5.8 – Emergency Loan Program**

Full-time, regular employees of UIW may request and receive emergency loans in the amount of \$500.00 or less, contingent upon meeting the following criteria:

- A written request for a loan must be submitted to the Office of Human Resources;
- Employees applying for emergency loans must have completed at least one year of full-time service without a break in employment;
- Employees on performance of disciplinary review, or who have given verbal or written notice of resignation, are not eligible for loans. Likewise, employees seeking other employment (as evidenced by receipt of an employment verification request) will not be eligible for such loans for a period of 90 days (three months) subsequent to the receipt of a verification request.
- Each emergency loan request requires the completion of a promissory note specifying the terms of the loan and with the borrower's signature;
- All loan repayments will be made through payroll deduction over a six month payback period. Under no circumstances will this payback period be extended;
- Employees may have no more than one on-going emergency loan at a time. Upon repayment of a loan, employees may not apply for and receive any additional loans for a period of 30 days (one month);
- Under no circumstances will any loan be issued in excess of \$500.00; and
- Employees who have exhausted all leave options and are in a non-pay status will not be eligible for emergency loans since there is no guarantee of repayment.

This program is administered by the Office of Human Resources which determines employee eligibility and loan approval. Continuation of this program is at the discretion of the President.

## **Section 5.9 - Workers' Compensation Insurance**

In the event of an occupational injury or illness (as defined by Texas Workers' Compensation Laws), all UIW employees are covered by Workers' Compensation Insurance. If you are injured on the job or believe that you have an illness caused by your work, **STOP WORKING** and report the condition to your supervisor. Failure to report an injury or illness promptly may disqualify you from receiving benefits. Your supervisor may refer you for medical treatment. Every injury, regardless of its severity, must be reported by the employee to his/her supervisor. The supervisor must file the required report with Health Services or the Office of Human Resources as soon as possible, however ***IN NO CASE LATER THAN TWENTY-FOUR (24) HOURS*** following the occurrence.

## **Section 5.10 - Unemployment Insurance**

The Texas Unemployment Compensation Act provides that, under certain conditions, unemployed individuals are eligible for benefits provided by the Unemployment Insurance Fund which is administered by the Texas Workforce Commission. UIW participates in this fund.

## **Section 5.11 - Long Term Disability Insurance**

Long Term Disability benefits are available to all regular, full-time employees after one year of continuous full-time employment. These benefits are paid in full by UIW. Certain pre-existing conditions may limit or exclude coverage under the terms of the policy.

## **Section 5.12 - Basic Life Insurance and AD&D**

Basic Life Insurance and Accidental Death & Dismemberment (AD&D) benefits are immediately available to all regular full-time employees. These benefits are paid in full by UIW. The amount of the Life Insurance coverage provided to the employee is equal to 1 times annual salary or \$250,000, whichever is greater. The amount of AD&D is equal to one times the employee's annual salary.

## **Section 5.13 – Wellness Center**

Access to the UIW Wellness Center and Natatorium is extended as a benefit of employment to all full-time faculty and staff. The spouse and dependents (under age 21 and residing in the home of the faculty or staff member) of eligible employees are offered UIW Wellness Center and Natatorium membership for an annual fee. Adjuncts and part-time employees (while they under contract) are granted access to the UIW Wellness Center and Natatorium as a benefit of employment. The spouse and dependents of adjunct and part-time employees may purchase monthly memberships. Access to the UIW Wellness Center and Natatorium is subject to the policies of the UIW Wellness Center and Natatorium.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 6 – EMPLOYEE RECORDS**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this policy is to ensure UIW’s compliance with all regulations controlling the retention and destruction of employee records.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to “UIW” in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

*Employee Record:* Any recorded information in any format that was created by or for UIW, or received by UIW in connection with a person’s employment with UIW.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015  
**Revised:** February 1, 2018  
**Revised:**

## **CHAPTER 6 - EMPLOYEE RECORDS**

### **Section 6.1 – General**

The purpose of this policy is to ensure UIW's compliance with all regulations controlling the retention and destruction of employee records. Federal and state authorities require UIW to maintain certain types of documents for a prescribed period of time. Failure to comply with these regulations may expose UIW to financial sanctions and other penalties. Employee records will be maintained according to the approved Human Resources Record Retention Schedule which can be found at Appendix 7. Faculty and staff members may direct any questions regarding this retention schedule to the Office of Human Resources. Additionally, please be advised that any attempt to modify an employee record without the knowledge and approval of the Director of Human Resources is a violation of UIW policy and may result in disciplinary action up to and including discharge.

### **Section 6.2 - Required Notification of Change**

Employees must notify their supervisor and the Human Resources Office of certain changes as soon as possible. You must notify the Human Resources Office of:

1. Change in marital status or number of dependents (for health insurance and income tax withholding).
2. Change in beneficiary for employer provided benefits.
3. Change in Social Security number.
4. Change in phone number (listed or unlisted).
5. Change of mailing and residence address.
6. Change in driver's license number or status.
7. Change of person to notify in an emergency.
8. Additional education, training, certificates and degrees earned.

In addition to the Office of Human Resources, you must notify your supervisor of items 4 through 8.

### **Section 6.3 - Accessibility to Employee Personnel Files**

The Office of Human Resources will limit accessibility of an employee's personnel file to the employee, the employee's designated representative (upon presentation of written authorization stating representative's name), and members of administration who have a legitimate need for access. Only current employees have access to their personnel file. Original personnel files will not be removed from the Office of Human Resources and will be reviewed in the presence of a Human Resources employee. Production of such files pursuant to an order of a court or agency will be in accord with applicable law. Requested material will be reproduced by the Office of Human Resources **only** upon approval of the Director of Human Resources.

## **Section 6.4 - Employment Information Disclosure**

All requests for information concerning current, retired or past employees ***must*** be referred to the Office of Human Resources to protect the employee's right to privacy. Verification of employment will be transmitted through written requests and with an appropriate release signed by the employee.

## **Section 6.5 – “Personal” References and Professional References**

*(Approved by the Executive Council, 2/5/18)*

Professional References: UIW has designated the Department of Human Resources to handle professional references. It is the policy of UIW to only provide the dates of employment, job title held, and salary confirmation. When a current or former faculty member seeks a reference or recommendation beyond the standard HR information, such a request is referred to the Provost for a response.

Personal References: Faculty, administrators, and staff may respond within their own discretion and in their individual capacity to requests for “personal” references or recommendations. However, the employee must be clear that the “personal” reference is not offered in the employee’s official or representative capacity at UIW. When issuing a “personal” reference, employees may not use UIW branded correspondence, and may not identify oneself by the UIW position or title held.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 7 – RULES AND CONDUCT**

**Effective Date:** June 1, 2015

**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to personal conduct in the workplace.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or canceled in writing, or expire on their own terms.

## OVERSIGHT RESPONSIBILITIES FOR THIS POLICY

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

<b>First Approved:</b>	June 1, 2015
<b>Revised:</b>	June 1, 2016
<b>Revised:</b>	August 1, 2016
<b>Revised:</b>	February 1, 2018
<b>Revised:</b>	June 1, 2018
<b>Revised:</b>	January 1, 2019
<b>Revised:</b>	May 1, 2019
<b>Revised:</b>	December 1, 2019
<b>Revised:</b>	February 25, 2020



## **Section 7.1 - Personal Conduct**

All employees are expected to maintain a high level of personal conduct on the job to render courteous, efficient service to the public, fellow employees, and students; and to be mindful of safety practices and to exercise the utmost care in the use of UIW property.

## **Section 7.2 – Ethical Standards**

As an employee of UIW, you are held to the highest standard of ethical conduct. Consistent with this trust, UIW employees may not:

- Use their official positions to secure special privileges or exemptions for themselves or others;
- Disclose, without proper authorization, confidential information that could adversely affect UIW, nor directly or indirectly use any information for personal gain or benefit, or for the private interest of others;
- Engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to them in the course of their employment with UIW, or reflect discredit upon UIW. This shall not prohibit employees from performing the same or other services for another organization that they perform for UIW if the President (or designee) determines there is no conflict with UIW duties and responsibilities;
- Use UIW supplies, equipment, vehicles, or facilities for any purpose other than conducting official UIW business. Unauthorized use for personal reasons may result in dismissal;
- Have a financial interest direct or indirect, in any contract with UIW, or be financially interested, directly or indirectly, in the sale to UIW of any land, materials, supplies, or services except on behalf of UIW as an officer or employee.

The foregoing list of prohibited activities is not all-inclusive.

## **Section 7.3 – Fraud**

The UIW fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the University. It is the intent of UIW to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

### Scope of the Policy

This policy applies to any irregularity, or suspected irregularity, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with UIW. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the University.

### Policy

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a

material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any irregularity that is detected or suspected must be reported immediately to the Director of Human Resources who coordinates all investigations with the General Counsel and other affected areas, both internal and external to the University.

#### Actions Constituting Fraud

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of university activities
- Disclosing confidential and proprietary information to outside parties
- Disclosing to other persons securities activities engaged in or contemplated by the university
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the university. Exception: Gifts less than \$50 in value.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment;
- Any similar or related irregularity

#### Other Irregularities

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and the Office of Human Resources. If there is any question as to whether an action constitutes fraud, contact the Director of Human Resources for guidance.

#### Investigation Responsibilities

The Director of Human Resources has the primary responsibility for the investigation of all suspected fraudulent acts as defined by this policy. If the investigation substantiates that fraudulent activities have occurred, the Director of Human Resources will issue reports to appropriate designated personnel.

Decisions to prosecute or refer the examination results to the UIW Campus Police or appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with the General Counsel and senior management, as will final decisions on the disposition of the case.

#### Confidentiality

The Director of Human Resources treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Director of Human Resources immediately, and should not attempt to personally conduct investigations or

interviews/interrogations related to any suspected fraudulent act. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect UIW from potential civil liability.

#### Authorization for Investigating Suspected Fraud

UIW is committed to promptly and effectively resolving any violations of this policy. Every effort will be made to conduct a prompt and thorough investigation of any report. Each reporting party, the alleged wrongdoer, and any other person with knowledge of the situation have an obligation to cooperate fully during an investigation. This includes providing all relevant information to the investigator and acting in good faith. Employees who refuse to cooperate in an investigation may be subject to corrective/disciplinary action up to and including immediate termination of employment.

The Director of Human Resources will have:

- Free and unrestricted access to all University records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

#### Reporting Procedures

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. An employee who discovers or suspects fraudulent activity will contact the Director of Human Resources immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, or any other inquirer should be directed to the Director of Human Resources, and if represented by an attorney, to the General Counsel. Under no circumstances will information concerning the status of an investigation be provided. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution; and
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically directed by Director of Human Resources or General Counsel.

#### Termination

If an investigation results in a recommendation of termination of employment, the recommendation will be reviewed for approval by the Office of Human Resources and the General Counsel and, if necessary, by outside counsel prior to any such action being taken. The decision to terminate an employee is made by management. Should the Director of Human

Resources believe the management decision to be inappropriate given the facts of the matter, those facts will be presented to executive level management for their consideration.

#### **Section 7.4 – Other Prohibited Practices**

*(Revised 12/2019)*

The following is a partial list of actions that are considered not to be in the best interest of UIW and its employees. Such actions are prohibited and are subject to disciplinary action up to and including termination of employment:

- Using University property for personal gain;
- Unauthorized electronic surveillance of employees is disruptive to employee morale and inconsistent with the respectful treatment required of our employees. For this reason, no employee may record the conversation of another employee without his or her full knowledge and consent;
- Entering into contracts or agreements on behalf of the university without authorization;
- Theft, abuse, or intentional destruction or defacing of property not belonging to the employee;
- Attempting to coerce an employee to join or resign from an employee association or organization by means of threats, intimidation, or abusive conduct;
- Falsification of records;
- Discourteous or abusive conduct toward members of the public or co-workers;
- Fighting or gambling, in any form, on work premises or while on duty;
- Completing another employee's time card or time sheet (except with appropriate supervisory authorization);
- Tampering with or using equipment for purposes other than intended use;
- Commission of any crime while on duty, on UIW premises or in a UIW vehicle;
- Possession of unauthorized weapons or explosive materials on UIW premises including, any building or a portion of a building, driveways, streets, sidewalks or walkways, parking lots, parking garage, or other parking areas, at sponsored events, or in UIW vehicles;
- Insubordination (refusal or deliberate failure to follow a reasonable, specific instruction, or abusive conduct toward a supervisor);
- Racial, religious, sexist or ethnic slurs or remarks;
- Leaving work during working hours without the permission of the immediate supervisor;
- Carelessness or negligence which results in the destruction or damage of property not belonging to the employee, or endangering life or property;

- Participation in horseplay or practical jokes, or disorderly conduct of any kind while on work premises or during working hours, or, the use of abusive, profane or threatening language;
- Careless or inefficient performance of duties, including failure to maintain proper standards of work performance;
- Malicious gossip or false accusation;
- Failure or refusal to cooperate with fellow workers;
- Operation of UIW vehicles without authorization or without possession of valid license; Possessing or being under the influence of controlled substances or intoxicating beverages while on duty;
- Intentional or repeated failure to follow established safety rules when such failure could result in injury to the employee, co-workers or other persons or equipment;
- Unauthorized use of UIW trademark or registered logo;
- Violation of university parking rules and regulations, including failure to maintain a valid parking decal and accumulation of multiple parking violations;
- Excessive tardiness, absenteeism, inefficiency in the performance of job duties or sleeping while on duty;
- Violation of the University Smoke and Tobacco Free Policy;
- Disrespect or disregard for the Catholic character and mission of the institution;
- Failure to comply with the Sexual Misconduct Policy including mandatory training and reporting requirements;
- Failure or refusal to cooperate in an investigation; and
- Any form of harassment.

Certain of the above actions are subject to criminal prosecution pursuant to applicable sections of the Texas Penal Code. Employees should be advised that UIW may, at its discretion, pursue criminal charges in addition to disciplinary action. It is not possible to list all rules of conduct, and the prohibited conduct listed in these policies do not necessarily contain all of the reasons for which an employee may be disciplined or discharged.

### **Section 7.5 – Employment of Relatives**

Employment of relatives will be considered with other qualified applicants or candidates when personnel vacancies occur. However, the restrictions set out below will apply. This policy applies to all faculty, administration, staff, student employees, temporary and contract workers at UIW.

**Definition of Relative:** A relative is defined by blood, marriage and co-habitation, and includes step-relative counterparts and legal guardianships, and is defined throughout this policy as follows:

- **Blood:** Father, mother, brother, sister, son, daughter  
Grandfather, grandmother, uncle, aunt, nephew, niece, first cousin

- **Marriage** (ceremonial and common law): Spouse and spouse's relatives as follows: father, mother, brother, sister, grandfather, grandmother, uncle, aunt, nephew, niece, and first cousin; son or daughter's spouse or domestic partner
- **Co-habitation:** Employees living in the same household involved as domestic partners or in a romantic consensual relationship.

### **Restrictions**

- UIW will employ no person who will directly and immediately supervise any relative nor be directly and immediately supervised by any relative;
- Relatives will be prohibited from working within the same department for the same immediate supervisor even if no direct or immediate supervisory relationship is involved between the relatives; and
- Relatives will not be placed in positions where they work with or have access to sensitive or confidential information of relatives, if there is an actual or apparent conflict of interest, or if interaction or potential interaction between relatives is deemed to be against the best interest of UIW.

**Effect of Marriage or Co-Habitation:** If two employees marry or co-habitat, such that they qualify as relatives, both may not continue to hold such positions if the employment of such employees will violate this policy. The affected employees will be given the opportunity to work with their Vice President to decide which of them will transfer, if possible or available, to a different department or resign. If a transfer is not possible or available or the affected employee fails to resign, the employee with the shorter length of service will be discharged within thirty (30) calendar days.

**Effect of Promotion:** Where the promotion of an employee to a supervisory role would result in a violation of this policy, the other employee will be given the opportunity to work with his/her Vice President to evaluate if a transfer to a different department is possible or available. If a transfer is not possible or available, the affected employee must resign. If a transfer is not possible or the affected employee fails to resign, the affected employee will be discharged within thirty (30) calendar days.

### **Section 7.6 - Gifts and Gratuities**

UIW employees (except employees in Institutional Advancement accepting gifts on behalf of UIW) are prohibited from soliciting gifts, gratuities, favors, loans or other objects of monetary value arising as a result of the performance of their duties as UIW employees. In order to avoid a conflict of interest, undue influence, or any appearance of a conflict of interest or undue influence, staff and administrators will not accept personal gifts, beyond token objects of nominal value, from students or from anyone with whom there might be a conflict of interest. All should refuse to accept cash gifts, electronic equipment, jewelry, or valuable home and office decorations. Invitations to an expensive event (in a restaurant or club, for example) may be accepted with the condition that the person invited is permitted to contribute to the expense of the event. When in doubt about the propriety of accepting a gift or an invitation, the staff member or administrator should consult with his or her immediate supervisor or the Office of Human Resources.

In some instances, staff or administrators may accept a gift on behalf of UIW with the understanding that the item will become the property of UIW and will be handled or disposed of as best meets the needs of UIW. Failure to comply with this policy may result in disciplinary action, up to and including

termination. Additionally, the gift may become the property of UIW and the recipient will be required to inform the donor or the recipient may be required to return the gift.

### **Section 7.7 - Personal Appearance**

UIW employees are expected to present a professional appearance and dress appropriately for the job they perform. Personal appearance impacts an employee's performance of duties, for it usually influences the amount of respect and cooperation the employee receives from co-workers and the public. When reporting for work each day, employees should be clean and neatly groomed.

Employees may not wear cut-offs, tank tops, or any offensive, suggestive or revealing clothing. Jeans (of any color) are not appropriate attire for employees whose duties include frequent contact with the public unless the department director determines the nature of the job or special circumstances permit such attire. The appearance standards required of employees will vary according to the nature and duties of their positions. If a supervisor considers an employee to be in violation of the appearance standards, the supervisor may instruct the employee to leave the work site to correct the discrepancy and then report back to the work site. The employee may ask their Vice President or the Director of Human Resources to review the supervisor's decision.

### **Section 7.8 - Fitness Requirements**

It will be the responsibility of each employee to maintain the standards of fitness required for performing the essential functions of their job. UIW may require an employee to submit to an examination by a UIW approved physician, psychiatrist or psychologist when it appears that the employee's physical or mental condition prohibits him/her from adequately performing the duties of their job, or the employee's condition constitutes a hazard to persons or property. The employee will be required, as a condition of continued employment, to authorize the physician to disclose the results of the examination to the appropriate UIW officials. The employee will be granted administrative leave time for the examination and UIW will pay for the examination.

The examining physician, psychiatrist or psychologist will make a recommendation as to whether or not the employee should be allowed to continue performing the job, be placed on appropriate leave, be transferred to another position (if available), be placed on "available for placement status," or be discharged.

### **Section 7.9 – Other Employment**

*(Approved by the Executive Council, 6/1/16; Revised 01/2019)*

Other employment, including self-employment, teaching, and other assignments, will be allowed only with prior approval from the employee's supervisor, Vice President, and Director of Human Resources. If it is believed that the employee's work standards or performance suffer because of other employment, permission to work at the other position may be rescinded. The employee will notify his/her supervisor immediately of any change in other employment status. A copy of the authorized request for other employment will be retained in the employee's personnel file.

#### **Other Employment Outside of UIW:**

- UIW work requirements, including overtime, will take precedence over any outside employment.
- A full-time, regular employee will consider his/her job with UIW/IWHS/SACHS as the primary job.

- Permission may not normally be granted for employment with an organization that is in competition with or presents a potential conflict of interest with UIW.
- UIW will not pay medical benefits for injuries or illnesses suffered as a result of employment at another organization.

#### **Other Employment Within UIW (including High Schools)**

- Employees who are exempt salaried professionals and classified as administrators are employed primarily to fulfill duties as described in Section 1.4 of this Employee Handbook.
- Employees who are full time non-exempt hourly employees and classified as staff may not accept teaching and other assignments within UIW.
- Teaching and other work assignments may not conflict, detract, distract, or divert from administrative responsibilities and performance.
- An administrator's teaching assignments may not exceed 6 credit hours in any single academic term, and in any event, may not exceed a combined total of 18 credit hours in any academic fiscal year, inclusive of summer.
- An administrator teaching during the administrator's normal and established working hours may not receive additional compensation, including stipends. An administrator teaching outside of the administrator's normal and established working hours may receive additional compensation for teaching as determined by the hiring administrator for the teaching assignment. Normal and established working hours may not be adjusted or modified so as to obfuscate this policy.

### **Section 7.10 – Attendance**

*(Revised 02/2020)*

#### **A. Lunch Break**

Employees are generally allowed one hour per day for an unpaid lunch break. Employees should not perform any productive work during the lunch break and should spend their time away from their immediate work stations. Employees may eat at their desks only if it is not in view of the public.

#### **B. Breaks**

Employees are allowed two fifteen-minute rest breaks during the workday; workload and available personnel permitting. Employees have no right to a rest break or to extra compensation in lieu thereof. The time allowed for rest breaks may not be applied to any other absence, leave or time off.

#### **C. Absences**

UIW expects all employees to conduct themselves in a professional manner during their employment. This includes practicing good attendance habits. All employees should regard coming to work on time, working their shift as scheduled and leaving at the scheduled time as essential functions of their jobs.

Under some circumstances, an employee's absence or tardiness may be excused, but only if the



employee gives proper notice and provides their supervisor with an honest reason or explanation. "Proper Notice" is when an employee request permission to be absent from his/her supervisor at least twenty-four hours in advance. The supervisor will evaluate the reason for the absence and decide whether the employee may or may not be excused. To be eligible for an excused absence which has not been requested at least twenty-four hours in advance, an employee must contact his/her supervisor prior to the start of the employee's shift and notify his/her supervisor the reason for the absence and the date and time he/she expects to return to work unless a verifiable emergency makes it impossible to do so. If the employee is unable to reach his/her immediate supervisor, the Office of Human Resources should be notified. Examples of excused absences include, but are not limited to, paid sick leave, vacation, and holidays.

#### **D. Verification of Illness/Hospitalization**

An employee may be required to furnish a doctor/hospital statement to his/her supervisor verifying an illness or accident under any of the following circumstances in order for the absence to be considered excused:

- When illness or accident caused the employee to be hospitalized;
- When the absence was for three or more consecutive workdays, the employee may not be allowed to return to work without a written release from a doctor documenting the illness or injury, the nature of the illness or injury and releasing the employee to return to work;
- When the absence occurred on a regularly scheduled workday preceding or following a holiday or regularly scheduled vacation day;
- When the supervisor, Office of Human Resources, and Health Services feel that the employee's return to work may pose a safety or health hazard to the employee or others; or
- At the supervisor's discretion.

#### **E. Unexcused Absences**

Unexcused absences are defined as employees failing to give proper notice of absence in advance as explained in this policy. As well as, un-verified sick time or unauthorized time-off. Unauthorized time off are absences the supervisor has not approved as excused absences.

#### **F. Excessive Absenteeism**

Excessive absenteeism or tardiness (excused or not) may be subject to disciplinary action up to and including discharge. Each situation of excessive absenteeism or tardiness will be evaluated on a case-by-case basis. However, even one unexcused absence may be considered excessive, depending on the circumstances.

#### **G. No Call No Show**

Any employee who fails to report to work without notification to his or her supervisor for a period of three consecutive workdays will be considered to have abandoned his or her job and UIW will process the work separation as a voluntary resignation.

## **Section 7.11 - Holidays, Rules Governing**

If a holiday occurs on a Saturday, it will be observed the preceding Friday. If the holiday occurs on Sunday, it will be observed the following Monday. As many employees as possible will be given each holiday off, consistent with the need to maintain essential UIW services. Employees who are required to work on a holiday will be paid for that day at their normal rate of pay. An employee who is absent without paid leave on the day immediately preceding or following a holiday will not be paid for the holiday.

## **Section 7.12 – Travel**

*(Approved by Executive Council, 2/5/18)*

UIW will pay reasonable travel expenses incurred by employees who travel on UIW business. Traveling employees must make every effort to minimize travel costs. The following rules govern travel expenses:

- The department director must authorize the travel in advance. The Vice President must authorize travel for department directors in advance;
- Travel must be in the best interest of UIW/IWHS/SACHS. Examples include but are not limited to:
  - Training purposes
  - Attending meetings/conferences
  - Travel as a result of being elected as an officer in a professional organization
  - Travel to other educational institutions or agencies to review projects or programs
- Original receipts and documentation are required for out-of-pocket expenses including charges on UIW credit cards;
- Transportation and/or other travel arrangements must be coordinated through UIW's travel agency.

## **International Travel**

Employees who travel on UIW associated and/or sponsored international travel shall adhere to the policies and procedures promulgated by the International Affairs Department, including Study Abroad policies and procedures. Employees intending to undertake UIW associated and/or sponsored international travel must report travel dates, international location(s), accompanying students (if any), and purpose of travel to the International Affairs Department, in a timely manner prior to the travel.

The University has contracted with International SOS, which provides medical, security and logistical expertise to help safeguard employees on international travel. Employees will also be provided CISI international health insurance when traveling under this policy.

Failure to comply may result in disciplinary action, as well as restrictions on future travel. Questions regarding international travel should be directed to the International Affairs Department.

**Expenses allowable for reimbursement:**

Travel	Travel will be reimbursed from the following list based on the most economical means of travel to the employee's destination and return. For example if the employee chooses to drive when it is less expensive to fly; only coach airfare will be reimbursed. It is the obligation of the employee to determine the most economical means of transportation and to indicate that on their reimbursement request.
UIW Vehicle	When possible, employees should use UIW vehicles. UIW vehicles are to be used for UIW business only.
Personal Vehicle	Reimbursement at approved mileage rate.
Airfare	Actual cost (must be coach fare) to the employee.
Taxi or Public Transportation	Actual cost to the employee.
Vehicle Rental	Only when (1) travel is by air and (2) public transportation is unavailable or would be more expensive.
Lodging	Will be allowed only for official business.
Meals	Actual receipts will be required for all meals giving the date of meals. Meal costs must be reasonable for the locale. An additional 15% is allowed for tips.

**Section 7.13 - Use of UIW Vehicles**

If an employee is authorized to drive a UIW vehicle between his/her home and place of work, he/she will not make any non-emergency stops along the way except for refueling except as otherwise authorized by the department director. Only UIW employees or other personnel, authorized by the department director, may be transported to or from work; they must live on the employee's direct route to and from work. No other person may be transported in a UIW vehicle except in the line of duty without the express permission of the department director.

In the case of an accident, while driving a UIW vehicle, the employee will immediately call the police, or law enforcement agency in the jurisdiction, and his/her supervisor. The employee will not leave the scene of the accident, unless required to do so because of injury, until after the police investigation is completed.

## **Section 7.14 - Driver Policy**

Employees whose positions may require the operation of a motor vehicle are expected to obey all traffic laws and avoid accidents at all times, even when driving their own vehicles during non-working hours. Failure by such employees to maintain a driving record satisfactory to the standards established in UIW's Safety Policy will be deemed a violation of this policy and will subject the employee to discipline up to and including discharge. One offense that is certain to result in the employee's disqualification from UIW's liability coverage is a conviction for driving while under the influence of alcohol or drugs. Employees are responsible for notifying their supervisor and the Human Resources Office of any changes in driver's license status or of any citations received for parking or moving violations in a university vehicle. Any fines that are included will be paid by the employee.

The Administrative Directive regarding the driver policy is contained in Appendix 2.

## **Section 7.15 - Solicitation, Distribution, Notice Posting**

Employees are not permitted to solicit or distribute literature to other employees for any purpose during an employee's work time and in the employee's work area. Work time does not include a break or meal periods or other official free time.

Employees must not post any leaflets, notices, literature, or other material on UIW property without authorization from the Office of Human Resources. All such leaflets, notices, or literature must pertain to official UIW business.

## **Section 7.16 – Safety**

UIW recognizes the importance of providing a safe and healthy work environment for its employees. Employees are expected to participate in safety programs and are required to observe safety rules, regulations, and instructions as provided in the Safety Handbook (see Appendix 1) as well as State and Federal Law.

## **Section 7.17 - Workplace Violence Prevention**

UIW is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, UIW has adopted guidelines to deal with acts of violence, intimidation, harassment, or other threatening forms of behavior that may occur on its premises, or between employees at UIW sponsored events. UIW is committed to taking a proactive stance to ensure a safe working environment is provided for all employees. It is every employee's responsibility to assist in establishing and maintaining a violence-free environment. Therefore, each employee is expected to report those incidents that constitute acts of violence or threats of violence.

Without exception, acts of violence and threats of violence are not permitted and will not be tolerated. All such acts and threats, even those made in apparent jest, will be taken seriously and will lead to discipline up to and including termination. Possession of non-work-related weapons on UIW premises or at UIW sponsored events shall constitute a threat of violence. Any direct or indirect indication of intent to harm a person or damage UIW property, whether communicated verbally or nonverbally, shall also be regarded as a threat of violence.

The following are examples of threats and acts that shall be considered violent:

- Saying, "Do you want to see your next birthday?" (an indirect threat);

- Writing, “Employees who kill their supervisors have the right idea.” (an indirect threat);
- Saying, “I’m going to punch your lights out.” (a direct threat);
- Making a hitting motion or obscene gesture (a nonverbal threat);
- Displaying weapons (an extreme threat);
- Stalking or otherwise forcing undue attention on someone, whether romantic or hostile (an extreme threat); and
- Taking actions likely to cause bodily harm or property damage (acts of violence.)

### Scope of Policy

All full-time and part-time employees of UIW are covered under this policy.

### Procedures

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay”, or other conduct that may be dangerous to others. Weapons, including firearms and other dangerous or hazardous instruments, devices, or substances of any kind, are prohibited from the premises of the UIW unless authorized by a proper UIW authority.

Conduct that threatens, intimidates or coerces another employee, a student, a customer, or a member of the public will not be tolerated. This prohibition applies to all acts of harassment that are based on an individual’s sex, race, age, national origin, sexual orientation, or any characteristic protected by federal, state, or local law.

All acts of violence and threats of violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes acts of violence and threats of violence by employees, students, customers, vendors, solicitors, or other members of the public. When reporting an act of violence or a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

UIW will promptly and thoroughly investigate all reported acts of violence, threats of violence, and suspicious individuals or activities. The identity of the employee making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, UIW may suspend employees, either with or without pay, pending an investigation.

Anyone determined to be responsible for an act or acts of violence, threat or threats of violence, or other conduct that is in violation of this policy will be subjected to prompt disciplinary action up to and including immediate termination of employment.

UIW encourages employees to bring their disputes or difference with other employees to the attention of their supervisors or the Office of Human Resources before the situation escalates into potential violence. UIW is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

## **Section 7.18 – Concealed Weapons Policy**

*(Approved by General Counsel, revised 8/01/16)*

Pursuant to the Texas Penal Code, Sections 30.06 (Trespass by License Holder with a Concealed Handgun) and 30.07 (Trespass by License Holder with an Openly Carried Handgun), a person licensed under subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter the UIW property with a concealed handgun, or a with a handgun that is carried openly. The use, possession or carrying of any weapon, including but not limited to a concealed handgun, by any person on UIW property (with the exception of authorized weapon(s) carried by campus police officers while on duty) is prohibited and in violation of State law. Any UIW employee violating this policy will be required to leave the premises immediately and not return until he/she has disposed of the weapon. Violation of this policy may also result in disciplinary action up to and including immediate termination of employment. Guests or visitors of UIW carrying any weapon(s) will be advised of this policy and asked to immediately leave the premises. Any employee who becomes aware of someone on campus possessing a weapon should immediately report it to Campus Police.

## **Section 7.19 - Drug and Alcohol Policy**

UIW recognizes the importance of maintaining a safe, healthful and productive work environment for all its employees. Accordingly, the following policy is set forth, with the responsibilities of all supervisors and employees clearly defined.

### **Policy Statement:**

UIW prohibits the unauthorized and/or unlawful use, possession, manufacture, distribution, or sale of controlled substances or alcohol by its employees on UIW property, as a part of its activities or in the performance of an employee's duties, except as noted below. "Unauthorized" includes without limitation, the manufacture, distribution or sale of alcohol, and possession, use, manufacture, distribution or sale of controlled substances, at any time during an employee's working hours or on UIW property, except as noted below. Reporting to work under the influence of controlled substances or alcohol is also prohibited. "Under the influence" is defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one's speech, being argumentative, or being incapable of performing his/her job satisfactorily, when such conduct is reasonably related to an employee's use of alcohol or controlled substances. Further, the employee must be able to perform work in a condition that presents a favorable public image and contributes to a climate of safety and wellbeing for the employee, faculty, staff, students, and the public. Moderate use of alcohol at UIW-approved meetings, or at UIW-approved events or activities is not prohibited by this policy. However, the consumption of alcohol during a traditional lunch or other work break is prohibited by this policy. All employees are responsible for their compliance with local, state and federal laws.

Compliance with UIW's Drug and Alcohol Abuse policy is a condition of continued employment. UIW will make a good faith effort to comply with the Drug-Free Workplace Act of 1988, and the Drug-Free Schools and Communities Act Amendments of 1989 by reviewing the policies and procedures every biennium to determine effectiveness and to implement any necessary changes.

Compliance with the Drug-Free Workplace Act does not supersede or replace compliance with the Drug-Free Schools and Communities Act.

### **Policy Guidelines:**

Violations of this policy will result in disciplinary action, up to and including suspension or termination of employment, or referral for prosecution or other legal consequences. Depending on the circumstances, an employee who violates the provisions of this policy may be required to successfully complete a drug abuse rehabilitation program as an alternative to termination and as a condition for continued employment. Such a determination will be made by the appropriate Dean or Vice President in consultation with the Director of Human Resources.

Free, confidential initial counseling for alcohol and drug abuse issues is available to employees through Employee Assistance Plan and other referral resources. Services will include assessment, individual counseling, referral, and case management. Educational programs and materials are also available. A list of programs is available for those employees who wish to seek help for drug and alcohol abuse problems. Our group medical plan provides certain benefits for employees who receive such services. Consult your insurance booklet or contact the Office of Human Resources for further information.

Employees who request assistance or referral for drug or alcohol abuse will not be disciplined for making the request but, depending on the nature of the job, maybe temporarily transferred or placed on a leave of absence if safety considerations so require. Employees experiencing problems with drugs or alcohol are encouraged to seek assistance before the detection of drug or alcohol abuse subjects them to disciplinary action. Once an employee is found to have violated this policy, his/her offer to be referred for rehabilitation on a voluntary basis will not necessarily limit disciplinary action and may have no bearing whatsoever.

Employees reasonably believed to be under the influence of drugs or alcohol shall be removed from the workplace. Additionally, UIW reserves the right to search all areas and property over which it maintains complete or joint control with the employee for alcohol or illegal substances. In other areas, the appropriate law enforcement agency may be notified. Refusal to submit to the legal requests of law enforcement personnel will constitute grounds for disciplinary action.

#### **Section 7.20 - The Responsibilities of Employees under the Drug-Free Workplace Act of 1988**

Federal law requires UIW to certify that it will provide a drug-free workplace. Under the law, employees directly or indirectly engaged in the performance of work under a federal grant or contract are required to agree to the following:

You must notify your supervisor, or supervisor's Vice President, in writing of a conviction for violation of a criminal drug statute occurring in the workplace, no later than five calendar days after such conviction.

Failure to comply with the terms of this statement and notification requirement regarding criminal conviction may be grounds for disciplinary action up to and including termination. In accordance with federal law, within thirty calendar days of such employee notification of conviction, UIW will take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended. An alternative course of action might require the employee to successfully complete a drug abuse assistance or rehabilitation program approved by a Federal, State, or local health, law enforcement, or other appropriate agency.

#### **Section 7.21 - Illegal Drugs**

For purposes of this policy:

- Illegal drugs are a substance or substances defined and regulated under the provisions of the federal Controlled Substances Act and of Article 4476-14 or Article 4476-15 of Vernon's Texas Civil Statutes and includes but is not limited to central nervous system (CNS) depressants, CNS

stimulants, hallucinogens, other illegal drugs such as PCP (angel dust), and cocaine or crack.

- Use of a drug shall include use, possession, manufacture, sale or on-campus distribution of any one or more of these drugs.
- The on-campus workplace shall mean any building, facility, grounds, or other property owned, leased, or controlled by UIW.

## **Section 7.22 – Alcohol**

In compliance with Federal, State, and local laws, UIW adopted an overall policy concerning the sale, service or distribution, and consumption of alcoholic beverages on campus.

### Policy Guidelines

- The University will not sell, serve, or permit the sale of alcohol on campus except in specifically designated buildings or facilities named by the President. The Dean of Student Success or designee will maintain a current list of those assigned buildings or facilities which may be used on a permanent or temporary basis.
- Alcoholic beverages may be sold, served, or consumed in special use facilities only if (1) it is in compliance with the law, and (2) it is done at social gatherings approved by the Dean of Student Success or the President.
- Alcoholic beverages MAY NOT be possessed or consumed in classrooms, in hallways, residence hall lounges, on athletic grounds, in the pool area, in campus public areas including parking lots, streets, and sidewalks, or any other area as designated by the President. Any area on campus can be designated for "temporary special use" at the discretion of the President or the Dean of Student Success.
- Any person or organization sponsoring an on-campus event must obtain prior written approval from the Dean of Student Success or designee for the sale, service, or consumption of alcoholic beverages for that event. The Dean of Student Success or designee reserves the right to disapprove the sale or consumption of alcoholic beverages at any event.
- The Dean of Student Success or designee may approve alcoholic beverages at social gatherings if all the following conditions are met:
  - The event is held in a special use location, facility or building;
  - The event is requested by a faculty member, staff, student organization, university department or division;
  - The event will have individuals over 21 years of age in attendance;
  - Food is served and alternative non-alcoholic beverages are provided;
  - The sale of alcoholic beverages be discontinued at least one hour before the event ends; and
  - Proper security for the event is provided at ticket booths and distribution areas where alcohol is sold or served and officers patrol the event location.



- The Dean of Student Success will coordinate requests with the Chief of Police as well as the Director of Special Events in order to determine the adequate number of security officers for the event.
- At the beginning of each semester, the Dean of Student Success or his/her designee will publicize this policy by placing an article in the Logos addressed to the UIW community, distributing a memorandum to the presidents or chief officers of all student organizations and their faculty or staff sponsors; and distributing a memorandum to the President, all vice-presidents, deans, and faculty.
- Alcohol Procedures for On-Campus Events can be found in the Student Organization Manual on the Student Life website.

### **Section 7.23 - Alcohol Procedures for On-Campus Events**

The alcohol procedures for on-campus events can be found in the Student Organization Manual on the Student Life website.

### **Section 7.24 - Supervisory Guidelines**

Supervisors may offer referrals to counseling or a rehabilitation center at any time when dealing with an employee with an alcohol or drug abuse problem. A list of alcohol abuse and drug counseling and rehabilitation programs is available. Whether or not an employee accepts the referral, the supervisor continues to be responsible for monitoring the employee's job performance in accordance with the following disciplinary procedures:

- Informal discussion of the performance problem with the employee to establish corrective action;
- Formal written warning that unless corrective action is taken, more severe steps will be required. The document will: (a) identify the specific problem; (b) specify the corrective action expected of the employee; (c) establish a reasonable time period in which the corrective action must occur; and (d) specify what further action will occur if the problem should continue. The employee will be asked to sign a copy of the warning letter to indicate receipt of the warning; and
- Should problems continue or corrective action not be taken after an employee has received a formal warning, the supervisor may recommend to the appropriate Vice President and the Director of Human Resources that the employee be terminated.

### **Section 7.25 – UIW Sponsored Gifts and Events**

*(Approved by the Executive Council, 06/1/2018)*

Employees with budgetary account authority (account managers) have responsibility to expend university funds and resources for valid institutional purposes only. Account managers may use institutional funds to purchase items (such as awards, flowers, food, and refreshments) that support the university's educational functions, promote education, and provide an important institutional purpose. Expenditures must have a clear business purpose and meet the Guidelines for University Sponsored Gifts and Events established by the Division of Business and Finance. The Guidelines can be found in Appendix 6 of the Employee Handbook.

Private employee events such as showers or going-away parties should not be scheduled during the regular workday, unless during the lunch hour.

The university intends for this policy to have broad application in order to limit the use of institutional

funds and resources for valid business purposes. Employees who disregard this policy may be personally liable to reimburse the university for unauthorized use of university funds.

#### **Section 7.26 – Arrests and Convictions**

*(Approved by General Counsel 02/2020)*

Any employee charged with a crime (other than a minor traffic offense) shall report such charge to the Director of Human Resources within 72 hours of the employee becoming aware of such charge. Failure to report a charge may result in appropriate disciplinary action, including termination of employment. The Director of Human Resources shall review the nature and severity of the crime, the facts, and circumstances, and make a determination on what, if any, action should be taken regarding the employee's employment status until resolution of the charge. During the process, the Director of Human Resources will keep the appropriate supervisor informed and will seek input in deciding the employee's employment status.

Any employee convicted of a crime (other than a minor traffic offense) shall notify the Director of Human Resources within 24 hours of the outcome of a criminal case. Failure to report a conviction may result in appropriate disciplinary action, including termination of employment. The Director of Human Resources shall review the nature of the crime and make a determination on what, if any, action should be taken regarding the employee's employment status based upon the facts and circumstances and relevance to the position. The Director of Human Resources will keep the appropriate supervisor informed and will seek input in deciding the employee's employment status.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 8 – LIFE THREATENING ILLNESSES**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to life threatening illnesses. UIW is committed to supporting the continued employment of employees with life threatening illnesses.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

*Life Threatening Illness:* An illness that may possibly cause premature death. This policy specifically addresses HIV/AIDS.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## **CHAPTER 8 - LIFE THREATENING ILLNESSES**

### **Section 8.1 - General**

The purpose of this policy is to convey UIW's commitment to support the continued employment of employees with life threatening illnesses. UIW recognizes that many employees with life threatening illnesses desire to work as long as their health permits. These employees are encouraged to continue working as long as they are able to perform their job and their illness does not present a threat to themselves, other employees or the public. Employees with life threatening illnesses are entitled to the same employee benefits as other employees. UIW reserves the right to require an employee to undergo a medical examination by a doctor chosen and paid by UIW whenever there is a question whether an employee's condition might pose a direct threat to the safety or health of the employee, other employees, or the public. Refusal to work with an employee or to provide services to anyone who has been diagnosed as having a life threatening illness, lacking the existence of a direct threat to health or safety, may result in disciplinary action.

While many of the provision contained within this chapter are relevant to other serious illnesses, the principal focus of this policy is HIV/AIDS.

### **Section 8.2 – General Statement Regarding HIV/AIDS**

UIW is a Catholic University which provides a values-oriented education designed for the development of the whole person and service to others. Within that framework, the University supports the need for each individual within the community to be treated with dignity and respect.

AIDS (Acquired Immunodeficiency Syndrome) is a serious public health problem which raises many complex medical, legal, moral, ethical and educational issues. UIW is committed to educational programs and institutional policies which inform the community about this issue. Such programs and policies shall be guided by the University's regard for both public health interests and individual rights, informed by the recommendations of the U.S. Public Health Service, the Center for Disease Control, the American College Health Association, and the American Association of Colleges of Nursing.

UIW has adopted this policy for all faculty, administration, staff, and students in response to the epidemic of infection with Human Immunodeficiency Virus (HIV), the agent that causes Acquired Immunodeficiency Syndrome (AIDS).

All UIW policies relating to HIV/AIDS foster the same goals:

- A. To provide education, information, and counseling concerning the causes, affects, transmissibility, and treatment of HIV/AIDS;
- B. To safeguard the personal rights of individuals with HIV/AIDS;
- C. To promote a safe environment for all members of UIW community;
- D. To comply with the requirements of applicable federal and state laws relating to HIV/AIDS.

### **Section 8.3 – Statement of Non-Discrimination**

UIW will not discriminate against persons with HIV infection and/or AIDS. Admission, classroom attendance, access to campus facilities, participation in athletics or intramurals, employment and residence hall housing are open to all qualified individuals who are physically and mentally able, from a medical perspective, to successfully participate in the activities of UIW community.

### **Section 8.4 – Safeguarding the Personal Rights of Individuals with HIV/AIDS**

As a matter of UIW policy, information about the existence of any kind of HIV/AIDS is medical information, not administrative data. In recognition of the serious potential for discrimination against and mistreatment of persons with HIV/AIDS, UIW will handle information concerning any aspect of HIV/AIDS in faculty, administration, staff, and students with care and sensitivity to the privacy concerns involved.

### **Section 8.5 – Responsibility of Infected Individuals**

Individuals who are infected with HIV or who have a reasonable basis for believing that they are infected with HIV must conduct themselves in a morally responsible way for the protection of themselves and other members of the UIW community.

### **Section 8.6 – Recordkeeping**

UIW will not include information about HIV/AIDS in any regular personnel, faculty, or student file. Only when administrative action is taken that is specifically related to HIV-positive status will such information be included. In those circumstances, such information shall be maintained in a separate administrative file in the Office of Human Resources and accorded confidentiality as a medical record. Faculty files will be retained in the Office of the Provost. Administration and staff files will be retained by the Office of Human Resources. Student information will be retained in the Campus Health Services Office.

### **Section 8.7 – Need-to-Know**

There is seldom an administrative need-to-know about a faculty, administrator, staff member or student with HIV/AIDS. An HIV infected individual shall not be required to disclose such information unless required by federal, state, or local laws. UIW will not advise faculty, administration, staff or students of the existence of HIV/AIDS in any individual. Additionally, UIW will not keep lists, logs or other records identifying individuals known to have HIV/AIDS.

### **Section 8.8 – Reasonable Accommodation**

UIW will provide reasonable accommodation to any faculty, administration, staff or student with HIV/AIDS in a manner consistent with accommodation provided for employees, or students with other disabling medical problems.

### **Section 8.9 – Educational Programs**

The initial response of UIW to the epidemic of HIV infection must be education. As such, the university is committed to educating its students, faculty, and staff about AIDS and HIV infection. The primary

purposes are (1) to prevent the spread of infection by supporting behaviors that reduce the risk of infection; and (2) to provide support for those who are infected with HIV. These educational goals should emphasize the distinction between concerns based on knowledge about documented risks of HIV/AIDS transmission and concerns based on inadequate information regarding HIV infection.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 9 – HARASSMENT-FREE WORK AND LEARNING ENVIRONMENT POLICY**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to workplace harassment and other forms of inappropriate conduct.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

*Employee Record:* Any recorded information in any format that was created by or for UIW, or received by UIW in connection with a person's employment with UIW.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and



resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

<b>First Approved:</b>	June 1, 2015
<b>Revised:</b>	March 10, 2016
<b>Revised:</b>	May 10, 2016
<b>Revised:</b>	February 1, 2018
<b>Revised:</b>	November 1, 2019
<b>Revised:</b>	February 13, 2020

## **CHAPTER 9 – HARASSMENT-FREE WORK AND LEARNING ENVIRONMENT POLICY**

*(Approved by the Executive Council and Board of Trustees, 3/10/16)*

### **Section 9.1 – General**

UIW is committed to providing a professional and collegial work and learning environment that values diversity and emphasizes the dignity, respect, and worth of every individual. Accordingly, no form of harassment or conduct which is inappropriate and that may lead to or suggest harassment is tolerated by or against all employees, students, vendors, contractors or any other individuals engaged in activities on behalf of UIW. Employees are required to conduct themselves in a manner that promotes equal opportunity and prevents inappropriate conduct. Deans and supervisors/managers are expected to create an atmosphere that encourages complaints related to violations of this policy. Additionally, it is expected that these complaints be voiced without fear of retaliation or intimidation.

Those employees with questions or concerns about this policy, or their behavioral responsibilities, are strongly urged to discuss them with their dean, supervisor/manager, or the Director of Human Resources. Any violation of this policy, including inappropriate actions or failure to act, may result in corrective action up to and including immediate termination of employment or enforced withdrawal. This policy applies not only to work locations but also to work-related or educational activities outside the workplace such as business trips and business-related social events.

### **Section 9.2 – Sexual Misconduct Policy**

The purpose of the Sexual Misconduct Policy is to establish a work, educational and living environment at UIW that is free from sexual misconduct, including sex and gender discrimination; sexual and sex and gender based harassment; sexual assault and rape; sexual exploitation; stalking, relationship violence (including domestic and dating violence), and retaliation, through guidelines that promote and foster safe campus climate.

Sexual misconduct is prohibited by University policy and state and federal law, including Title IX and the Violence Against Women Act (VAWA), as amended, S. 47 – 113<sup>th</sup> Congress; Violence Against Women Reauthorization Act of 2013. Title IX and VAWA rights and responsibilities apply to students, faculty, staff, visitors, third parties and other community members.

Resources to address sexual misconduct are available at [www.uiw.edu/titleix](http://www.uiw.edu/titleix).

Questions about the Sexual Misconduct Policy may be sent or referred to the Director of Title IX

### **Section 9.3 – Sexual Harassment, National Origin Harassment, and Other Forms of Prohibited Behavior**

UIW prohibits any harassment, bias or prejudice on the basis of an individual's race, color, national origin, citizenship status, creed, religion, religious affiliation, age, sex, marital status, sexual orientation, gender identity, disability, veteran status, or any other protected status under applicable law. This includes, but is not limited to, the following forms of sexual harassment: unwelcome sexual advances, quid pro quo, requests for sexual favors, and other verbal or nonverbal behavior or physical contact of a sexual nature (regardless of how the overture is communicated) when:

- Submission is made explicitly or implicitly a condition of the individual's employment or educational experience;

- Submission to or rejection of the overture is used as the basis for employment decisions or academic decisions that affect the individual; or
- The conduct has the purpose or effect of interfering unreasonably with an individual's work performance, academic performance, participation in extracurricular activities or creating an intimidating, hostile or offensive work environment.

Sexual harassment may involve individuals of the same or opposite sex and is prohibited whether directed towards men or women. Such conduct is inappropriate whether the individual consents to it or not.

Quid Pro Quo harassment means "something for something." Quid pro quo harassment occurs when a manager or other authority figure offers or merely hints that he or she will give the employee and student something (a raise or a promotion) in return for a sexual demand.

National origin harassment is associated with an individual's place of origin, or because an individual is affiliated with, or has the physical, cultural or linguistic characteristics of a particular group. Examples of this type of harassment may include, but are not limited to, the following:

- Unwelcome slurs, jokes, and comments;
- Other unwelcome verbal statements;
- Graphic and offensive pictures; and/or
- Unwelcome physical contact.

Hostile environment harassment exists when:

- There is verbal, physical, or written (including digital mediums) conduct related to a legally protected group;
- The conduct is unwelcome;
- The conduct is severe or pervasive; and/or
- A reasonable person would believe that the conduct creates a hostile work environment.

## **Section 9.4 – Examples of Inappropriate Behavior**

Examples of behaviors prohibited under this policy include, but are not limited to, the following:

- Comments, jokes or negative stereotyping, made verbally, via e-mail or through any other form of communication that is insulting, degrading, exploitative, derogatory or discriminatory in nature;
- Making threats or intimidating remarks or participating in the creation of or circulation of any material that denigrates or shows hostility or aversion toward an individual or group of people;
- Viewing, displaying or circulating discriminatory or sexually explicit or suggestive materials, including cartoons, calendars, drawings, e-mails, etc.;
- Engaging in offensive sexual, or overly-familiar, touching or other physical interference with normal work or movement;

- Making sexual remarks, innuendoes, propositions or advances, or repeatedly requesting a dating relationship when the recipient of the request has indicated it is unwelcome;
- A pattern of conduct (not legitimately related to the subject matter of the course if a course is involved, or to employment if employment is involved) that tends to bring about discomfort and/or humiliation and may include comments of a sexual nature, sexually explicit jokes, statements, questions, or anecdotes;
- A pattern of conduct that would tend to bring about discomfort and/or humiliation to a reasonable person at whom the conduct was directed and may include unnecessary touching, patting, hugging, or brushing against a person's body;
- Remarks of a sexual nature regarding a person's clothing or body;
- Remarks about sexual activity or speculations about previous sexual experience, or
- Any conduct that unreasonably interferes with another's work performance, educational experience or creates an intimidating, offensive or hostile environment and which is inconsistent with UIW standards of professionalism, sound judgment and respect for employees, students and others with whom we do business.

### **Section 9.5 – Reporting Violations of this Policy**

Any employee or student who believes that he or she has been subject to conduct that violates this policy or has information about or has witnessed any violation of this policy should immediately and directly notify his or her dean, supervisor, Dean of Student Success or the Director of Human Resources. If you do not feel that the matter can be discussed with your immediate supervisor, or if you are not satisfied with the way your complaint has been handled, you must contact the Director of Human Resources located on the main campus or by telephone as published in the Campus Directory. Students having a complaint should report the harassment, to the Dean of Student Success in person or by telephone as published in the Campus Directory. Complaints regarding faculty and students may also be made to the Provost by telephone as published in the Campus Directory. Complaints related to the Sexual Misconduct Policy are required to report the allegations of sexual misconduct online via the Maxient system at the following website: <http://www.uiw.edu/titleix> by clicking on the “Report an Incident” button or by using the “Report an Incident” link found on the bottom of the UIW homepage ([www.uiw.edu](http://www.uiw.edu)).

**Prompt reporting of possible harassment is essential so that the university can respond quickly and prevent problems from escalating.**

**Never assume that the university is aware of the harassment. It is your responsibility to promptly report incidents of which you are aware.**

A supervisory or managerial employee has an obligation to immediately contact his or her supervisor or the Director of Human Resources if made aware of or in receipt of a complaint of, any conduct prohibited by this policy. This is true even if the activity occurred outside of his or her department/division. Corrective action, up to and including immediate termination of employment, maybe taken if a supervisory or managerial employee knew of or should have known of prohibited conduct and failed to either properly report it, and/or take appropriate measures to control it within his or her work environment.

## **Section 9.6 – Employee and Student Responsibilities**

Along with the right of all employees to work, and students to learn, in an environment that is free from discrimination and harassment, come certain employee and student responsibilities. For employees, failure to abide by these behavioral responsibilities may result in disciplinary action, up to and including termination. These responsibilities include, but are not limited to:

- Acting in good faith at all times with respect to this policy;
- Behaving in a manner that promotes a pleasant work environment;
- Promptly reporting concerns about inappropriate behavior, including but not limited to sexual harassment;
- Cooperating in an investigation of a complaint of workplace misconduct; and
- Promptly reporting concerns about perceived retaliation for having complained about harassment or having participated in an investigation.
- Employing a student on a personal level when the employee has direct or indirect authority over the educational experience.

## **Section 9.7 – Harassment by Non-Employees**

It is the policy of UIW to protect employees and students from harassment by non-employees. Any employee or student who becomes aware of harassment by a non-employee should report this harassment to their dean, supervisor/manager, or the Dean of Student Success.

## **Section 9.8 – Consensual Relationships**

*(Approved by the Executive Council, 5/10/16)*

Employees are expected to conduct themselves and their activities in an ethical and moral manner that is a positive reflection on the UIW and consistent with the Mission of the University. Therefore, the University strives to maintain a learning and working environment that is based on mutual respect for all students and employees. Employees should also be aware that there is a risk of entering into a sexual and/or romantic relationship with another employee or person connected to UIW and that the University has the right to protect its interests and take appropriate action to avoid or address potential problems in this area.

It is the policy of UIW that persons with direct teaching, coaching, supervisory, advisory or evaluative responsibility over employees, students, or student employees recognize and respect the ethical and professional boundaries that must exist in such situations.

### **Prohibited Consensual Relationships**

#### **Undergraduate Students/High School Students**

It is inappropriate and prohibited conduct for any faculty member, staff, administrator or other employee of the University to engage in romantic and /or sexual conduct with or directed toward any student currently enrolled as an undergraduate at the University and taking courses for college credit. Further, it is prohibited conduct for any faculty member, staff, administrator or other employee to engage in romantic and/or sexual conduct with or directed toward any student enrolled in high school, including high school students taking college courses at the University.

Faculty, staff, administrators or other employees may also be subject to legal ramifications where the student is a minor.

The University also prohibits any graduate student from engaging in romantic and/or sexual conduct with or directed toward any undergraduate student whom he or she educates, advises, coaches, supervises, or evaluates in any way.

#### Graduate Students/Professional School Students

It is inappropriate and prohibited conduct for any member of the University community to engage in romantic and/or sexual conduct with or directed toward any graduate student whom he or she educates, advises, coaches, supervises, or evaluates, or whom he or she has previously educated, advised, coached, supervised, or evaluated in any way, while the student is still enrolled.

#### Supervisors

It is inappropriate and prohibited conduct for any member of the University community to engage in romantic and/or sexual conduct with or directed toward any employee whom that person supervises or evaluates in any way.

Faculty, staff, administrators or other employees of the University involved in such relationships notated above are subject to allegations of sexual harassment, including third party sexual harassment charges by students, faculty members, administrators, staff or other employees. As such, these relationships are inimical to the education process and have a negative impact on the work, learning and overall community environment of UIW.

#### Discouraged Consensual Relationships

Relationships between employees in more senior level positions (non-supervisory roles) and employees in less senior level positions are discouraged as they may give the appearance of favoritism due to influence over the salary, benefits or continued employment held by the person in the more senior position. Senior-level employees should also recognize that it could be difficult to prove that a relationship with a less senior level employee was welcome or that there was mutual consent if a complaint is subsequently made. Additionally, employees are strongly discouraged from engaging in sexual and/or romantic relationships with coworkers in the same department because it could be difficult to prove that the relationship was welcome and consensual if a complaint is subsequently made and such relationships are deemed to interfere with normal business operations.

#### Exceptions, Accountability, and Reporting

These prohibitions do not apply to marital relationships which are addressed in the Employment of Relatives Policy, Section 7.5. However, the existence of a marital relationship may have implications for the propriety of one of the working and/or educational relationships discussed above or in the case of a person who contemplates enrolling in a class taught by his or her spouse.

Exceptions to any of these prohibitions will be considered on a case-by-case basis by the Divisional Vice President or Provost and the Chief Human Resources Officer. The individual with the power or status advantage in the relationship must request the exception in writing. The Divisional Vice President, Provost, or Chief Human Resources Officer shall respond in writing.

The individual with the power or status advantage in the relationship will bear the burden of accountability, though this does not preclude disciplinary action for other parties. Individuals who violate this policy are subject to disciplinary action, including termination of employment.

Individuals who are aware of any violation of this policy are obligated to report this violation to the Director of Human Resources.

### **Section 9.9 – Investigatory Process**

UIW is committed to promptly and effectively resolving any violations of this policy. Every effort will be made to conduct a prompt and thorough investigation of any complaint. Each complaining party, the alleged wrongdoer, and any other persons with knowledge of the situation have an obligation to cooperate fully during an investigation. This includes providing all relevant information to the investigator and acting in good faith. Employees who refuse to cooperate in an investigation may be subject to corrective/disciplinary action up to and including immediate termination of employment. All investigations will be handled with sensitivity under the direction of the Chief Human Resources Officer or Director of Human Resources. Supervisors should not attempt to conduct investigations on their own; rather, they are required to immediately report any complaints they receive to the Office of Human Resources. Confidentiality will be maintained to the greatest extent possible during the course of an investigation.

Following an investigation, any employee found to have violated this policy, or who failed to properly address prohibited conduct, will be subject to appropriate and prompt corrective/disciplinary action up to and including immediate termination of employment. Other actions may include the following: training, monitoring of the offender, referral to counseling; warning; withholding of a promotion, pay increase, or bonus; reassignment; suspension; decrease in compensation and/or responsibility as determined appropriate under the circumstances.

### **Section 9.10 – Protection Against Retaliation**

Retaliation against employees and students who report harassment is strictly forbidden. Anyone, including officers, managers, supervisors and other employees who are found to have taken any adverse action against an employee or student because of the employee's or student's good faith report or complaint of harassment will be subject to discipline up to and including termination of employment. Retaliation complaints should be reported immediately to the Chief Human Resources Officer or Director of Human Resources. Such complaints will be investigated promptly and any individuals found to have engaged in retaliation will be subject to corrective and disciplinary action, up to and including immediate termination of employment.

### **Section 9.11 – Education, Policy Dissemination, and Record Retention**

#### **A. Education and Training:**

The University will provide education and training programs to promote awareness and prevention of harassment and sexual misconduct. Education and training programs also include informational materials about UIW's Harassment-Free Work and Learning Environment Policy, Sexual Misconduct policy, as well as, training for responsible personnel in conducting investigations and the management and implementation of the complaint procedure.

New employees are required to complete Workplace Harassment Prevention Training and the Title IX and Texas Law on Sexual Misconduct training within 30 days of hire. On-going employees are required to complete Title IX training annually and the Workplace Harassment Prevention training on a biennial basis occurring during even years.

**B. Dissemination:**

This policy will be disseminated annually to employees and students through orientation programs, the Faculty Handbook, Employee Handbook, and Student Handbook. The policy and related procedural information are also available on the Human Resources website.

**C. Record Retention:**

During the investigation of a complaint, and upon the completion of an investigation, the custodian of the files shall be the Director of Human Resources. Future access to any file shall be provided in keeping with UIW Policy and the Family Educational Rights and Privacy Act.





## **EMPLOYEE HANDBOOK**

### **CHAPTER 10 – EMPLOYMENT SEPARATION**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to employee separations. Employees (except those with special employment arrangements or contracts) serve without fixed terms and at the pleasure of the president or Board of Regents. As employee's at-will, either the university or the employee may terminate the employment relationship at any time with or without cause and without liability for failure to continue the employment.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

*At-will Employment* – refers to an employment arrangement whereby employees serve without fixed terms and at the pleasure of the President or Board of Trustees. As employee's at-will, either the university or the employee may terminate the employment relationship at any time with or without cause and without liability for failure to continue their employment.

*Voluntary Termination* – refers to a separation action initiated by the employee. An employee who gives the required minimum written notice, and who works until the end of the notice period, is considered to have resigned in good standing.

*Involuntary Termination* – refers to a separation action initiated by the employer due to an employee's unsatisfactory performance or behavior in the workplace. Discharge is normally the final step in addressing performance or behavioral concerns when previous attempts at correction have failed.

## **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

<b>First Approved:</b>	June 1, 2015
<b>Revised:</b>	January 13, 2016
<b>Revised:</b>	February 1, 2018

## CHAPTER 10 - EMPLOYMENT SEPARATION

### Section 10.1 – General

Employees of UIW (except those with special employment arrangements or contracts) serve without fixed terms and at the pleasure of the President or Board of Trustees. As employee's at-will, either the university or the employee may terminate the employment relationship at any time with or without cause and without liability for failure to continue the employment.

### Section 10.2 - Voluntary Resignation

*(Approved by the Executive Council; revised by the Director of Human Resources, 1/13/16)*

An employee who gives the required minimum written notice, and who works until the end of the notice period, is considered to have resigned in good standing. The required minimum written notice is **30 days for Administrators** and **14 days for Staff employees**. With approval of their Vice President, the requirement may be waived.

Regardless of the amount of notice provided, the university is not obligated to continue the employment of the employee during all, or part, of the notice period. Nor is the university obligated to accept an employee's rescission of notice of intent to resign.

If an Administrator/Staff employee is absent and UIW does not hear from him/her for two (2) or more consecutive working days, the employee will be considered to have resigned their position without notice. An employee who does not return to work on the first regular working day following the end of the period provided in a leave of absence will be considered to have resigned unless an extension is requested and granted prior to the expiration of the originally approved leave.

NOTE: Prior to beginning the official termination process, the supervisor will make a good faith effort to establish contact with or ascertain the whereabouts of the employee before separating the employee.

### Section 10.3 - Retirement

Eligible employees may be separated by retirement in accordance with Retirement Plan (see Section 5.5, Retirement Plan).

### Section 10.4 - Reduction in Force

An employee may be terminated due to changes in duties or organization or for lack of work or funds. Selections will be made by job function and will include consideration of the job skills, past performance, and length of service of the employees involved. At least 30 days prior notice will be given an employee prior to such discharge. Temporary employees will be discharged before regular employees performing similar duties.

A person who has been discharged due to reduction in force and is reinstated within twelve months will not lose seniority. If an affected employee is offered employment and refuses it, he/she will lose his/her re-employment opportunity.

## **Section 10.5 – Involuntary Termination**

Involuntary termination generally refers to those discharges separating the employee from employment due to an employee's unsatisfactory performance or behavior in the workplace, violation of UIW policy or contract non-renewal. Discharge is normally the final step in addressing performance or behavioral concerns when previous attempts at correction have failed. When an involuntary termination of employment is being considered, the manager must contact the Office of Human Resources prior to taking such action. Discharged and separated employees are not eligible to receive accrued and unused vacation or sick leave in their final pay.

## **Section 10.6 – Exit Clearance Procedures**

Upon notice of separation of employment, the exiting employee is responsible for completing clearance procedures before the last workday. By notifying the Office of Human Resources, assistance will be provided in the form of a checklist to ensure all university property is returned and debt/loans are paid in full. The terminating employee must meet with the department manager to return all university property, i.e., laptop, phone, equipment, uniforms, etc. All business files should be transferred to the manager including paper and electronic. Exiting employees must receive clearance from Accounts Payable, Business Office, Library, Purchasing, and IT Helpdesk to ensure no money owed to the university. If prepaid business travel was scheduled, the exiting employee is responsible for reimbursing the university or airfare, travel advances, or other prepaid travel expenses. On or before the last workday, the exiting employee must report to the Office of Human Resources to complete an Exit Interview and questionnaire, return credit cards, university identification card, parking decal, keys, and any remaining university property.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 11 – DISCIPLINE**

**Effective Date:** June 1, 2015

**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to the levels of employee discipline available to supervisors of administration and staff employees.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## **CHAPTER 11 – DISCIPLINE**

### **Section 11.1 – General**

The purpose of this policy is to provide procedural information regarding the levels of employee discipline available to managers. This policy is applicable to all exempt and non-exempt employees (administrators and staff). Employees may avail themselves of the Grievance Procedure outlined in Chapter XII should they contest a disciplinary action.

The degree of discipline imposed for a particular offense may vary; from verbal warning, to a written warning/reprimand, to disciplinary probation, to involuntary demotion, suspension, or discharge, depending upon the severity of the particular offense. The appropriate level of discipline to be applied by a supervisor is a management decision determined in consultation with the Director of Human Resources. All staff employees are reminded that they are employed at-will and as such, either UIW or the employee may terminate the employment relationship at any time with or without cause and without liability for non-continuation of employment.

The following list of infractions may result in disciplinary action up to and including involuntary termination:

- Failure to comply with state or federal law, as well as the policies, regulations, rules and established procedures of UIW;
- Performance, conduct, or behavior that interferes with the efficient operations of UIW;
- Insubordinate acts directed toward a supervisor that serve to impede their ability to manage or function; or
- Any other actions or behavior that is not in the best interest of UIW or that undermine an employee's ability to continue in service to the university.

### **Section 11.2 - Verbal Warning**

A verbal warning may be given indicating the violation and the needed improvements, the period of time in which improvements must occur and what disciplinary action could result from failure to show satisfactory improvement. All verbal warnings should be documented in writing by the supervisor. This documentation; however, may or may not become a permanent part of the official personnel file.

### **Section 11.3 - Written Warning/Reprimand**

An employee who receives a written warning/reprimand will be required to acknowledge receipt of the warning/reprimand immediately by signing it. The employee's signature on a written warning/reprimand does not mean that the employee admits to any wrongdoing but that the employee has been officially notified. Should an employee refuse to sign a written warning/reprimand, the supervisor should ask a witness to sign the document acknowledging that a copy was given to the employee. The written warning/reprimand shall be forwarded to the Office of Human Resource for inclusion into the employee's personnel file. The written warning/reprimand must inform the employee of his/her right to appeal the action through the Grievance procedure.

## **Section 11.4 – Disciplinary/Performance Review**

An employee may be placed on disciplinary review for a stated period of time in order to allow the employee to show improvement. The notice of disciplinary/performance review must:

- Be signed by the supervisor and the employee.
- Identify the problem(s).
- Indicate the improvement expected.
- Length of the review period.
- Inform the employee of what disciplinary action may result from failure to show satisfactory improvement within the review period.

The employee's signature on the disciplinary/performance review document indicates that the employee has been notified and has received a copy of the notice. Should an employee refuse to sign the disciplinary/performance review document, the supervisor should ask a supervisory level employee to sign as a witness acknowledging that a copy was given to the employee.

## **Section 11.5 - Suspension**

A supervisor may, with the Department Director, the Director of Human Resources and the Vice President's approval, suspend an employee without pay for up to fifteen (15) working days. The notice of suspension shall include the reason for the suspension, the length of the suspension, and what further disciplinary action could result. The employee will be given written notice outlining the reasons for the suspension and the effective date(s) of the suspension. A copy of the notice shall be forwarded to the Office of Human Resources for placement in the employee's personnel file. This provision is applicable to exempt and non-exempt employees (administrators and staff).

## **Section 11.6 – Discharge**

This policy in no way prevents immediate discharge when the nature of the offense warrants such action. Discharge actions must be initially reviewed and approved by the Director of Human Resources. The final decision is the responsibility of the employee's Vice President, after reviewing the recommendations of the employee's immediate supervisor and the approval of the Director of Human Resources. This provision is applicable to exempt and non-exempt employees (administrators and staff).

## **Section 11.7 – Disciplinary Sanctions**

To precipitate the orderly administration of the disciplinary actions available to managers through this policy, it is important managers:

- Fairly and thoroughly investigate the details of each case prior to imposing discipline;
- Consult with the Office of Human Resources if considering a suspension or discharge;
- Inform the employee of the exact charge against him/her before imposing discipline; and
- Provide the employee an adequate opportunity to rebut the case and present evidence in support of their position. The manager may impose a timeframe for response.



### **Section 11.8 – Procedural Defect**

A manager's failure to follow university procedures for imposing discipline does not, on its own merit, provide justification for overturning a disciplinary action.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 12 – COMPLAINT RESOLUTION, GRIEVANCE AND APPEALS PROCEDURE**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to complaint resolution, the grievance process, and appeals.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

<b>First Approved:</b>	June 1, 2015
<b>Revised:</b>	September 12, 2017
<b>Revised:</b>	November 1, 2019
<b>Revised:</b>	February 13, 2020

## **CHAPTER 12 – COMPLAINT RESOLUTION, GRIEVANCE AND APPEALS PROCEDURE**

### **Section 12.1 – Complaints Related to Discrimination, Harassment, or Retaliation**

Employees who believe they are the victims of discrimination, retaliation and/or harassment of any kind are required to immediately report their complaints in accordance with Chapter 9 (Anti-harassment Policy) of this handbook. Prompt reporting of possible discrimination, retaliation or harassment is essential to a complete investigation, a quick response, and swift remedial action when required.

Complaints relating to an individual's race, color, gender, religion, national origin, sexual orientation, citizenship status, age, or disability; or complaints related to retaliatory action may be made either verbally or in writing. Such complaints include:

- Violation of the policies set forth in Chapter 1 (Authority and Administration) of this handbook;
- Violation of the UIW Harassment-Free Work and Learning Environment Policy; and
- Violation of the UIW Policy Regarding Harassment and Retaliation.

### **Section 12.2 – Investigation of Complaints Related to Discrimination, Harassment, or Retaliation**

All complaints will be promptly investigated and appropriate remedial action will be enforced as required. Every effort shall be made to complete the investigation within 45 days of the initial report unless otherwise stated. Some circumstances may necessitate additional time for investigation. Such circumstances include but are not limited to the following:

- When the complaint is made at or near a semester/summer break;
- When the complexity of the investigation itself merits additional time; and/or
- When either the witnesses or the complainant are not otherwise available.

Within 15 days after the conclusion of the investigation, the complaining party will be notified of the conclusion and outcome of the investigation, and the nature of any remedial action taken or proposed.

If an employee is not satisfied with the results of the investigation or the remedies proposed as a result of an investigation of a complaint under the provisions of Section 12.1 above, they may seek further redress through the grievance process provided in Section 12.6 Step II. Grievances under this section must be filed within 10 working days of the date the employee was notified of the action for which he/she is filing the grievance.

### **Section 12.3 – Other Complaints**

Complainants seeking redress for policy-related issues other than those provided for in Section 12.1 may do so utilizing the grievance process. In order to file a grievance, there must have been a finding or action that negatively impacts the complainant. The Director of Human Resources and or his/her designee will attend all grievance hearings. The Office of Human Resources is responsible for the scheduling of all grievance meetings. Copies of any relevant correspondence shall be forwarded to the Office of Human Resources for review and distribution to committee members.

## **Section 12.4 – Grievance Committee**

The Chairperson of the Grievance Committee shall be a standing appointment made by the President of UIW at the beginning of each fiscal year from among the full-time administrators. This appointee shall chair any meetings or hearings of the Grievance Committee during the year. In the event that the appointed chairman is involved in a grievance, a temporary chairman appointed by the President shall replace him or her.

The Grievance Committee will consist of four additional persons chosen from among the members of full-time administrators, other than the President and executive level staff. All administrators will be assigned a random number. Twelve Administrators will then be chosen by random number selection. The grievant and the person against whom the grievance is filed will then select four persons by the method of "alternate strike." The method of "alternate strike" provides that each of the parties, starting with the grievant, shall alternately strike one name from the list of eligible members until only four names remain. If members, chosen by this method, decline to serve or are unable to serve, then their places shall be filled by the last persons struck from the list, as necessary, until four members who do agree to serve have been chosen.

## **Section 12.5 – The Grievance Process**

The Grievance Committee shall receive the written grievance and any other pertinent documents from the parties involved in advance of the hearing. The Committee shall conduct a formal hearing in which all parties directly involved will have an opportunity to testify and answer questions posed by the committee members. Both parties may bring an advisor and may present witnesses. The advisors will not be permitted to take part in the hearing but shall only provide advice to their respective party. A permanent record of the hearing (audiotape) will be made and will become part of the grievant's personnel file. The grievance process for employees assigned to St. Anthony Catholic High School and Incarnate Word High School, will not utilize the Grievance Committee, and will instead utilize the Provost.

## **Section 12.6 - Grievances NOT Involving Suspension, Demotion or Discharge**

### **A. Step I - The Immediate Supervisor and Intermediate Levels of Supervision:**

Initially, an employee should discuss a problem with his/her immediate supervisor. To be accepted for consideration, the grievance must be initiated within five working days following the date when the employee first had knowledge of the incident for which he/she is filing the grievance. The grievance should be in writing and submitted to the Director of Human Resources. The Human Resources staff will schedule a meeting/hearing with the immediate supervisor of the grievant as soon as possible. The immediate supervisor will submit his/her answer to the grievance to the Director of Human Resources no later than five working days following the meeting. Meetings with each level of supervision will be accomplished no later than five working days from the meeting with the immediate supervisor and a written response provided to the grievant no later than five working days following each meeting.

### **B. Step II - Vice President**

If a satisfactory solution is not reached in Step I, the employee may pursue their grievance through written submission to the appropriate Vice President. For employees assigned to St. Anthony Catholic High School and Incarnate Word High School, the grievance must be initiated within five working days following the date when the employee first had knowledge of the incident for which he/she is filing the grievance, and the grievance meeting will be held with the

Associate Provost & Dean for Dreeben School of Education. The submission is made through the Office of Human Resources within five working days following receipt of the decision in Step I. A meeting will be scheduled with the Vice President, or Associate Provost if applicable, and the grieving employee within five working days of receipt of the grievance. This meeting will be presided over by the Director of Human Resources or his/her designee. The Vice President, or Associate Provost if applicable, will submit his/her answer to the grievance to the Director of Human Resources no later than five working days following the meeting.

**C. Step III - Grievance Committee**

If a satisfactory solution is not reached in Step II, the grievant may file a written request for a hearing, along with a written statement of the grievance, to the chairperson of the Grievance Committee. For employees assigned to St. Anthony Catholic High School and Incarnate Word High School, the grievant may file a written request for a hearing, along with a written statement of the grievance, to the Provost. The submission will be provided to the chairperson, or Provost if applicable, by the Office of Human Resources. This submission must occur within five working days of receipt of the decision at Step II. Upon receipt, the chairperson of the Grievance Committee will notify the other committee members as well as all other parties involved in the grievance. A meeting of the Grievance Committee, or Provost if applicable, will be scheduled within five working days of the filing of a request for a hearing. Following the completion of the hearing, the committee, or Provost if applicable, will provide their written decision in the matter to all parties involved in the grievance as well as the UIW President to be delivered by the Chairperson of the Grievance Committee, or Provost if applicable. For employees assigned to St. Anthony Catholic High School and Incarnate Word High School, the decision of the Provost is final from which there is no appeal.

**D. Step IV - President**

If the grievant disagrees with the decision of the Grievance Committee, he/she may submit to the President a written statement of the original grievance, along with a written explanation outlining why he/she disagrees with the recommendation of the Grievance Committee. This submission must be provided within five working days of receipt of the Grievance Committee's decision. Within five working days of reviewing the case, the President or his designee will communicate to the grievant and all other parties involved his decision in the matter from which there is no appeal.

**Section 12.7 - Grievances Involving Suspension, Demotion or Discharge**

*(Revised 02/13/2020)*

A grievance involving suspension, demotion or discharge must follow the guidelines as listed in Section 12.6 beginning with "Step II- Vice President" unless the employee reports directly to that Vice President in which case the grievance will be referred directly to the President of UIW, as provided for in Step IV. The decision of the President will be final. For employees assigned to St. Anthony Catholic High School and Incarnate Word High School, the decision of the Provost is final.

Employees reporting directly to the President are ineligible to grieve suspension, demotion, or discharge since the President's decision is final.

**Section 12.8 – Human Resources Assistance**

The Office of Human Resources shall provide clerical assistance and bilingual services for complainants who are not proficient in English and will be available to assist with and coordinate the grievance process.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 13 – POLICY ON THE ACCEPTABLE USE OF INFORMATION RESOURCES**

**Effective Date:** June 1, 2015

**Contact:** Vice President of Information  
Resources & Chief Information  
Officer

#### **PURPOSE**

The purpose of this policy is to provide a high-level set of guidance regarding the use of information and computing resources at the University of the Incarnate Word. This policy is in place to ensure that users of university technology resources understand what is acceptable and unacceptable when using information resources provided by the institution. This policy is not, however, an all-inclusive list. Further guidance can be found in IRD standards and procedures, the Employee Handbook, the Faculty Handbook, and the Student Handbook. Guidance from these standards must be observed when using university information resources.

#### **SCOPE**

This policy applies to university faculty, staff, administrators, students, volunteers, contracted employees and other university affiliates privileged to use university information resources. In addition to this policy, all users of information and computing resources at UIW are also responsible for adherence to any State or Federal regulations regarding computer use at the university.

#### **DEFINITIONS**

***Information and computing resources:*** Terms used interchangeably throughout this document, include but may not be limited to: email, file storage, electronic databases and other library information resources, software-as-a-service (SaaS) resources, electronic records, internet access, traditional computing devices, laptops, tablets, smart phones and the appropriate use of all implemented systems, owned, licensed, or subscribed by the university. Guidance included in the Employee Handbook and the Student Handbook are incorporated by reference in this policy.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Vice President of Information Resources & Chief Information Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Vice President of Information Resources & Chief Information Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015  
**Revised:** February 28, 2018  
**Revised:**



## **CHAPTER 13 – POLICY ON THE ACCEPTABLE USE OF INFORMATION RESOURCES**

### **Section 13.1- Introduction**

The University of the Incarnate Word provides a wide variety of technology resources to members of the university community. These resources are provided to empower students, faculty, and staff to learn and carry out the mission of the university. Protecting these resources and ensuring that they are readily available requires the participation and support of every member of this institution. It is the responsibility of every user of the university's technology resources to know these policies and use them appropriately.

Access to information resources at the University of the Incarnate Word is a privilege, not a right. This access is granted with restrictions and responsibilities for use. Violations of the rules governing the use of UIW information resources may subject the violator to loss of access privileges, disciplinary action, and/or other action as deemed appropriate by the university. UIW's information and computing resources are provided to support the university's academic, business, and research missions. Routine personal usage of these resources may be permissible if, in the determination of the university, such use does not interfere with the university's mission or preempt normal business/educational activity, does not impede employee productivity, does not interfere with or negatively impact any other person's or entity's rights and work/learning environment, does not conflict with any rule or law, and does not consume more than a trivial amount of resources.

### **Section 13.2 – Prohibitions**

#### **Account sharing is prohibited**

The sharing of user accounts and/or passwords is strictly prohibited. Account owners are responsible for all activity conducted within their account. Failure to safeguard account information, or engaging in unauthorized account-sharing, may subject the account holder to disciplinary action.

#### **Unauthorized access to network resources is prohibited**

Attempting to access, alter, or remove any data without appropriate permission from the data owner is prohibited. The university reserves the right to access data and accounts as necessary to ensure the reliability and security of university information resources.

#### **Commercial use prohibited**

UIW information resources are provided for university operational and academic use only. Use of UIW resources for financial gain or commercial purposes is strictly prohibited.

#### **Copyright violations are prohibited**

Use of university information resources to share copyrighted materials (files, programs, songs, videos/movies, etc.) without permission of the copyright owner(s), is prohibited. Furthermore, the user may be in violation of copyright laws and the DMCA. When the Information Resources Division discovers or is informed of a copyright violation, Federal Law requires the removal of infringing materials immediately. If IRD is unable to remove these materials for any reason, then network access for the offending account or device will be terminated until removal of all infringing material is verified.

**Identity theft or forgery is prohibited**

Theft, forgery or other misrepresentation of identity via electronic or any other form of communication is prohibited. Suspected violations under State and Federal will be reported to appropriate authorities.

**Physical modification to network resources is prohibited**

Do not modify or extend network services and wiring beyond the area of their intended use. This applies to all network wiring, hardware, and jacks. Any student or employee performing unauthorized modification to or extension of network services may be held financially responsible for the cost of repairs.

**Redirection or masking of services is prohibited**

The UIW network may not be used to provide Internet access to anyone outside of the university community for any purposes. UIW-owned or commercially obtained network resources may not be retransmitted outside of the university community. Software or technology designed to hide internet usage (TOR, VPN, anonymizer proxies, etc.) is prohibited, unless a valid business or educational need is approved by the CIO.

**Other prohibited activities**

University information resources may not be used to:

- Operate a separate business or organization for profit or non-profit purposes.
- Monitor data on the network using monitoring or “sniffing” software.
- Provide a pass-through site to other campus hosts or provide remote login (e.g. telnet access) on your computer for others than yourself.
- Engage in any activities generally regarded or construed as “hacking.”
- Harass, libel, or slander anyone or engage in fraudulent representations.
- Download, post, or transmit material contrary to UIW policies.

**Section 13.3 – User Responsibilities****Preservation of resources**

The university network is a shared resource, and users must respect others’ need to use that resource. The university reserves the right to limit the use of individual computing resources at any time when necessary for the benefit of overall network operations or performance. Users or devices using unusually high bandwidth that affects the experience of other users may be disabled or speed- limited.

**Prevent the spread of malware**

The security of the UIW network is everyone’s responsibility. Computers using the UIW network must include operational anti-virus software. Users must keep Virus Definition Files up to date. The university reserves the right to remove infected or vulnerable computers from the network.

## **No expectation of privacy**

UIW makes every effort to respect the rights of network account holders. However, UIW reserves the right to monitor, intercept, block, or access data transmitted over the university network or, processed or stored on university resources as needed to ensure the reliability and security of UIW information resources. Therefore, we cannot and do not guarantee that users' e-mail or other network activity will be private, and users do not have an expectation of privacy.

## **Section 13.4 – Email Usage**

### **Unauthorized Uses**

Notwithstanding references made elsewhere in this policy to the personal use of UIW computing resources, UIW email account holders are not permitted to use UIW's e-mail resources for personal commercial or business activities, personal charitable endeavors, illegal political or other activities, to send or forward chain mail, or for any other purpose or activity prohibited by UIW policies or civil law, unless authorized in writing by the Vice President for Information Resources.

### **User Identity**

Misrepresenting, obscuring, suppressing, or replacing a user's identity on an e-mail system is forbidden. The user name, e-mail address, organizational affiliation, and related information included with e-mail or postings must reflect the actual originator of the mail or postings.

### **Email etiquette**

The university email system will be used in a professional manner, befitting a member of the university. Users will not engage in fraudulent, harassing, obscene, indecent, profane, intimidating, or unlawful communications using this system.

All users of the campus email system will ensure that communications are professional in tone and free of harassing language.

Stationary use, the use of personal "taglines" that quote a philosopher, religious text, use a "phrase of the day" or make any philosophical or political statement are prohibited, as are any image attachments as part of the sender's signature, except the university's official logo.

### **E-mail Purging and Archival**

Emails will be retained in the university email system according to compliance requirements and the business needs of the university. Users may not "archive" email locally on their computers (i.e. in .pst files) and must instead use the archive function available in Office 365. Users must move any email that they wish to keep beyond the automated retention period to the Office365 Archive folder.

The retention periods established by the Information Resources Department are defined in the IRD Email Retention and Management Standard.

## **Email Forwarding**

Users are not authorized to auto-forward or otherwise automatically redirect their university email to accounts outside of the university mail system.

## **Use of Personal Email**

University business may not be conducted using personal email accounts. The only authorized mechanism for conducting business is the university email system.

## **Duty to Protect**

The security of university email resources is the responsibility of every user. Users will be cautious when clicking links in email or when sending information over the email system.

## **Personal Information**

The university email system may not be used to transfer sensitive information. This includes, but is not limited to:

- Social Security Numbers
- Financial Information
- Health Information
- University Confidential Information

Inclusion of these information types in email may cause the system to reject the email.

## **Section 13.5 – Web and Social Media**

The UIW community has access to a variety of Web publishing options including personal and/or professional Web pages, weblogs or “blogs”, course content pages, and departmental Web sites. Information on UIW’s web site can be read worldwide. The quality, accuracy, and legality of this information are of the utmost concern to the university. The distributed and open nature of the Web renders traditional means of control impractical and transfers much of the responsibility to the individual. Students, faculty, and staff are responsible for the content of the documents they publish. They are also required to abide by all university policies regarding appropriate use of information and computing resources, including the following:

- Information, graphics, and other materials are covered by and subject to all current copyright laws. If permission to display text, graphics, sound, video, etc. that are owned by someone else has not been granted, do not publish it.
- If information about the university (e.g., total enrollment, number of faculty, etc.) is to be used, please confirm its accuracy. For assistance, please contact the Office of Communications and Marketing
- Information representing a point of view differing from an established university policy or position must comply with university publishing policies.
- All information must be free of inflammatory, derogatory, or offensive text, images, or sounds that exceed the bounds of academic freedom of faculty.
- Flaming behavior, as often seen in newsgroups, could be interpreted as libel, and should be

- avoided.
- The content of web pages, UIW discussion forums, blogs, and wikis are subject to all UIW policies.
- Every effort should be made to keep documents free of typographical and grammatical errors.
- Use of any UIW-sponsored web site for commercial and/or personal gain is prohibited.
- A phone number and/or e-mail address of the student, faculty, or staff member is to be included on the home page. The University of the Incarnate Word will not routinely monitor web page content, but we reserve the right to both monitor content and remove pages if they are in violation of these rules or relevant UIW policies.

## **Section 13.6 - Enforcement**

### **Sanctions**

Failure to comply with any of the above guidance or rules may result in termination of network services, loss of computing resource privileges, prosecution by the university, other disciplinary procedures, and/or civil and/or criminal prosecution. The Information Resources Division reserves the right to terminate any network connection without notice should it be determined that network traffic generated from said connection drastically inhibits or interferes with the use of the network by others. Depending on the circumstances, the university reserves the right not to indemnify you in the event of a claim or lawsuit by a third party related to the matters described in this policy.

### **Enforcement provisions**

Violations of these rules are subject to the investigative and disciplinary procedures of the university with the appropriate representatives of the Information Resources Division acting in an advisory role. Complaints against students will be forwarded to and handled by the Director of Judicial Affairs. Complaints against faculty, staff and university affiliates are forwarded to and handled by the Office of Human Resources.

### **Limitations of privileges pending administrative or judicial process**

In some cases, the university must act more immediately to protect its interests and resources, or the rights and safety of others. The Vice President of Information Resources (or his/her appointed representative) has the authority to suspend or limit account privileges and access to resources in those situations. When services have been suspended in this way, the Vice President for Information Resources shall notify the appropriate office, which will handle the complaint and attempt to notify the network account holder or computer owner. Account suspension, or removal from the network is typically temporary while the complaint is handled through the normal investigative and disciplinary procedures of the university.

### **Discipline for Violations**

Failure to abide by this policy may result in disciplinary action, up to and including termination or being asked to leave the institution. The university investigates and responds to all reported concerns about the responsible use of information resources.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 14 – INTELLECTUAL PROPERTY**

**Effective Date:** June 1, 2015  
**Contact:** Cynthia Escamilla,  
General Counsel

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to patentable processes, inventions, and the creation of other intellectual property.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the General Counsel.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The General Counsel will assure its compliance, and report results to the President.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## **CHAPTER 14 – INTELLECTUAL PROPERTY**

### **Section 14.1 – Intellectual Property Policy**

#### **Subsection 1 - Philosophy and Objectives**

While the discovery of patentable processes or inventions and the creation of other intellectual property is not the primary objective of UIW, for any such discoveries or creations, it is the objective of the Board of Trustees to provide an intellectual property policy that will encourage the development of inventions and other intellectual creations for the best interest of the public, the creator, and the research sponsor, if any, and that will permit the timely protection and disclosure of such intellectual property whether by development and commercialization after securing available protection for the creation, by publication, or both. This policy is further intended to protect the respective interests of all concerned by ensuring that the benefits of such property accrue to the public, to the inventor, to UIW and to sponsors of specific research in varying degrees of protection, monetary return and recognition, as circumstances justify or require.

#### **Subsection 2 - General Policy**

- 2.1 The intellectual property policy shall apply to all persons employed by UIW, to anyone using UIW facilities under the supervision of UIW personnel, to undergraduates, to candidates for masters and doctoral degrees, and to postdoctoral and pre-doctoral fellows.
- 2.2 Except for intellectual property included in Subsections 2.3 and 2.4, this policy shall apply to, and UIW may assert ownership in intellectual property of, all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, and computer software) regardless of whether subject to protection under patent, trademark, copyright, or other laws.
- 2.3 Property that is subject to ownership: Scholarly or educational materials, art works, musical compositions and dramatic and nondramatic literary works related to the author's academic or professional field, regardless of the medium of expression.
- 2.31 Students, professionals, faculty and researcher authors – UIW shall not assert ownership of works covered by this Subsection authored by students, professionals, faculty, and non-faculty researchers. UIW encourages these authors to carefully manage their copyrights.
- 2.32 Software – UIW will normally assert ownership in software as an invention; however, original software which is content covered by Subdivision 2.31, or that is integral to the presentation of such content, shall be owned in accordance with Subdivision 2.31.
- 2.4 Notwithstanding the provisions of Subsection 2.3, UIW shall have sole ownership of all intellectual property created by an employee who was hired specifically or required to produce it or commissioned by UIW. Except as may be provided otherwise in a written agreement approved by the President the provisions of Subdivision 5.23 relating to division of royalties shall not apply to intellectual property owned solely by UIW pursuant to this Subsection 2.4.
- 2.5 Any person who as a result of his or her activities creates intellectual property that is subject to this Policy, other than on government or other sponsored research projects



where the grant agreements provide otherwise, should have a major role in the ultimate determination of how it is to be made public, whether by publication, by development and commercialization after securing available protection for the creation, or both.

- 2.6 UIW will provide review and management services for patentable inventions as well as other intellectual property either by its own staff or by other means.
- 2.7 It is a basic policy of UIW that intellectual property be developed to serve UIW and the public interest. This objective usually will require development and commercialization by exclusive licensing, but the public interest may best be promoted by the granting of nonexclusive licenses for the period of the patent. These determinations will be recommended and made in accordance with the administrative procedures hereinafter set out and with the approval of the Board of Trustees.
- 2.8 Other than incidental use, neither the facilities nor the resources of UIW may be used (i) to create, develop or commercialize intellectual properties unrelated to an individual's employment responsibilities (See Subsection 4.1); or (ii) to further develop or commercialize intellectual properties that have been released to an inventor (See Subdivision 5.22) except as the President may approve where UIW retains an interest under the terms of the release.

### **Subsection 3 - Management Responsibilities**

- 3.1 Intellectual Property Advisory Committee. To help administer the intellectual property policy and to make recommendations to the President for referral to the Board of Trustees (in those cases when action by the Board of Trustees is required), an Intellectual Property Advisory Committee may be established.
- 3.2 University Counsel. University Counsel will have responsibility for all legal matters relating to intellectual property. Among other responsibilities, University Counsel will secure protection for intellectual property when appropriate and will police infringements; maintain central databases and files of patent applications, issued patents, copyrights, licenses and agreements; negotiate and preparing license and other agreements; review and approve as to form all agreements relating to intellectual property.
- 3.3 The Vice President for Business & Finance will assist in business and financial matters relating to intellectual property, coordinate evaluating royalty and/or equity transactions, and review and approve agreements relating to equity transactions; represent UIW on boards of directors of entities in which UIW holds equity and the right to a Board of Trustees position; serve as a repository for certificates of shares in entities in which UIW holds equity and represent UIW's interest with respect thereto; and coordinate with and cooperate with University Counsel in all such matters.

### **Subsection 4 - Classification of Discoveries by Source of Support**

- 4.1 Intellectual property that is unrelated to the individual's employment responsibility and which has been developed as a result of the individual's efforts on his or her own time with no UIW support or use of UIW's facilities.

- 4.2 Intellectual property that is related to the individual's employment responsibility, or has resulted either from activities performed by the individual on UIW time or from using UIW facilities.
- 4.3 Intellectual property that has resulted from research supported by a grant or contract with the Federal Government or an agency thereof, a nonprofit or for profit nongovernmental entity or by a private gift to UIW.

### **Subsection 5 - Property Rights and Obligations**

- 5.1 Intellectual property unrelated to the individual's employment responsibility that is developed on an individual's own time and without UIW support or use of UIW facilities (See Subsection 4.1) is the exclusive property of the creator and UIW has no interest in any such property and no claim to any profits resulting there from. Should the creator choose to offer the creation to UIW, the President shall recommend whether UIW should support and finance a patent application or other available protective measures and manage the development and commercialization of the property. If the creator makes the offer after obtaining a patent or other protection, the President shall recommend whether UIW should reimburse the creator for expenses in obtaining such protection. If the President so recommends and the creation is accepted for management by UIW, the procedures to be followed and the rights of the parties shall be those set out in Subdivision 5.23.
- 5.2 Intellectual property either related to the individual's employment responsibility, or resulting from activities performed on UIW time or from using UIW facilities is subject to ownership by UIW. (See Subsection 4.2 and Subsection 2.2.)
- 5.21 Before intellectual property covered by Subsection 4.2 is disclosed either to the public or for commercial purposes, and before publishing same, the creator shall submit a reasonably complete and detailed disclosure of such intellectual property to the President of UIW for determination of UIW's interest. In those instances, however, where delay would jeopardize obtaining the appropriate protection for the property, the creator may request the approval of the President and University Counsel, to file a patent application or take other steps to obtain available protection prior to the administrative review provided in the following two subdivisions (See Subsection 5.22 and Subsection 5.23). If the request is granted, the creator may proceed with the filing of a patent application or other available protective measures pending the determination of UIW's interest; provided, however, that the creator shall be reimbursed for reasonable expenses in filing the patent application or taking other steps to obtain protection if the decision of UIW is to assert and exploit its interests. Either the Chairman of the Intellectual Property Advisory Committee or the President shall notify University Counsel of any such application.
- 5.22 If the President recommends that UIW not assert and exploit its interest, and that recommendation is approved by University Counsel, the creator shall be notified within ninety (90) days of the date of submission that he or she is free to obtain and exploit a patent or other intellectual property protection in his or her own right and UIW shall not have any further rights, obligations or duties with respect thereto except that, in some instances UIW may elect to impose certain limitations or obligations or retain income rights, dependent upon the degree of UIW support involved in the creation of such property.

- 5.23 With respect to intellectual property in which UIW asserts an interest, University Counsel in consultation with the President (or his/her designee) shall decide how, when, and where the intellectual property is to be protected. If UIW decides to patent or seek other available protection for such intellectual property, it may proceed either through its own efforts or those of an appropriate private firm or attorney to obtain protection and manage the intellectual property. It shall be mandatory for all employees, academic and nonacademic, to assign the rights to intellectual property and patents to UIW when such creations fall within Subsection 5.2. In those instances where UIW licenses rights in intellectual property to third parties, the costs of licensing and obtaining a patent or other protection for the property on behalf of UIW shall first be recaptured from any royalties received by UIW, and the remainder of such royalty income (including license fees, prepaid royalties and minimum royalties) shall be divided as follows:

50% to Creator

50% to UIW

With the prior approval of the Board of Trustees the allocation of royalties set forth herein may be adjusted, but in no event shall the creator receive more than 50% or less than 25% of such proceeds. The division of royalties from patents or other intellectual property managed by an intellectual property management concern will be controlled by the terms of UIW's agreement with such concern, as approved by the Board of Trustees. Any other deviation from this rule requires the prior approval of the Board of Trustees.

- 5.3 Intellectual property resulting from research supported by a grant or contract with the Federal Government, or an agency thereof, with a nonprofit or for profit nongovernmental entity, or by a private gift or grant to UIW shall be subject to ownership by UIW (See Subsection 4.3).
- 5.31 Administrative approval of application requests to, and acceptance of grants or contracts with, the Federal Government or any agency thereof, with a nonprofit or for profit nongovernmental entity, or a private donor that contain provisions that are inconsistent with this policy, or other policies and guidelines adopted by the Board of Trustees from time to time imply a decision that the value to UIW of receiving the grant or performing the contract outweighs the impact of any nonconforming provisions of the grant or contract on the intellectual property policies and guidelines of UIW.
- 5.32 The intellectual property policies and guidelines of UIW are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in Federal grants and contracts, or grants and contracts with nonprofit and for profit nongovernmental entities or private donors, to the extent of any conflict.
- 5.33 In those instances where it is possible to negotiate UIW-wide intellectual property agreements with the Federal agencies or nonprofit and for profit nongovernmental entities or private donors and thereby obtain more favorable treatment for the creator and UIW, every effort will be made to do so with the cooperation and concurrence of University Counsel after consultation with the President.
- 5.34 Employees of UIW whose intellectual property creations result from a grant or contract with the Federal Government, or any agency thereof, with a nonprofit or for profit nongovernmental entity, or by private gift to UIW shall make such assignment of such

creations as is necessary in each case in order that UIW may discharge its obligation, expressed or implied, under the particular agreement.

- 5.35 In the event that two or more persons are entitled to share royalty income pursuant to Subdivision 5.23 (or equity pursuant to Section 6) and such persons cannot agree on an appropriate sharing arrangement as evidenced by a clear and unequivocal written agreement transmitted to University Counsel, that portion of the royalty income to which the creators are entitled under this Policy will be distributed to such persons in such portions as the Vice President of Business & Finance may deem appropriate under the circumstances and such decision shall be binding on the creators.
- 5.36 A decision by UIW to seek patent or other available protection for intellectual property covered by Subsection 5.2 shall not obligate UIW to pursue such protection in all national jurisdictions. UIW's decision relating to the geographical scope and duration of such protection shall be final.

### **Subsection 6 - Equity Interests**

- 6.1 In agreements with business entities relating to rights in intellectual property owned by UIW, UIW may receive equity interests as partial or total compensation for the rights conveyed.
- 6.2 With the approval of the Board of Trustees, employees of UIW who conceive, create, discover, invent, or develop intellectual property may hold an equity interest in a business entity that has an agreement with UIW relating to the research, development, licensing or exploitation of that intellectual property.
- 6.3 UIW may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between UIW and a business entity relating to intellectual property conceived, created, discovered, invented, or developed by the employee and owned by UIW.
- 6.4 Dividend income and income from the sale or disposition of equity interests held by UIW pursuant to agreements relating to intellectual property shall belong to UIW and shall be distributed in accordance with the provisions of Section 10.
- 6.5 Dividend income and income from the sale or disposition of an equity interest held by a UIW employee pursuant to an agreement between UIW and a business entity relating to rights in intellectual property conceived, created, discovered, invented or developed by such employee shall belong to the employee.

### **Subsection 7 - Business Participation**

- 7.1 Any UIW employee who conceives, creates, discovers, invents or develops intellectual property shall not serve as a member of the Board of directors or other governing Board, or as an officer or an employee (other than as a consultant) of a business entity that has an agreement with UIW relating to the research, development, licensing, or exploitation of that intellectual property without prior review by University Counsel and approval by the President and the Board of Trustees.
- 7.2 When requested and authorized by the Board of Trustees, an employee may serve on behalf of the Board of Trustees as a member of the Board of directors or other

governing Board of a business entity that has an agreement with UIW relating to the research, development, licensing or exploitation of intellectual property.

### **Subsection 8 - Reporting**

Any employee covered by Subsections 6.2, 7.1, or 7.2 shall report in writing to the President or to such other person as may be designated by the President, the name of any business entity in which the person has an interest or for which the person serves as a director, officer or employee and shall be responsible for submitting a revised written report upon any change in the interest or position held by such person in such business entity. These reports shall be forwarded to the Vice President of Business & Finance and University Counsel by October 1 of each year for filing with the Board of Trustees.

### **Subsection 9 - Approval of and Execution of Legal Documents Relating to Rights**

- 9.1 Agreements that grant an interest in UIW intellectual property may be executed and delivered in accordance with the provisions of this policy following any required review by University Counsel.
- 9.2 Any document altering substantially the basic intellectual property policy of UIW as set out in the preceding Sections and other policies and guidelines that may be adopted by the Board of Trustees shall have the advance approval of the President and the Board of Trustees as an agenda item. Such an alteration in a sponsored research agreement shall not be considered substantial and the agreement may be executed and delivered as set forth in Subsection 9.1 if, in the judgment of the President the benefits from the level of funding for the proposed research and/or other consideration from the sponsor outweigh any potential disadvantage that may result from the policy deviation.
- 9.3 The President may execute, on behalf of UIW, legal documents relating to UIW's rights in intellectual property, including, but not limited to, declarations, affidavits, powers of attorney, disclaimers, and other such documents relating to patent applications and patents; applications, declarations, affidavits, affidavits of use, powers of attorney, and other such documents relating to trademarks; and other documents approved pursuant to Subsections 9.1 or 9.2. The President or designee may execute, on behalf of UIW, institutional applications for registration or recordation of transfers of ownership and other such documents relating to copyrights.

### **Subsection 10 - Income from Intellectual Property**

- 10.1 The portion of the net income UIW retains from royalties and any other intellectual property-related income shall be used for purposes approved by the Board of Trustees in accordance with standard budgetary policies. With the approval of the Board of Trustees such income may be accumulated in an endowment fund with the income to be distributed as may be approved by the Board of Trustees.
- 10.2 With the prior written approval of the President future royalties payable to a faculty member pursuant to Subdivision 5.23 may be assigned to UIW by the faculty member and designated for use in research to be conducted by such faculty member.

### **Subsection 11 - Implementation of Intellectual Property Policy**

University Counsel shall prepare and distribute such model agreements and recommended procedures as may be considered appropriate for the implementation of the provisions of this policy as well as other policies and guidelines adopted by the Board of Trustees.

### **Subsection 12 - Construction of Documents**

Unless otherwise required by law or UIW's Rules and Regulations, each intellectual property agreement approved hereunder shall be construed in accordance with the Intellectual Property Policy in existence as of its approval date.

## **Section 14.2 – UIW Intellectual Property Policy *in Plain English***

This Policy Statement answers fundamental questions about intellectual property, such as What is it? To whom does this Policy apply? Who owns intellectual property created by UIW employees and under what circumstances must the owner share royalties? It will also answer other questions like How does UIW identify and evaluate intellectual property? May UIW employees own equity interests in companies that commercialize intellectual property? Who is responsible for obtaining patent protection? Who must approve license agreements? If you have a question about intellectual property that is not answered here, you may refer to the Official Policy or contact the Office of the University Counsel.

### **What is intellectual property subject to this Policy**

This Policy covers all types of intellectual property. The following examples are not exhaustive: the Policy applies to other types not listed here, regardless of whether they may be protected by patent, copyright, trademark, trade secret or other law.

- Inventions
- Discoveries
- Trade secrets
- Trade and service marks
- Writings
- Art works
- Musical compositions and performances
- Software
- Literary works
- Architecture

### **To whom does this Policy apply**

- All UIW employees
- Anyone using UIW facilities under the supervision of UIW personnel
- Undergraduate and graduate students
- Postdoctoral fellows

## Ownership: The Starting Point

This is the starting point for understanding this Policy: UIW owns the intellectual property created by its employees under the conditions stated below.

### When does UIW own employee-created intellectual property

Any one of these circumstances will result in UIW ownership:

1. If intellectual property is created by an employee within the scope of employment; or
2. If intellectual property is created on UIW time, with the use of UIW facilities or state financial support; or
3. If intellectual property is commissioned by UIW
  - Pursuant to a signed contract; or
  - If it fits within one of the nine categories of works considered works for hire under copyright law
4. If intellectual property results from research supported by Federal funds or third party sponsorship.

### When does an employee own intellectual property

1. If it is unrelated to the employee's job responsibilities *and* the employee made no more than incidental use of UIW resources; or
2. If it is an invention that has been released to the inventor in accordance with this Policy; or
3. If the intellectual property is embodied in a professional-, faculty-, researcher- or student-authored scholarly, educational, artistic, musical, literary or architectural work in the author's field of expertise (from here on, a "scholarly work"), even though such a work may be within the scope of employment and even if UIW resources were used –

***UNLESS*** it is a scholarly work (i) created by someone who was specifically hired or required to create it or (ii) commissioned by UIW or a component institution of UIW, in either of which cases, UIW, not the creator, will own the intellectual property.

### Who are professionals and researchers

The use of the terms "professionals" and "researchers," together with faculty members and students, is intended to encompass all those individuals who routinely create scholarly works.

For example, if a library administrator writes a book about Texas History, his/her field of expertise, UIW will not assert ownership of the book.

In the case of educational materials that involve significant institutional resource contributions, UIW retains rights, for example, to use the work and to recover its investment. And in some cases, (see below) UIW may be a joint author and owner of such works.

## **What is considered to be within the scope of my employment**

Works related to an employee's job responsibilities, even if he or she is not specifically requested to create them, will belong to UIW as works-for-hire. A copyright work is related to your job responsibilities if it is the kind of work you are employed to do and you do it, at least in part, for your use at work, or for use by fellow employees, your employer or your employer's clients. The work should be performed substantially at work using work facilities, but your use of personal time or other facilities to create the work will not change its basic nature if it is related to your job as described above. Works that have nothing to do with job duties will remain the property of the employee, so long as he or she makes no more than incidental use of UIW facilities.

For example, if your job is "Safety Engineer", a software program that you create on your own initiative to run on each employee's computer to show a graphic of their nearest fire exits is related to your job duties and will belong to UIW, even if no one asked you to create it and you did some of the programming at home on your own computer. A program that you create that does not relate to your job, that neither you nor others use at work, and that you created on your own time would belong to you.

## **How do I know if I have been "specifically hired or required to create" a work**

In some cases this will be clear from your job description. For example, faculty members are required by their institutions to create certain materials for use by their departments. In other cases a faculty member may be hired to create specific materials, such as online course materials for a specific class or department. In such a case, UIW will own the copyright in the materials and any other resulting intellectual property.

There are several ways to clarify circumstances that are confusing or are exceptions to the more general rules.

1. Professionals, faculty members, researchers or students employed to create specific intellectual property, or hired to create intellectual property generally, should review and sign a single-page acknowledgement to clarify ownership of the works they create. The acknowledgment also applies to other employees who are hired to create intellectual property (i.e. adjunct faculty) and to whom the royalty sharing provisions may not apply as discussed below. UIW has agreed to pay a royalty to full-time faculty for development of online courses and the Work for Hire Acknowledgement will be used to acknowledge the ownership and royalty agreement.
2. In general, it's always better to ask questions about the ownership of intellectual property before its creation to avoid misunderstandings.

## **May a work be jointly owned by an employee and UIW**

This is very likely to be the case for works protected by copyright such as multimedia courseware products and distance learning materials. Anyone who contributes the kind of expression protected by the law is a joint author if the contribution is intended to be part of an integrated whole. UIW's employees who work as programmers, graphic artists, video technicians, script writers, etc., create just this kind of expression. When added to a faculty member's contribution, the result is a jointly-authored work, owned by UIW and the faculty member. There can be other author-owners as well. The article, [\*Who Owns What?\*](#) explains this more thoroughly.



## **When must the owner of intellectual property share royalties or other benefits from commercialization**

In the vast majority of cases, the owner, whether UIW or an employee, will retain all royalties or other benefits from any commercialization of intellectual property. These are the exceptions:

- An employee owner must share benefits with UIW
- From commercializing a UIW invention released to him or her; or
- If the work embodying the intellectual property required significant resource contributions from UIW or a component to create or develop the intellectual property. In this case, the parties should execute an agreement regarding the sharing arrangement before starting the project that will result in creation of the intellectual property.
- UIW will share royalties from commercialization of intellectual property it owns if the work is an invention, discovery, trade secret, trade or service mark, or software, regardless of how protected
- **UNLESS** the employee creator was hired specifically or required to create the intellectual property or the work was commissioned by UIW or a component institution of UIW/IWHS/SACHS, in either of which cases the royalty-sharing provisions of this Policy shall not apply and the owner shall retain all benefits from commercialization.

## **What should I do if I think I have created intellectual property subject to the Policy**

As noted above, intellectual property includes works protected by copyright, patent, trade secret and other laws, but we do not handle all intellectual property in the same way. Scholarly works are handled differently from inventions, discoveries and ideas because our concerns about protecting them are different, as explained below.

**Inventions:** UIW will normally own all inventions created by employees within the scope of their employment and must be sure that it can legally protect the invention if it hopes to license it. Since publication of the idea embodied in the invention bars the filing of a patent application in every country in the world except the United States, and starts a one-year clock running on the right to file a patent application in the United States, publication is a very important event - one UIW would like to know about *before* it happens! Because of these concerns, the Policy requires that inventors disclose their inventions to the Intellectual Property Advisory Committee well before they submit any information about the invention for publication, make any public disclosure or even a private disclosure to a commercial entity.

The Intellectual Property Advisory Committee reviews disclosures to decide whether UIW should assert its interest in an invention or release the invention to the inventor. Sometimes this process may take some time, so that occasionally, the inventor may wish to file a patent application while the Committee's review is proceeding. If the institution authorizes such a patent application and the UIW decides later to assert its interest, the inventor will be reimbursed for patent expenses.

**Scholarly works:** Scholarly works are owned by their authors if the author is a professional, faculty member, a non-faculty researcher or a student. Their scholarly works do not have to be disclosed to or reviewed by the institution. Scholarly works are usually protected by copyright rather than patent. Copyright protects works of authorship from the moment of their fixation in a tangible medium of

expression, that is, instantly and automatically. As a result, the rigorous institutional review given to possibly patentable inventions is unnecessary to protect an interest in copyright works.

Our main concerns with scholarly works owned by professionals, faculty, non-faculty researchers and students are to allocate and recover resources that may be contributed to the creation of such works. If a project involves the use of significant UIW resources, the creator and UIW should agree before the project begins on use of facilities, allocation of rights to use the work, and recovery of expenses and/or sharing of benefits from commercialization of the work.

#### **Who secures patents or other legal protection**

If intellectual property belongs to UIW, UIW will secure patent or trademark protection. Individuals who own a copyright work or invention must secure protection themselves, at their own expense.

#### **Who may take an equity interest in or serve as an officer, director or employee of a company that commercializes UIW intellectual property**

Although UIW is free to take an equity interest in a licensee as partial or full consideration for the license of UIW intellectual property, it could be a conflict of interest for an employee of UIW or a component institution to also be an employee, officer, director or stockholder in a corporation or other business entity that licenses UIW intellectual property. Because of this possible conflict of interest UIW or component institution employees may hold equity interests in licensees or be employees, officers or directors only after approval by President of UIW.

#### **Approval and Execution of Documents**

Patent, technology and software license agreements and other agreements that convey an interest in UIW intellectual property are reviewed by the University Counsel and executed by the Vice President for Business & Finance.

#### **Work-for-hire Acknowledgment**

The UIW Intellectual Property Policy contains two provisions (Subsection 2.3 and Subdivision 5.23) that do not apply if the individual who created the property was required or hired specifically to create it, but there may be times when it is unclear to either the employee, the employer or both, whether an employee was required or hired to create intellectual property. The purpose of this acknowledgment is to help identify individuals who have been required or hired to create intellectual property, discuss the application of the Rules with them, and record that they understand.

There are two circumstances likely to cause confusion:

- Professional, faculty, researcher or student employees required or hired specifically to create the kinds of works they would normally own under Subsection 2.3 of the Intellectual Property Policy (scholarly, educational, artistic, musical, literary or architectural works).
- Any employee required or hired specifically to create the kinds of works for which royalty-sharing incentives are usually provided under Subdivision 5.23 of the Intellectual Property Policy (inventions, discoveries, trade secrets, trade and service marks, and software).

UIW may discuss and execute acknowledgments with these two types of employees and any other employees in similar circumstances where confusion may be likely.



# UNIVERSITY OF THE INCARNATE WORD

## EMPLOYEE HANDBOOK

### CHAPTER 15 – REASONABLE ACCOMMODATION

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy regarding requests from employees, students, or visitors for reasonable accommodation.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## **CHAPTER 15 – REASONABLE ACCOMMODATION**

### **Section 15.1 – General**

Title I of the Americans with Disabilities Act requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause an undue hardship. UIW is committed to guiding employees and affected departments through the accommodation process paying particular attention to the needs of all effected by the outcome.

### **Section 15.2 – Application**

UIW accommodates reasonable requests from qualified individuals unless the requested accommodation would pose an undue hardship, result in a fundamental alteration in the nature of the service, program or activity, or pose an undue financial or administrative burden. The term “reasonable accommodation” is used in its general sense in this policy to apply to employees, students, and visitors.

### **Section 15.3 – What Are Considered Reasonable Accommodations**

Reasonable accommodations may include, but are not limited to:

- Making existing facilities readily accessible and usable by individuals with disabilities;
- Job restructuring;
- Part-time or modified work schedules;
- Reassignment to a vacant position *if qualified*;
- Acquisition or modification of equipment or devices;
- Adjustment or modification of examinations, training materials or policies;
- Providing qualified readers or interpreters; and
- Modifying policies, practices and procedures.

### **Section 15.4 – Requesting an Accommodation**

With the exception of student academic matters, all requests for reasonable accommodation should be directed to the Office of Human Resources. Reasonable accommodation with respect to student academic matters should be referred to the Office of Student Disability Services. An employee seeking accommodation(s) may be requested to submit information establishing the existence or extent of a covered disability and/or the need for the accommodation(s).

### **Section 15.5 – Discriminatory Treatment**

An individual who wishes to file a complaint regarding discrimination due to a disability may file that complaint with the Chief Human Resources Officer in accordance with the discrimination grievance procedures found in Chapter 12.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 16 – COMMERCIAL DRIVER’S LICENSE (CDL) ALCOHOL AND CONTROLLED SUBSTANCES TESTING**

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### **PURPOSE**

The purpose of this document is to communicate UIW’s policy related to alcohol and controlled substances testing for employees required to hold a commercial driver’s license.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to “UIW” in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

#### **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## **CHAPTER 16 - COMMERCIAL DRIVER'S LICENSE (CDL) ALCOHOL AND CONTROLLED SUBSTANCES TESTING POLICY**

### **Section 16.1- Policy and Regulation Basis**

This policy is established to comply with the United States Department of Transportation (DOT) regulations which require UIW to conduct various alcohol and drug tests of its employees who are required to hold a commercial driver's license (CDL). These procedures are established to comply with The Omnibus Transportation Employee Testing Act of 1991 and corresponding regulations found in title 49, Code of Federal Regulations requiring that UIW conduct alcohol and controlled substance tests of certain transportation workers. The broad purpose of these regulations are to detect and deter conduct which may jeopardize the individual health, safety and well-being of UIW employees, students, and the public; and to enhance their overall safety by establishing an alcohol misuse and drug prevention program.

### **Section 16.2 – Application**

This policy applies to all UIW employees required to hold a CDL and who operate a commercial motor vehicle (CMV) as defined below:

- Has a gross combination weight rating of 26, 001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- Has a gross vehicle weight rating of 26, 001 or more pounds;
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act.

### **Section 16.3 – Prohibited Activity**

Covered employees are prohibited from:

- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while have an alcohol concentration of 0.02 or greater;
- Being on duty or operating a CMV while possessing alcohol;
- Using alcohol while on the job, including during breaks or meals;
- Performing safety-sensitive functions within four hours after using alcohol;
- Using alcohol within eight (8) hours following an accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first, where the individual is require to take a post-accident test under these procedures and Federal law;
- Refusing to submit to a post-accident alcohol or controlled substance test, a random alcohol or controlled substance test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substance test required under this Policy and Federal law. Adulteration or dilution of a specimen during the testing procedure will be considered refusal to submit to a test;
- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the covered individual uses any controlled substance, except when the use is pursuant to the instructions of a physician who had the advised the covered individual that the substance does not adversely affect the covered individual's ability to safely perform a safety-sensitive function; and
- Reporting for duty, remaining on duty or performing a safety-sensitive function if the covered individual tests positive for a controlled substance.



## Section 16.4 – Required Tests

Employees are required to submit to drug and/or alcohol testing, including but not limited to urinalysis, breath, and blood screens under the following circumstances. Before performing a test, the Office of Human Resources must notify the employee that the test is being performed pursuant to the D.O.T. regulations:

- **Pre-Employment.** An applicant for (or a current employee moving to) a position subject to the Federal Highway Administration (FHWA) testing requirements (i.e. jobs requiring a “CDL”) must undergo a drug test and receive a negative result.
- **Reasonable Suspicion.** Where management has reasonable suspicion to believe that an employee is under the influence of alcohol or a prohibited substance while on duty, an employee will be required to submit to testing. Management’s determination that reasonable suspicion exists must be based on specific observations concerning the appearance, behavior, speech, or body odors of the driver. The observations must be made during, just preceding, or just after the period of the workday that the driver is required to be in compliance.

When a supervisor has reasonable suspicion under this part, he/she must record in writing, the observations that led to these conclusions within a reasonable time of the observed behavior. The supervisor should attempt to secure second supervisors to witness the observed employee. The second supervisor should collaborate their observations in writing within a reasonable period of time. The supervisor must then accompany and escort the employee to the designated collection site.

If for some reason a supervisor is unable to obtain a reasonable suspicion test, he/she shall nonetheless not permit an employee to remain on duty if the driver is under the influence or impaired by alcohol or controlled substance as indicated by the behavioral, speech, and performance indicators of such misuse. In this case, the employee will be permitted to return to work when:

- An alcohol test shows a concentration of less than 0.02;
- Twenty-four hours have elapsed since the reasonable suspicion observations: or Substance abuse testing shows/demonstrates that the person is no longer under the influence of a controlled substance.
- **Post-Accident.** As soon as practicable following an accident involving a commercial motor vehicle, the driver of the vehicle must be tested for alcohol and controlled substances if:
  - There was a death involved;
  - The driver receives a citation for a moving traffic violation arising from the accident and the driver or other person required immediate medical treatment away from the scene of the accident; or
  - The driver received a citation for a moving traffic violation and one of the vehicles had to be towed from the scene of the accident.

An alcohol test should be administered within two (2) hours (and must be administered no later than eight (8) hours) following the accident. A controlled substance test must be administered within thirty-two (32) hours following the accident. If the tests are not administered within these time frames, a report must be prepared to explain why the test(s) were not promptly administered.

A driver who is subject to post-accident testing must remain readily available for the testing (unless injury prevents), or shall be deemed to have refused to submit to testing.

### **Section 16.5 – Random Selection**

As part of a random selection process, the random testing of drivers will be unannounced and spread reasonably throughout the year. Upon being ordered by a supervisor, the driver must proceed to the test site. The order will be made and the testing will be performed during the work hour of the employee. The minimum annual percentage rate for random alcohol testing is ten percent of the average number of commercial drivers. The minimum annual percentage rate for random controlled substance testing is fifty percent of the average number of commercial drivers. In the event the employee does not have access to transportation to the collection site, the supervisor will be responsible for arranging it. The covered employees will be randomly selected using a scientifically valid method such as social security numbers.

### **Section 16.6 – Return-To-Duty and Follow-Up Testing**

Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in prohibited behavior regarding alcohol or controlled substances, or have tested positive for controlled substances, the driver must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a return –to-duty for controlled substance test with a result indicating a verified negative result for controlled substance use. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver will be subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a substance abuse professional for up to sixty (60) months. The number and frequency of the tests will be determined by the professional, but will consist of at least six tests in the first twelve months following the driver’s return to duty and may continue for up to five years.

### **Section 16.7 – Positive Test**

The law requires that an employee will not be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee tests positive for alcohol. In addition, an employee will not be permitted to return to work until he/she:

- Has undergone a return to duty alcohol or controlled substance test (see “Return to duty and follow up testing” section above); and
- Has been evaluated by a substance abuse professional who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use.

If the driver is identified as needing assistance, and a rehabilitation program has been prescribed, the driver will be evaluated to determine that he/she has properly followed the treatment/program. The substance abuse professional will determine that the employee has successfully complied with any recommended course of treatment. UIW will provide information on contacting substance abuse professionals, counseling and treatment programs.

Management will follow UIW policies and procedures regarding sanctions for violation of this policy, including but not limited to the applicable policies and procedures.

## **Section 16.8 – Payment for Testing**

UIW will pay for all drug and alcohol testing with the exception of:

- Split specimen testing -If an employee tests positive to a controlled substance test, he/she may request that the split specimen be tested. The employee must pay for this test.
- Return to duty and follow-up testing. The employee must pay for all return-to-duty and follow-up testing that is required.

## **Section 16.9 – Access to Test Results**

Except as required by law or federal regulation, or where the employee authorizes release of information. UIW will not release specific information about alcohol and controlled substance testing to outside parties without written permission from the employee. An employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of alcohol or controlled substance, including any records pertaining to his/her alcohol or controlled substances tests.

## **Section 16.10 – Records Maintenance**

The university is required to maintain records of its alcohol misuse and controlled substance prevention program in a secure location with controlled access as follows:

- Five year record retention requirement: Records of any employee alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required alcohol or controlled substance tests; verified controlled substance test results; equipment calibration documentation; and documentation of employee evaluations and referrals;
- Two year record retention requirement: Records related to collections and training; and
- One year record retention requirement: Records of any negative test results.

## **Section 16.11 – Supervisor Training**

All supervisors of drivers performing safety-sensitive functions will receive at least sixty minutes of training on alcohol misuse and an additional sixty minutes of training on reasonable suspicion. This training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. It will also cover available methods of intervening when an alcohol or a controlled substances problem is suspected including confrontation, referral to appropriate agencies, and/or referral to Management.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 17 – COPYRIGHT**

**Effective Date:** June 1, 2015

**Contact:** Cheryl Anderson,  
Dean of Library Services

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to copyright requirements. It is the university's intent that all employees abide by the United States Copyright Law.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None.

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Dean of Library Services.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Dean of Library Services will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## CHAPTER 17 – COPYRIGHT

### Section 17.1 – General

It is the Board of Trustees' intent that all UIW employees abide by the United States Copyright Law (Title 17, U.S.C., Section 101, et seq.). To that end, employees of UIW, including staff, administrators and faculty, are:

- Forbidden to make copies of copyrighted works unless the action is authorized under law as (a) fair use, (b) a special exemption or (c) where written permission or licenses have been obtained from the owner of the copyrighted work. All other types of copying must be reviewed and approved by UIW's Copyright Officer;
- Cannot perform copyrighted works unless the performance has been licensed, purchased or written permission has been obtained from the owner of the copyrighted work or the performance is authorized under Title 17. U.S. Code, Section 110 (1) (4) or (8);
- Are forbidden to show a videotape in a public viewing unless the tape has been licensed or purchased with "non-theatrical-public-performance rights." Public viewing is defined as the playing of tapes to individuals in an environment that is not dedicated to instruction and in a situation that does not involve face-to-face instruction by a teacher to students in a course given for academic credit (Copyright Act, Section 119 (1)); and
- Are forbidden to use school equipment for the purpose of making illegal copies of copyrighted works. This policy covers photocopy machines, videotape recorders, photographic equipment, computers, scanners or any other type of copying equipment owned by Incarnate Word.

The Dean of Library Services has been appointed by the President as the Copyright Officer with responsibility for the implementation of this policy including educating employees through the distribution of a copyright manual and establishment of training programs. The Copyright Officer's other duties will include:

- Answering copyright law questions, signing licenses and maintaining agreements and written permission; and
- Ensuring that copyright warning notices are placed on all copying equipment;

The Copyright Officer shall enlist the aid of appropriate personnel in his or her endeavors to educate the community and maintain necessary records. Employees who willfully ignore this copyright policy as established by the Board of Trustees are subject to disciplinary action. The employee assumes all liability for his or her actions and must recognize that any violation of this policy is grounds for dismissal. When made aware of an employee's violations of this policy, the Copyright Officer will counsel the employee. If the employee continues to violate the policy, the President of UIW shall be notified. The President shall direct any necessary actions required to address the situation up to and including immediate dismissal of the employee.

## **COPYRIGHT LAW AND FAIR USE GUIDELINES**

### **WHAT EDUCATORS NEED TO KNOW**

Prepared by Cheryl A. Anderson, Ph.D.

Director, Instructional Technology

*(Revised, 7/01)*

In 1995, the University of the Incarnate Word passed an institutional copyright policy. Educating faculty about what they can and cannot copy for use in instruction is an important aspect of implementing such a policy. Since 1995, the use of new technologies has resulted in additional legislation affecting use of copyrighted materials on the Internet and in distance learning. The following information may help you in your teaching.

#### **Copyright Laws**

The Federal Copyright Act of 1976 synthesized prior statutes, common law and constitutional provisions that were established to protect the rights of authors and artists who have to print, copy, publish and sell their works. In 1976, the law was extended beyond the printed word to all mediums including: sound recordings, film, videotape, photographs, plays, choreographic work and pictorial, graphic and sculptural works. In 1980, literary work status was extended to computer software. Copyright protects "any original work that is fixed in some tangible medium of expression" (17, U.S.C. Section 102(a)). An author's rights cover his or her lifetime plus 50 years. The Sonny Bono Copyright Term Extension Act of 1998 extended this to 75 years beyond the death of the author or creator for works created after 1978.

Copyright law protects the author from the moment an item is created. There is no need for an author to register a work with the U.S. Copyright Office. A work does not have to be "published" anywhere to be protected by copyright law. In addition, published works that are out of print may still be protected from copying, depending upon who owns the copyright.

A copyright violator can be sued for loss of profits as well as statutory damages up to \$50,000 and payment of attorney fees. In 1982, the law was amended to include a maximum fine of \$250,000 and a jail term of up to 5 years for those who seek to make a financial profit from the violation.

The Clinton Administration made the recommendation that the Copyright Act be changed to cover materials that are electronically distributed over the Internet. This resulted in the Digital Millennium Act of 1998, which prohibited the use of products designed to "crack" codes that protect and secure copyrighted works. This act also protected online service providers from being held responsible for violations committed by users. Libraries were given rights to preserve and store information in digital format under certain circumstances. In addition, the Copyright Office was charged to investigate the issues related to copyright and distance education because as the law currently stands, the fair use guidelines only cover "face-to-face" instruction.

#### **Fair-Use Doctrine**

The Copyright Act of 1976 recognized that there may be times when the exclusive rights of a copyright owner should be limited, particularly when the material is being used for educational purposes by non-profit organizations. Therefore, Congress asked the register of Copyright to develop specific guidelines to cover such instances. These are known as the "Fair Use Guidelines". These guidelines were established in an agreement with representatives from the publishing industry (music, print, media) and a

Congressional Committee called the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revisions. Fair use of copyrighted material depends on the following:

- The character and purpose of the use (whether it is for commercial or not-for-profit);
- The nature of the work (the type of materials i.e. print, video, etc.);
- The amount of work copied in relation to the body of work as a whole, and
- The effect of the use of the copied material on the market (depriving someone of profits from the sale of material).

### **Print Materials**

- A single copy may be made of a chapter, an article, a short story, poem or essay, a chart, graph, diagram, drawing, cartoon or picture from one book, periodical or newspaper.
- Multiple copies (not exceeding one per student) may be made if the action meets three tests: (1) brevity and spontaneity, (2) cumulative effects and (3) each copy includes a notice of copyright (name of author, date, publication).
- Brevity: a poem or excerpt less than 250 words and no more than 2 pages; prose less than 2500 words or for excerpts from works of less than 1000 words - no more than 10% of the work.
- Spontaneity: meaning there is insufficient time to write for permission to use the work.
- Cumulative Effect: meaning that copying may only be done in one course, only one copy (2 excerpts) per author; no more than 3 copies from a collection of work and no more than 9 instances of multiple copying for one class during one term. Copies from print material may not be made in an effort to create, replace or substitute for collective works. Multiple copies may not be made of consumable items i.e. tests, workbooks. Copies should not be a substitution for purchasing. This action is not to be repeated from term to term.

### **Audio Materials**

- Copies of music may be made on a temporary basis if a replacement has been ordered. Excerpts of works may be made, but not to exceed more than 10% of the whole work (one copy per pupil).
- One audio recording of an evaluative or rehearsal performance by students may be done (the institution or the instructor may keep the recording). Also, a copy (1) of a copyrighted sound recording may be made from one owned by the University or the instructor for the purpose of preparing exercises and examinations. However, an audiotape may not be made from a record or a compact disc for permanent use.
- Audio material may not be copied in an effort to create, replace or substitute for collective works.
- An entire sheet of music may not be copied because it deprives the composer of royalties. A teacher may make copies of excerpts (not) to exceed 10% of the work for each student. The teacher may also make one copy of out-of-print works for his or her own scholarly research. Pieces may be simplified but not so distorted that the character of the piece is changed.



- Recording musical performances requires written permission from the professional musicians as well as the publisher/composer of the music. Most institutions seek licenses for all work that is performed in public.
- Recorded music at social occasions is not allowed nor is playing music through a public address system to multiple rooms without a license.

### **Video Materials**

- Off-air video recordings of commercial broadcast transmissions may be made by a non-profit institution and kept for 45 days after the date of the recording. Permission to use the tape must then be sought or the recording must be erased. A limited number of copies of the off-air recording may be duplicated for the use of other instructors under the 45-day retention period.
- No pay-for-view programs (HBO, Cinemax etc.) may be recorded and shown in class. Television news broadcasts may be recorded.
- Educational television programs (PBS) may be recorded and kept for seven days unless otherwise specified by the station. These off-air recordings must be at the request of and used by an individual instructor. A program may be recorded only one time for that instructor no matter how many times it is transmitted. The instructor may record a program at home; however, the use and 45-day guidelines still apply. The copyright notice must appear on the tape.
- Within the first 10 teaching days following the broadcast, the tape must be shown once and may be repeated once again for review.
- Video recording may not be edited or altered in any way. The recording may not be combined with other video material.
- Video material may not be copied in an effort to create, replace or substitute for collective works.
- Archival copies of copyrighted programs may not be made. In addition, commercial products should not be transferred from one format to another without the written permission of the publisher.
- Recording off satellite may only be done with written permission or if a license has been purchased. Because private satellite transmissions are protected under the Federal Communications Act, the Fair Use Guidelines do not apply.
- Use of a rental tape in the classroom is permissible if it is shown only by the teacher in a "face-to-face" class session in a place dedicated to instruction. The course must be for academic credit.
- Finally, videotapes may not be shown over closed circuit systems to multiple classrooms within the same building or at multiple sites.

### **Computer Software**

- Back-up copies of software are permitted for archival purposes if provided for in the licensing agreement. In general, the rule is one program on a single machine. Multiple copies of a program may be made and placed on a number of computers if licensed to do so. Each licensing agreement is different; therefore, it is necessary to read the agreement that comes with the

package. For example, some agreements allow the user to place the software on a laptop or on a computer at home and some do not.

### **Electronic Scanning**

- Electronic scanning of books, text, graphics and photographs may be done only for research purposes but not if the work is to be altered or manipulated in anyway. Otherwise permission must be sought from the creator. Students may scan items as a learning experience, but the file must be erased.

### **Dramatic Works**

- Licenses must be sought to perform dramatic works publicly. However, students may perform works in class. The performance must only be for the teacher and the other students enrolled in the course.

### **Student Projects**

- Students may use copyrighted materials in the creation of work for class assignments. The product must remain the property of the student and may not be kept by the teacher or institution. In addition, the product may not be shown outside of the class.

### **Filmstrips and Slide Sets**

- Written permission must be sought in order to copy filmstrips or slides. Recording an entire set of slides or a filmstrip onto another medium such as videotape without permission is prohibited.

### **Fair Use At A Glance**

<b>Media</b>	<b>Fair Use Guideline</b>
Chart, cartoon, photograph	1 per book
Poem	1 or 250 words
Article	1 or 2500 words
Book	1 chapter or 10,000 words
Speech	1 speech
Anthology, encyclopedia	1 story
Sheet music	10% of work
Audiotapes	10% of work

Commercial off-air broadcast	Show 2 times within 10 days. Keep 45 days
Educational off-air broadcast	7 days or as stipulated by station
Rental videotapes	In classroom for instruction only
Software	As stated on licensing agreement

### **Multimedia Guidelines**

In 1994, a Federal panel was convened to begin to establish guidelines for using copyrighted material as part of multimedia productions developed for instructional purposes by educators. Members of the publishing, music and software industries worked together with members from a variety of professional organizations to outline some guidelines of fair use for multimedia. These guidelines are not "law", but were approved in a report by the Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives, on September 27, 1996. The industry and educational organizations that established these guidelines defined multimedia as "stand-alone, interactive programs that use original and copyrighted works in various formats." The circumstances that apply to this use by faculty include:

- Instructing face-to-face,
- Assigning students to use the material as self-study,
- Real-time use over a secure network,
- Portfolio use,
- Displaying the product to peers, and
- 2-year limit on use.

Students may use copyrighted material in this fashion for course projects, portfolio purposes, to display to peers and as part of a performance.

### **Multimedia Use at A Glance**

<b>Multimedia</b>	<b>Fair Use</b>
Motion Picture	10% or 3 minutes
Text	10% or 1000 words
Poem	250 words, 3 poems per poet

Music	10% or less than 30 seconds
Photographs, illustrations	5 images per artist or 15 from a collection of works
Data sets	10% or 2500 fields

### **Obtaining Copyright Permission**

#### **Bookstore Support for Print Materials**

For Incarnate Word faculty who wish to use articles in their courses and still be legal under the copyright law, contact the UIW Bookstore Textbook Manager. The instructor must provide a copy of all of the articles to the manager prior to the search. The manager contacts Campus Custom Publishing, a service that will seek permission from the copyright holder for use of the articles. Once permission is obtained, Follett will copy and bind the articles. The fee for the service, the copyright permission and the copying is part of the price of the collection, which is sold through the Bookstore. Warning: faculty must work 3 - 4 months in advance to ensure that collections are available for students when the semester starts.

#### **Permission for Images and Music**

Faculty who wish to research the copyright ownership of a particular piece of work can have the U.S. Copyright Office do a search for \$65 per hour (<http://lcweb.loc.gov/copyright/>). Another source is the Copyright Clearance Center (<http://www.copyright.com>). Sources for permission to use cartoons include United Media (<http://www.unitedmedia.com>), Universal Press (<http://content.uelick.com/>) and the New Yorker (<http://cartoonbank.com>). Rights to use music can be sought from the American Society of Composers, Authors and Publishers (<http://www.ascap.com>) or Broadcast Music, Inc. (<http://bmi.com>). Film and video permission can be sought from the Motion Picture Licensing Corporation (<http://www.mplc.com>).

### **Web Resources**

What follows are some online resources where faculty and students can go to find out more about the copyright laws and fair use.

American Library Association website on copyright <http://www.ala.org/washoff/copyright.html>.

University of Texas Crash Course in Copyright  
<http://www.utsystem.edu/OGC/IntellectualProperty/cprtindx.htm>.

University of Georgia Regents Guide to Understanding Copyright and Educational Use  
<http://www.usg.edu/admin/legal/copyright/copy.html>.

### **Summary**

The Copyright law is there to protect the rights of the author. The need to protect one's intellectual property certainly is something that university faculty should be able to identify with and respect. However, the Fair Use Guidelines have been established to allow faculty to use copyrighted materials under the circumstances outlined in this document. If the work is to be used not in public and/or under circumstances in which one is getting paid, it is a good idea to seek permission for use. Payment to the copyright owner

may be required. However, even if permission is granted be sure to cite the original source and copyright information.

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# UNIVERSITY OF THE INCARNATE WORD

## EMPLOYEE HANDBOOK

### CHAPTER 18 – MISCELLANEOUS POLICIES

**Effective Date:** June 1, 2015  
**Contact:** Annette Thompson,  
Chief Human Resources Officer

#### PURPOSE

The purpose of this document is to communicate UIW's policies related to several unrelated topics that cannot be incorporated into the preceding chapters.

#### SCOPE

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### DEFINITIONS

None

#### LEGAL STATUS

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Chief Human Resources Officer.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Chief Human Resources Officer will assure its compliance, and report results to the General Counsel.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015  
**Revised:** June 1, 2018  
**Revised:**

## **CHAPTER 18 – MISCELLANEOUS POLICIES**

### **Section 18.1 – Smoking Policy**

See Chapter 20 for the Smoke and Tobacco Free Campus Policy or visit the [UIW Smoke and Tobacco Free web page](#).

### **Section 18.2 – Employee’s Children on Campus**

UIW celebrates the presence of children in the lives of our large campus family and is committed to ensuring the health, safety and wellbeing of children. UIW encourages safe, supervised campus visitations by children for the purposes of making decisions about their academic future, attending music classes, educational, cultural, or sporting events and camps.

#### **General**

UIW campus grounds and infrastructure are designed to provide an environment conducive to academic and occupational activities performed by students and employees. For reasons that include safety of children, and assuring professional efficient performance of academic pursuits, operations, and services, UIW cannot routinely accommodate employees’ children in campus workplaces and classrooms. The University acknowledges that employees’ children may be present in the workplace in some circumstances, and for a limited amount of time.

#### **Allowable Circumstances**

- Short, non-routine, occasional visitation by children when accompanied by the employee parent/guardian;
- Infrequent visitation due to a temporary circumstance or unforeseen emergency and only when the employee parent/guardian is present and able to attend to the care and welfare of the child; and
- For guardian/employee’s children attending summer camps, before you drop off or after you pick up, and only for a short period of time such as one hour.

#### **Non-allowable Circumstances**

- As an alternative to regular childcare, e.g., childcare during summers and holidays;
- When the child is too ill to be sent to regular childcare or school or camp;
- As a provision of regular and routine childcare after school has dismissed, regardless of duration; and
- When the presence of the child interferes with normal operations.

#### **Off Limits Areas**

Children are not permitted in any campus facility where obvious danger is present, including:

- Where there is any possible exposure to potentially harmful agents and substances, including, but not limited to chemicals, biological materials, or radiation sources;



- Where any shop activity is conducted including fabrication of instruments and laboratory apparatus, welding, machinery operation, or renovation activities.
- In any kitchen, warehouse, garage area, storehouse or grounds maintenance facility.

Supervisors are responsible and accountable for ensuring that the provisions of this policy are met. To that end, UIW expects the full cooperation of all faculty, staff and students in observing this policy, which applies to all children under the age of 18 who are not otherwise enrolled as students at UIW.

### **Section 18.3 – Performance Evaluation**

The purpose of this policy is to ensure that dialogue between supervisors and employees:

- Includes professional development, expectations, objectives, and appropriate recognition; and
- Promotes development through encouragement, motivation, recognition and appropriate rewards.

#### **Objectives**

The employee performance evaluation process will be administered in such a way as to accomplish the following objectives:

- To provide employees with full and accurate information concerning their performance;
- To identify performance elements that employees do well and those elements which require improvement;
- To establish plans to correct performance shortcomings; and
- To provide a basis for linking employee performance to merit increases in wage or salary.

#### **Scope**

This administrative directive applies to all Administrator/Staff employees of UIW.

#### **Procedures**

Each supervisor is responsible for conducting performance evaluations for each employee assigned to his or her work area in accordance with the following schedule:

- All regular, full-time Administrator/Staff employees will receive at least one formal evaluation during a calendar year;
- Evaluations will occur during the first quarter of the next calendar year; and
- For newly-hired employees, a special evaluation will occur at 3 months and at 6 months during the introductory period.

The Human Resources Office will maintain a system to initiate the process, assist supervisors in completing performance evaluations on a timely basis, and collect the completed forms for inclusion in the employee's personnel file. The timely processing of performance evaluations is the responsibility of the supervisor.

Approvals of all performance evaluations are required by the employee's immediate supervisor plus the next management level.

### **Evaluation Discussion**

Supervisors will hold discussions with their employees regarding their performance evaluations. These discussions should be held at pre-arranged times in private locations free from interruptions. Employees will be asked to review and sign their performance evaluation forms.

Key elements of the evaluation discussion are:

- Review of the performance evaluation – the supervisor will be prepared to discuss the evaluation on each of the rated factors and the summary. Both performance strengths and shortcomings will be covered.
- Review in detail any necessary steps that must be taken by the employee to improve their performance during the next evaluation period.
- Supervisors should make every effort to involve the employee in the discussion of the evaluation. Gaining agreement and commitment is the best way to ensure that improvement plans are understood and increases the likelihood that actual improvement will result.

### **Appeals**

In cases where an employee disagrees with an evaluation, the employee should discuss their concerns with their immediate supervisor in an attempt to reach a satisfactory resolution. If a satisfactory resolution is not reached, the employee may appeal the rating in writing to their respective Vice President. Process contained in Chapter 12. The decision of the Vice President is final. Performance evaluations are not covered by the Grievance

### **Section 18.4 - Web-Time Entry**

The purpose of this policy is to establish a consistent practice and procedure regarding the use of web-time entry at UIW as well as provide notice to all UIW Staff (non-exempt) employees and their supervisors regarding the use of web-time entry.

### **Responsibilities**

A. The Payroll Office and the Human Resources Office:

- The Payroll Office and the Office of Human Resources will be responsible for monitoring this policy and will provide interpretations as needed.

B. Divisions and Departments:

- Each divisional Vice President shall be responsible for ensuring compliance with this policy.

C. Each department shall be responsible for:

- Monitoring time actually worked for pay;
- Ensuring that all non-exempt employees comply with this policy; and

- Approving the time of non-exempt employees in web-time entry.

D. Non-exempt employees are responsible for:

- Clocking-in and out on a daily basis in web-time entry; and
- Reporting any mistakes on their time by adding a comment in the comment box.
- Non-exempt employees may not work any overtime hours unless those hours are pre-approved by their supervisor.

## Definitions

Work Week: A work period that is seven days in length and goes from midnight, Sunday to 11:59 p.m., Saturday. This is the standard for calculating overtime.

Pay Cycle: The time period that an employee is compensated in their paycheck. Staff employees have two pay cycles in a month. The first pay cycle is completed on the 15th and paid on the 22nd of the month. The second pay cycle is completed on the last day of the month and paid on the 7th of the next month.

Actual Hours Worked: Time that an employee actually works and is not on paid or unpaid leave. These are the only hours that count toward overtime.

Bona Fide Meal Periods: The employee must be completely relieved from duty for the purpose of eating regular meals. Bona fide meal periods are not worktime. If the employee is required to or even voluntarily performs duties while they are at lunch, for example, this would be considered time worked.

Breaks: Coffee breaks or time for snacks are not bona fide meal periods. These are fifteen (15) minute rest periods that, while not required by law, UIW/IWHS/SACHS allows employees to enjoy twice a day when work duties permit them to do so.

Web-Time Entry: Electronic time keeper to record and document employee hours.

## Procedures

A. Web-Time Entry:

- Staff employees must submit their hours through Web-Time Entry to be approved;
- Staff employee should indicate any type of paid or unpaid leave in Web-Time Entry, this would include: sick, vacation, worker's compensation, FMLA, holidays, etc.;
- Supervisors must approve the hours on the 16th and the 1st of each month;
- If there are any correction to the hours, the staff employee must add a comment; and
- Employees receiving a bona fide meal period such as lunch will be required to indicate the time they departed and when they returned.

#### B. Authorization for Overtime:

Employees are prohibited from working beyond their scheduled shift unless expressly authorized by their supervisor. Violation of this provision shall be considered failure to follow instructions and shall be subject to disciplinary action.

### **Disciplinary Action**

Failure to comply with the provisions of this policy shall result in disciplinary action up to and including termination of employment. Please be advised that employees may not clock in or out for other employees. Doing so will result in disciplinary action up to and including termination of employment.

Questions regarding this policy should be directed to the Payroll Office at extension 6090.

### **Section 18.5 – Student Employment**

Effective June 1, 2014 all students employed by the University shall be subject to the following rules:

- Students are eligible for a student employment position when they are enrolled as a student at the University of the Incarnate Word. Students must be authorized to work in the United States. Proof of authorization must be provided to the Office of Human Resources within 72 hours of hire.

#### **Types of Student Employment**

- Undergraduate student employees (Student Assistants and Work Study Students) may work up to a maximum of 20 hours per week in one department and are paid on an hourly basis. The maximum applies both during the semester and between semesters. From May 16 through August 15, student employees may work up to 40 hours per week.
- SGA and CAB student leaders may work up to 25 hours per week and may work for two departments. They are paid on an hourly basis.
- Resident Assistants (RA) work less than 25 hours per week on average and receive a stipend, room and board. RA's must report actual hours worked to the Director of Residence Life on a weekly basis.
- Graduate student employees may be classified as part-time or regular graduate student employees.
  - Part-time graduate student employees work less than 25 hours per week and may be paid via stipend or hourly assignment. Compensation may be in the form of tuition benefits and/or salary.
  - Regular graduate student employee's work 25 or more hours per week, receive compensation in the form of a stipend and tuition benefits. In addition, the University subsidizes the cost of the employee health insurance to ensure affordability.
- Undergraduate student employees paid on an hourly basis must utilize the Banner Web-Time Entry System.

## **International Student Employment**

- International students with an F1 or J1 Visa, may apply for student employment;
- International students in F-1 visa status are generally permitted to work part-time on the premises of the school that issued their currently valid I-20, while they are attending that school and maintaining their F-1 status. Employment is “incident to status” and does not require authorization. International students in J-1 status must be in good standing to be eligible for on-campus employment and need to be authorized in advance and in writing by the Director or Assistant Director of the International Student and Scholar Services; and
- In order to work at the University, international students must obtain a Social Security Number. It will be necessary to visit the Social Security office with a letter from the Director of International Student and Scholar Services, and apply for a Social Security card. Upon receipt of the card, present the card to the Office of Human Resources to obtain authorization to begin work.

Please refer to the Student Employment Handbook (Appendix 5) for additional details.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 19 – ANIMALS ON CAMPUS**

**Effective Date:** June 1, 2015

**Contact:** Sam McDaniel, Environmental  
Health Safety & Risk  
Management

#### **PURPOSE**

The purpose of this document is to communicate UIW's policy related to the bringing of animals on campus.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to "UIW" in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

This policy was developed in compliance with the By-Laws of the University of the Incarnate Word, including all Amendments thereto, which stipulates that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

#### **DEFINITIONS**

None

#### **LEGAL STATUS**

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Director, Environmental Health Safety & Risk Management.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.
3. The Director, Environmental Health Safety & Risk Management will assure its compliance, and report results to the UIW Board of Trustees.
4. This policy will be reviewed at least every three years for possible updates.

**First Approved:** June 1, 2015

**Revised:**

**Revised:**

## **CHAPTER 19 – ANIMALS ON CAMPUS**

### **Section 19.1 – Purpose**

The purpose of this policy is to provide for the health and safety of UIW students, faculty, staff, and visitors and for the protection of UIW property. In order to meet the needs of pet owners while protecting UIW students, faculty, staff, and visitors who may use service animals, have fears, allergies, or which could cause a pet to interfere with that person's ability to work or study, the following rules will apply when an animal is brought onto university-controlled property.

### **Section 19.2 – Scope**

This policy applies to all university-controlled properties, including all athletic facilities.

### **Section 19.3 – Definitions**

**University-Controlled Property:** Property that is owned, leased, operated, and/or maintained by UIW.

**Service Animal:** Service animals as defined by the Americans with Disabilities Act of 1990, and all amendments thereto, including a guide or signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability. Police K-9s are considered a service animal as well as other animals that work for emergency personnel.

**Service Animals in Training:** Individuals qualified to train animals to aid and guide persons with disabilities are afforded the same rights to those individuals who require the assistance of a Service Animal. If you are training an animal to aid and guide persons with disabilities, you must contact Environmental Health Safety & Risk Management Office and comply with the requirements set forth in this policy. References in this policy to “Service Animals” includes “Service Animals in Training”.

**Comfort Animal:** Comfort Animal is an animal that provides emotional support which alleviates one or more identified symptoms or effects of a resident's documented disability. Some, but not all, animals that assist residents with disabilities are professionally trained. Other Assistance Animals are trained by the owners. In some cases, no special training is required for a Comfort Animal. The important consideration for Housing is whether or not the Comfort Animal provides the benefit needed as a reasonable accommodation to the resident with the disability. Unlike a Service Animal, a Comfort Animal does not assist a resident with a disability with activities of daily living, nor does it accompany a person with a disability at all times. Comfort Animals may be considered for access to university housing, however, they are not permitted in other areas of the university (e.g. libraries, academic buildings, classrooms, labs, student center, etc.).

**Pet:** A pet is an animal kept for ordinary use and companionship. A pet is not considered a Service or Comfort Animal. Pets are not covered by this policy. Residents are not permitted to keep pets, other than fish, on university property or in university housing

**Research and Teaching Animals:** Approved animals used directly in support of UIW’s mission of teaching, research, and or clinical programs.

### **Section 19.4 – Health and Safety Concerns**

Pets in campus buildings can pose sanitary and health related problems to the campus community, including, but not limited to: fear, allergies associated with pet hair or urine, animal to human disease transmission (i.e., fleas, ticks, parasites, viruses, etc.), excessive noise, animal bites, and property damage.



Individuals with a disability that require the use of a service animal are at particular risk. For example, a dog running at large poses a hazard to an individual using a service dog, should there be a confrontation between the two animals.

### **Section 19.5 – Permitted Animals on University-Controlled Property**

**Buildings:** Domesticated pets (dogs, cats, birds, other pets etc.) are not permitted inside any university-controlled building except for those animals that are specifically exempted by this policy. Specifically, animals are prohibited from being in residence halls, offices, classrooms, hallways, and all other areas in any academic or administrative building.

**Campus Grounds:** Domesticated pets are permitted outside on campus grounds when leashed, caged to otherwise secured, and properly attended at all times. The University reserves the right to require the individual with a leashed or otherwise secured domesticated pet to present documentation from a veterinarian that the pet is in good health, has appropriate immunizations, and is in compliance with all applicable state and local health laws, especially in the case of a medical emergency such as an animal bite. The individual may be asked to present updated documentation annually.

**Residence Halls:** Students residing in residence halls are not permitted to have pets inside the residence hall.

**Special Events:** Pets are not allowed (leashed or unleashed) at any special events or University functions with the exception of any specific event that has been approved for pets in advance by the Office of Safety and Risk Management.

#### **Responsibility, removal & behavior of permitted animal**

- Pets must not disrupt others (i.e. noise, odor, squawking, excessive barking, etc.).
- Pet owners are responsible for cleaning up any mess made by their pet. Anyone who brings a pet on university-controlled property assumes all financial responsibility for any damages to property or injury to individuals caused by the animal.
- A pet may be removed from University property for violation of this policy at the discretion of the Office of Safety and Risk Management. The Office of Safety and Risk Management has final say in the revocation of the permitted animals on campus privileges.
- Pets may not be tethered to University buildings, structures, motor vehicles, trees, railings, light poles, benches, posts, or other structures.

### **Section 19.6 – Prohibited Animals**

**Undomesticated and/or “other” animals:** Animals such as poisonous reptiles, constricting snakes and other potentially dangerous or aggressive animals are prohibited from all University-controlled property (inside and outside) at all times, except research and teaching animals.

**Certain breeds of dogs:** The following breeds of dogs on this non-exhaustive list are prohibited from all University-owned property:

- Pit Bulls
- Rottweiler’s

- Any hybrids that are mixed with the breeds mentioned above
- Dogs with a history of aggressive behavior

Feeding and reporting of stray animals: It is the desire of the University for stray animals to be treated humanely. Due to the increase in rabies cases in the San Antonio area and in compliance with municipal and state laws regarding licensing and the care and control of animals, feeding of stray animals is not permitted. This allows for greater control of the animal population, including skunks, bats, raccoons, urban coyotes, or stray dogs and cats, and will better provide for the health and safety of the UIW community, especially those on the campus late in the evening when nocturnal animals wander. Stray animals should be reported to the Office of Facilities Management at 210.829.6023 or the Office of Safety and Risk Management at 210.829.6035 for removal of the animal to a no kill shelter or to wildlife rescue groups.

### **Section 19.7 – Failure to Comply**

Prohibited animals: Prohibited animals on University-controlled property must be removed immediately. If a prohibited animal is observed on university-controlled property, the owner may face disciplinary measures by appropriate authorities or departments which include Campus Police, Human Resources, and Student Success.

Unattended or unrestrained animals: If an unrestrained/unattended animal is observed, a reasonable attempt will be made to locate the animal's owner. If the owner is located, he/she may face disciplinary measures by appropriate office which includes Campus Police, Human Resources, and Student Success. If attempts to find the animal's owner are unsuccessful, the City of San Antonio Animal Control will be contacted for removal of the animal from university-controlled property.

Property damage or personal injury: The University will seek restitution for any animal-related damage to University-controlled property, facilities, or grounds, or injury to any person. The repair or replacement cost of damaged property or expenses in connection with a personal injury is the sole responsibility of the owner of the animal that caused the damage.

### **Section 19.8 – Exempted Pets and Other Animals**

The animals listed below are permitted inside University-controlled property:

- Service animals and Service Animals in Training (see below for more detail);
- Research and teaching animals;
- Domestic pets owned by the executive administration who maintain a permanent residence on campus;
- Employees residing in university housing as set out in Pet Policy for Employees Living in University Housing.
- Persons residing in university housing in possession of an animal in compliance with city, state, and federal housing laws.

Although these animals are permitted within the buildings, the animal must remain under the control of the owner at all times. The care or supervision of an exempted animal is solely the responsibility of the owner. UIW reserves the right to exclude an exempted animal whose behavior poses a threat to the health or safety of others.

## **Section 19.9 - Service Animals**

Service animals and service animals in training are permitted on University-controlled property and in University buildings while they are performing tasks for the individual they accompany. Any animal being used as a service animal or service animals in training inside any University-controlled building should wear a harness or other identifying device to identify it as a service animal.

Employees may contact the Office of Human Resources and students may contact the Office of Student Disability Services for inquiries about the use of service animals on campus. Visitors wishing to utilize a service animal or discuss usage of service animals on the campus are directed to contact the Office of Safety and Risk Management. The Office of Safety and Risk Management will investigate any complaint that a service animal is disruptive or threatening. If it is determined that the animal is disruptive or threatening and acting outside the appropriate scope of its duties as a service animal, the individual will be instructed to remove the animal until the individual produces appropriate documentation indicating that sufficient training has taken place to bring the animal under control.

UIW reserves the right to require the individual to present documentation from the individual's health care provider as well as from a veterinarian that the service animal is in good health and has current and up-to-date immunization records and is in compliance with all applicable state and local health laws. The individual may be asked to present updated documentation annually. The University reserves the right to request documentation that the animal has been trained to act as a service animal.

The individual with the service animal takes full responsibility for the needs and behavior of the animal. Animal waste must be picked up and disposed of properly.

## **Section 19.10 – Reporting**

To report a violation of this policy or for general questions, please contact the Environmental Health Safety & Risk Management Office at 210.829.6035. To report a problem with an animal on campus, such as an unattended animal, contact the Office of Facilities Management at 210.829.6023 or the Environmental Health Safety & Risk Management Office at 210.829.6035. To report an injury or property damage in connection with an animal on campus, contact Campus Police at 210.829.6030.



## **EMPLOYEE HANDBOOK**

### **CHAPTER 20 - SMOKE AND TOBACCO FREE POLICY**

**Effective Date:** August 1, 2018

**Contact:** Sam McDaniel, Director of EHSRM

#### **PURPOSE**

University of the Incarnate Word smoke and tobacco free policy purpose is (1) to protect the public health and welfare by prohibiting smoking and the use of tobacco products, including electronic cigarettes, on all University of the Incarnate Word campuses and (2) to encourage a healthier, more productive living/learning environment for all members of our campus community.

#### **SCOPE**

Unless otherwise noted in this policy and within a specific policy, all references to “UIW” in the policies and in this document are applicable to and inclusive of Incarnate Word High School (IWHS) and St. Anthony Catholic High School (SACHS).

#### **DEFINITIONS**

- A. “Campus” means all domestic (United States) UIW facilities, property, and vehicles, owned or leased, regardless of location and the Skybridge pedestrian bridge over US 281.
- B. “Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- C. “Hookah” means a water pipe and any associated products and devices that are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.
- D. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

E. “Tobacco Product” means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

## **POLICY**

Smoking and the use of tobacco products shall not be permitted on UIW campuses in any enclosed place, including, but not limited to, all offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues and private residential space housing. Smoking and the use of tobacco products shall also be prohibited outdoors on all campus property, including, but not limited to, parking lots, sidewalks, paths, fields, sports/recreational areas, and stadiums, as well as in all personal vehicles while on campus. This policy applies to all students, faculty, staff, and other persons on campus, regardless of the purpose for their visit.

## **COMPLIANCE**

1. UIW expects that all employees, students, volunteers, contractors, or other persons performing services on behalf of the university, visitors or others on the campus for any reason who use tobacco products to comply with this policy.
2. Students who violate this policy will be subject to the UIW student code of conduct disciplinary processes as defined in the Student Handbook.
3. Employees who violate this policy shall be subject to disciplinary procedures up to and including dismissal as outlined in the Employee Handbook, Chapters 7 and 11.
4. Visitors, volunteers, contractors or other service providers who violate this policy shall be asked to leave campus and/or may be prohibited from returning to campus.

## **OVERSIGHT RESPONSIBILITIES FOR THIS POLICY**

1. Oversight of this policy is assigned to the Vice-President for Business and Finance.
2. The policy will be published on UIW’s public web resources.
3. UIW Vice-Presidents will assure its compliance, and report results through the President's Advisory Council.
4. This policy will be reviewed at least every three years for possible updates.

**Note:** Policy is also viewable on the Environmental, Health, Safety, and Risk Management website at: <http://www.uiw.edu/safety/smoking-policy.html>.

## LEGAL STATUS

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

**First Approved:** June 1, 2018

**Revised:**

**Revised:**

## **APPENDIX 1 - HEALTH AND SAFETY PLAN**

### **Chapter 1 - Injury and Illness Prevention Program Written Plan**

Every employer should have a written Injury and Illness Prevention plan. This is our plan. Please read it carefully. While no plan can guarantee an accident free work place, following the safety procedures set forth in this manual will significantly reduce the risk of danger to you and your co-workers. Thank you for all our safety.

#### **Introduction to Our Program**

State and federal law, as well as, company policy, make the safety and health of our employees the first consideration in operating our institution. Safety and health in our institution must be a part of every operation, and every employee's responsibility at all levels. It is the intent of UIW/IWHS/SACHS to comply with all laws concerning the operation of the institution and the health and safety of our employees, students, and the public. To do this, we must constantly be aware of conditions in all work areas that can produce or lead to injuries. No employee is required to work at a job known to be unsafe or dangerous to his or her health. Your cooperation in detecting hazards, reporting dangerous conditions and controlling workplace hazards is a condition of employment. Inform your supervisor immediately of any situation beyond your ability or authority to correct. Employees will not be disciplined or suffer any retaliation for reporting a safety violation in good faith.

#### **Safety First Priority**

The personal safety and health of each employee is of primary importance. Prevention of occupationally-induced injuries and illnesses is of such consequence that it will be given precedence over operating productivity. To the greatest degree possible, management will provide all mechanical and physical protection required for personal safety and health, but our employees must bear primary responsibility for working safely. A little common sense and caution can prevent most accidents from occurring.

#### **Individual Cooperation Necessary**

UIW/IWHS/SACHS maintains a safety and health program conforming to the best practices of our field. To be successful, such a program must embody proper attitudes towards injury and illness prevention on the part of supervisors and employees. It requires the cooperation in all safety and health matters, not only of the employer and employee, but between the employee and all co-workers. Only through such a cooperative effort can a safety program in the best interest of all be established and preserved. Safety is no accident; think safety and the job will be safer.

#### **Safety Program Goals**

The objective of UIW/IWHS/SACHS is a safety and health program that will reduce the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing the best experience of similar operations by others. Our goal is zero accidents and injuries.

#### **Safety Policy Statement**

It is the policy of UIW/IWHS/SACHS that accident prevention shall be considered of primary importance in all phases of operation and administration. It is the intention of UIW/IWHS/SACHS's administration to provide safe and healthy working conditions and to establish and insist upon safe practices at all times by all employees. The prevention of accidents is an objective affecting all levels of our institution and its operations. It is, therefore, a basic requirement that each supervisor make the safety of all employees an

integral part of his or her regular management function. It is equally the duty of each employee to accept and follow established safety regulations and procedures. Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to do a job or task safely, it is his or her duty to ask a qualified person for assistance. Employees are expected to assist management in accident prevention activities. Unsafe conditions must be reported immediately. Fellow employees that need help should be assisted. Everyone is responsible for the housekeeping duties that pertain to their jobs. Every injury that occurs on the job, even a slight cut or strain, must be reported to your supervisor and/or Health Services as soon as possible. Under no circumstances, except emergency trips to the hospital, should an employee leave the work site without reporting an injury. When you have an accident, everyone is hurt. Please work safely. Safety is everyone's business.

### **Safety Rules for All Employees**

It is the policy of UIW/IWHS/SACHS that everything possible will be done to protect you from accidents, injuries and/or occupational disease while on the job. Safety is a cooperative undertaking requiring an ever-present safety consciousness on the part of every employee. If an employee is injured, positive action must be taken promptly to see that the employee receives adequate treatment. No one likes to see a fellow employee injured by an accident. Therefore, all operations must be planned to prevent accidents. To carry out this policy, the following rules will apply: 1. All employees shall follow the safe practices and rules contained in this manual and such other rules and practices communicated on the job. All employees shall report all unsafe conditions or practices to the proper authority, including the supervision on the project, and, if corrective action is not taken immediately, a governmental authority with proper jurisdiction over such practices. 2. The RSO shall be responsible for implementing these policies by insisting that employees observe and obey all rules and regulations necessary to maintain a safe work place and safe work habits and practices. 3. Good housekeeping must be practiced at all times in the work area. Clean up all waste and eliminate any dangers in the work area. 4. Suitable clothing and footwear must be worn at all times. Personal protection equipment (hardhats, respirators, eye protection) will be worn whenever needed. 5. All employees will participate in a safety meeting conducted by their supervisor once every ten working days. 6. Anyone under the influence of intoxicating liquor or drugs, including prescription drugs which might impair motor skills and judgment, shall not be allowed on the job. 7. Horseplay, scuffling, and other acts which tend to have an adverse influence on safety or well-being of other employees are prohibited. 8. Work shall be well planned and supervised to avoid injuries in the handling of heavy materials and while using equipment. 9. No one shall be permitted to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might expose the employee or others to injury. 10. There will be no consumption of liquor or beer on the job. 11. Employees should be alert to see that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the RSO. 12. Employees shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received specific instructions. 13. All injuries should be reported to the RSO so that arrangements can be made for medical or first aid treatment. 14. When lifting heavy objects, use the large muscles of the leg instead of the smaller muscles of the back. 15. Do not throw things, especially material and equipment. Dispose of all waste properly and carefully. Bend all exposed nails so they do not hurt anyone removing the waste. 16. Do not wear shoes with thin or torn soles.

### **Agreement to Participate**

Every employer is required to provide a safe and healthful workplace. UIW/IWHS/SACHS is committed to fulfilling this requirement. A safe and healthful workplace is one of the highest priorities of UIW/IWHS/SACHS. The information in this manual constitutes a written injury and illness prevention program. While UIW/IWHS/SACHS cannot anticipate every workplace hazard, the following general principals should guide your conduct. To be safe, you must never stop being safety conscious. Study the



guidelines contained in this manual. Discuss the workplace situation with your supervisor and/or the Human Resources Office. Attend all University sponsored training and safety meetings. Read all posters and warnings. Listen to instructions carefully. Follow the Code of Safe Work Place Practices contained herein. Participate in accident investigations as requested. Accept responsibility for the safety of others. Maintain all required documentation. By signing the acknowledgement at the beginning of these guidelines, each employee promises to read and implement this injury and illness prevention program. If you don't understand any policy, please ask your supervisor and/or the Human Resources Office.

### **Accident Free Workplace**

To help us all meet our goal of an accident free workplace, we have instituted a contest: we will offer a prize for each month in which there is not a single time-loss accident at work. The prize will be awarded at random. Each month, the prize will be announced in advance. All employees who worked more than 1 hour in the month are eligible. Failure to report an industrial injury will suspend the prize for two months.

### **Training**

Employee safety training is another requirement of an effective injury and illness prevention program. While UIW/IWHS/SACHS believes in skills training, we also want to emphasize safety training. All employees should start the safety training by reading this manual and discussing any problems or safety concerns with your direct supervisor.

### **Safety and Health Training**

Training is one of the most important elements of any injury and illness prevention program. Such training is designed to enable employees to learn their jobs properly, bring new ideas to the workplace, reinforce existing safety policies and put the injury and illness prevention program into action. Training is required for both supervision and employees alike. The content of each training session will vary, but each session will attempt to teach the following: a) the success of UIW/IWHS/SACHS's injury and illness prevention program depends on the actions of individual employees as well as a commitment by the Company. b) each employee's immediate supervisor will review the safe work procedures unique to that employee's job, and how these safe work procedures protect against risk and danger. c) each employee will learn when personal protective equipment is required or necessary, and how to use and maintain the equipment in good condition. d) each employee will learn what to do in case of emergencies occurring in the workplace. Supervisors are also vested with special duties concerning the safety of employees. The supervisors are key figures in the establishment and success of UIW/IWHS/SACHS's injury and illness prevention program. They have primary responsibility for actually implementing the injury and illness prevention program, especially as it relates directly to the workplace. Supervisors are responsible for being familiar with safety and health hazards to which employees are exposed, how to recognize them, the potential effects of these hazards, and rules and procedures for maintaining a safe workplace. Supervisors shall convey this information to the employees at the workplace, and shall investigate accidents according to the accident investigation policies contained in this manual.

### **Periodic Safety Training Meetings**

UIW/IWHS/SACHS has safety meetings periodically. The purpose of the meeting is to convey safety information and answer employee questions. The format of most meetings will be to review, in language understandable to every employee, the content of the injury prevention program, special work site hazards, serious concealed dangers, and material safety data sheets. From time-to-time, the RSO may review a portion of the University's safe work practices contained in this booklet, or other safety related information. Whenever a new practice or procedure is introduced into the workplace, it will be thoroughly

reviewed for safety. A sign-up sheet will be passed around each meeting. Employee attendance is mandatory and is compensable.

### **Employee Responsibility for Training**

Teaching safety is a two-way street. UIW/IWHS/SACHS can preach safety, but only employees can practice safety. Safety education requires employee participation. Periodically, a meeting of all employees will be conducted for the purpose of safety instruction. The employees will discuss the application of the University's injury and illness prevention program to actual job assignments. They may also read and discuss a section of the manual and review application of general safety rules to specific situations. Remember, the following general rules apply in all situations: a) no employee should undertake a job that appears to be unsafe. b) no employee is expected to undertake a job until he/she has received adequate safety instructions, and is authorized to perform the task. c) no employee should use chemicals without fully understanding their toxic properties and without the knowledge required to work with these chemicals safely. d) mechanical safeguards must be kept in place. e) employees must report any unsafe conditions to the job site supervisor and/or the Human Resources Office. f) any work-related injury or illness must be reported to management at once. g) personal protective equipment must be used when and where required. All such equipment must be properly maintained.

### **Communication**

Employers should communicate to employees their commitment to safety and to make sure that employees are familiar with the elements of the safety program. UIW/IWHS/SACHS communicates with its employees orally, in the form of directions and statements from your supervisor, written, in the form of directives and this manual, and by example. If you see a supervisor or management do something unsafe, please tell that person and/or the Human Resources Office. We sometimes forget actions speak louder than words.

### **Accident Prevention Policy Posting**

Each employee has a personal responsibility to prevent accidents. You have a responsibility to your family, to your fellow workers and to the University. You will be expected to observe safe practice rules and instructions relating to the efficient handling of your work. Your responsibilities include the following: \* Incorporate safety into every job procedure. No job is done efficiently unless it has been done safely. \* Know and obey safe practice rules. \* Know that disciplinary action may result from a violation of the safety rules. \* Report all injuries immediately, no matter how slight the injury may be. \* Caution fellow workers when they perform unsafe acts. \* Don't take chances. \* Ask questions when there is any doubt concerning safety. \* Don't tamper with anything you do not understand. \* Report all unsafe conditions or equipment to your supervisor immediately.

### **Accident Prevention Policy Posting**

A copy of this manual is in your Administrator/Staff Guidelines. It is the policy of UIW/IWHS/SACHS to provide a safe and clean workplace and to maintain sound operating practices. Concentrated efforts shall produce safe working conditions and result in efficient, productive operations. Safeguarding the health and welfare of our employees cannot be stressed too strongly. Accident prevention is the responsibility of all of us. Department heads and supervisors at all levels shall be responsible for continuous efforts directed toward the prevention of accidents. Employees are responsible for performing their jobs in a safe manner. The observance of safe and clean work practices, coupled with ongoing compliance of all established safety standards and codes, will reduce accidents and make our University a better place to work.

## **Hazard Identification & Abatement**

This written safety and health plan sets out a system for identifying workplace hazards and correcting them in a timely fashion. Please review it carefully with your supervisor. Remember, safety is everyone's responsibility.

## **Safety Audits**

The best method to establish a safer workplace is to study past accidents and worker compensation complaints. By focusing on past injuries, UIW/IWHS/SACHS hopes to avoid similar problems in the future. Therefore, whenever there is an accident, and in many cases upon review of past accidents, you may be requested to participate in a safety audit interview. During the interview, there will be questions about the nature of the investigation and the workplace safety related to the incident. Please answer these questions honestly and completely. Also, please volunteer any personal observations and/or suggestions for improved workplace safety. Based upon the study of past accidents and industry recommendations, a safety-training program has been implemented. In addition to other preventative practices, there will be a group discussion of the cause of the accident and methods to avoid the type of accidents and injury situations experienced in the past. Work rules will be reviewed and modified based upon the study of these accidents. In addition to historical information, workplace safety depends on workplace observation. Your supervisor is responsible for inspecting your working area daily before and while you are working, but this does not mean you are no longer responsible for inspecting the workplace also. Each day, before you begin work, inspect the area for any dangerous conditions. Inform your supervisor of anything significant, so other employees and guests are advised. You may also be given written communications regarding unsafe conditions or serious concealed dangers. Review this communication carefully and adjust your workplace behavior to avoid any danger or hazards. If you are unclear or unsure of the significance of this written communication, contact your supervisor and review your planned actions before starting to work. It is better to wait and check, then to go ahead and possibly cause an injury to yourself and others. Managers must provide written notice to employees of any serious concealed dangers of which they have actual knowledge. In addition to providing written notice of all serious concealed dangers to employees managers are required to report serious concealed dangers to either OSHA or an appropriate administrative agency within fifteen days, or immediately if such danger would cause imminent harm, unless the danger is abated. Merely identifying the problem is not sufficient. The danger must be reported to the appropriate supervisor and the Director of Human Resources, who then will correct the problem. If the danger cannot be corrected, then all employees will be warned to take protective action so that the danger will not result in any injuries.

## **Workplace Inspections**

In addition to the examination of records, work place safety inspections will occur periodically, when conditions change, or when a new process or procedure is implemented. During these inspections, there will be a review of the injury and illness prevention policy and UIW/IWHS/SACHS code of safe work practices.

## **Accident Investigation**

A primary tool used by UIW/IWHS/SACHS to identify the areas responsible for accidents is a thorough and properly completed accident investigation. The results of each investigation may be reduced to writing and submitted for review by management and UIW/IWHS/SACHS's insurance risk management advisors, and, if the accident resulted in serious injury, to the University's Legal Counsel. If the accident resulted in serious injury, the procedure will be directed by the University's Legal Counsel to provide the most reliable evidence or description legally permissible. All investigations pursuant to the directions of legal counsel will be protected by all applicable privileges, if any. The attorney will provide more detail

on this topic during the investigation. A written report should be prepared from notes and diagrams made at the scene, or a portable tape recorder will be used to record direct eyewitness statements as near to the actual time of observation as possible. All statements should include the time and date given, and the physical location where the statement was made. If the statement is intended to be used in court proceedings, a suitable jurist is required, otherwise, a simple statement that the description is sworn to be true under penalty of perjury with the date, place and time should be included. All pictures should be similarly identified. Let people know on tape that they are being recorded. Also, make sure that the names and addresses and day and evening phone numbers of all eye witnesses are noted or recorded. If a formal police report or other official investigation is conducted by any government agency, get the name and badge number of the official, or a business card, and find out when a copy of the official report will be available to the public. If you are requested to make a statement, you have the right to have the University's Legal Counsel attend your statement at no cost to you. A satisfactory accident report will answer the following questions: 1. What happened? The investigation report should begin by describing the accident, the injury sustained, the eyewitnesses, the date, time and location of the incident and the date and time of the report. Remember: who, what, when, where and how are the questions that the report must answer. 2. Why did the accident occur? The ultimate cause of the accident may not be known for several days after all the data are analyzed. However, if an obvious cause suggests itself, include your conclusions as a hypothesis at the time you give your information to the person in charge of the investigation. 3. What should be done? Once a report determines the cause of the accident, it should suggest a method for avoiding future accidents of a similar character. This is a decision by the appropriate Administrators. Once a solution has been adopted, it is everyone's responsibility to implement it. 4. What has been done? A follow up report will be issued after a reasonable amount of time to determine if the suggested solution was implemented, and if so, whether the likelihood of accident has been reduced.

## **Records**

UIW/IWHS/SACHS maintains records of employee training, hazard identification and abatement, and accident investigation.

### **OSHA Records Required**

Copies of required accident investigations and certification of employee safety training shall be maintained by the Human Resources Office. A written report will be maintained on each accident, injury or on-the-job illness requiring medical treatment. A record of each such injury or illness is recorded on OSHA Log and Summary of Occupational Injuries Form 200 according to its instructions. Supplemental records of each injury are maintained on OSHA Form 101, or Employers Report of Injury or Illness Form 5020. Every year, a summary of all reported injuries or illnesses is posted no later than February 1, for one month, until March 1, on OSHA Form 200. These records are maintained for five years from the date of preparation.

### **General Statement on Safety**

UIW/IWHS/SACHS strives to maintain a safe place to work and to employ safe workers. It is your responsibility to conduct your work in a safe, responsible manner. Immediately report all accidents occurring on the University premises to your supervisor.

### **General Statement on Safety**

Each employee has an individual responsibility to prevent accidents. It is to the benefit of all employees and UIW/IWHS/SACHS that you report any situation or condition you believe may present a safety hazard, including any known or concealed dangers in your work area. UIW/IWHS/SACHS encourages

you to report your concern either to your immediate supervisor or the Human Resources Office. The supervisor or Human Resources Office will take immediate action to investigate the matter.

### **Safety Equipment**

Proper safety equipment is necessary for your protection. The University provides the best protective equipment it can afford. Use all safeguards, safety appliances, or devices furnished for your protection and comply with all regulations that may concern or affect your safety. Wear your gear properly -- all snaps and straps fastened, cuffs not cut or rolled. Your supervisor will advise you as to what protective equipment is required for your job. Certain jobs require standard safety apparel and appliances for the protection of the employee. Your supervisor is aware of the requirements and will furnish you with the necessary approved protective appliances. These items shall be worn and effectively maintained as a condition of your continued employment and part of our mutual obligation to comply with the Occupational Safety and Health Act. Safety goggles, glasses and face shields shall correspond to the degree of hazard, i.e., chemical splashes, welding flashes, impact hazard, dust, etc. Do not alter or replace an approved appliance without permission from your supervisor. Rubber gloves and rubber aprons shall be worn when working with acids, caustics or other corrosive materials. Specified footwear must be worn. No jewelry shall be worn around power equipment. Hearing protection appliances (approved muffs or plugs) shall be worn by all employees working within any area identified as having excess noise levels. Your supervisor will instruct you in the proper use of the appliance.

### **Reporting**

All serious accidents must be reported to OSHA. In cases of hospitalization or death, a full investigation with copies to governmental authorities may be required. In less serious cases, the investigation report must be presented to the University for disclosure to its insurance carrier and for remedial action at the work site.

## **Chapter 2 - General Code of Safe Work Practices**

### **General Fire Safety**

Our local fire department is acquainted with our facility, its location and specific hazards. All fire doors and shutters must be maintained in good operating condition. Fire doors and shutters should be unobstructed and protected against obstructions, including their counterweights. Fire door and shutter fusible links must be in place. All automatic sprinkler water control valves, if any, air and water pressures should be checked routinely. The maintenance of automatic sprinkler systems is assigned to the Responsible Safety Officer. Sprinkler heads should be protected by metal guards if they could possibly be exposed to damage. Proper clearance must be maintained below sprinkler heads. Portable fire extinguishers are provided in adequate number and type and are located throughout the facility. Fire extinguishers are mounted in readily accessible locations. Fire extinguishers are recharged regularly and the date of last inspection noted on their tags. All employees are periodically instructed in the use of extinguishers and fire protection procedures. Notify the Responsible Safety Officer of any damage to fire protection equipment.

### **Hazardous Substances Communication**

When hazardous substances are used in the workplace, a hazard communication program dealing with Material Safety Data Sheets (MSDS), labeling and employee training will be in operation. MSDS materials will be readily available for each hazardous substance used. A training program plus regular question and answer sessions on dealing with hazardous materials will be given to keep employees informed. The program will include an explanation of what an MSDS is and how to use and obtain one;

MSDS contents for each hazardous substance or class of substances; explanation of the "Right to Know"; identification of where employees can see the employer's written hazard communication program and where hazardous substances are present in their work area; the health hazards of substances in the work area, how to detect their presence, and specific protective measures to be used; as well as informing them of hazards of non-routine tasks and unlabeled pipes.

## **Electrical**

The workplace will be aware of the OSHA Electrical Safety Orders and will comply with the same. Employees will be required to report any hazard to life or property that is observed in connection with a job, electrical equipment or lines. Employees will be expected to make preliminary inspections or appropriate tests to determine conditions before starting work. When equipment or lines are to be serviced, maintained or adjusted, employees must be aware of open switches. Lockouts must be tagged whenever possible. Equipment such as electrical tools or appliance must be grounded or of the double insulated type. Extension cords being used must have a grounding conductor. The workplace supervisor must be aware if multiple plug adaptors are prohibited. If ground-fault circuit interrupters are installed on each temporary 15 or 20 ampere, 120 volt AC circuit at locations where construction, demolition, modifications, alterations or excavations are being performed, temporary circuits must be protected by suitable disconnecting switches or plug connectors with permanent wiring at the junction. Electricians must be aware of the following: Exposed wiring and cords with frayed or deteriorated insulation must be repaired or replaced. Flexible cords and cables must be free of splices or taps. Clamps or other securing means must be provided on flexible cords or cables at plugs, receptacles, tools, equipment. The cord jacket must be held securely in place. All cord, cable and raceway connections must be intact and secure. In wet or damp locations, electrical tools and equipment must be appropriate for the use or location, or otherwise protected. The location of electrical power lines and cables (overhead, underground, under floor, other side of walls) must be determined before digging, drilling or similar work is begun. All metal measuring tapes, ropes, hand lines or similar devices with metallic thread woven into the fabric are prohibited for use where they could come in contact with energized parts of equipment or circuit conductors. The use of metal ladders is prohibited in areas where the ladder or the person using the ladder could come in contact with energized parts of equipment, fixtures or conductors. All disconnecting switches and circuit breakers must be labeled to indicate their use or equipment served. A means for disconnecting equipment must always be opened before fuses are replaced. All interior wiring systems must include provisions for grounding metal parts or electrical raceways, equipment and enclosures. All electrical raceways and enclosures must be fastened securely in place. All energized parts of electrical circuits and equipment must be guarded against accidental contact by approved cabinets or enclosures. Sufficient access and working space will be provided and maintained around all electrical equipment to permit ready and safe operations and maintenance. All unused openings (including conduit knockouts) in electrical enclosures and fittings must be closed with appropriate covers, plugs or plates. Electrical enclosures such as switches, receptacles, and junction boxes must be provided with tight-fitting covers or plates. Disconnecting switches for electrical motors in excess of two horsepower must be capable of opening the circuit when the motor is in a stalled condition without exploding. (Switches must be horsepower rated equal to or in excess of the motor hp rating.) Low voltage protection must be provided in the control device of motor driven machines or equipment which could cause injury from inadvertent starting. A motor disconnecting switch or circuit breaker must be located within sight of the motor control device. Motors: a) must be located within sight of their controller; b) must have their controller disconnecting means capable of being locked in the open position; c) or must have separate disconnecting means installed in the circuit within sight of the motor. A controller for a motor in excess of two horsepower must be rated equal to but not in excess of the motor it services. Employees who regularly work on or around energized electrical equipment or lines will be instructed in cardio-pulmonary resuscitation (CPR) methods. Employees will be trained on how to work on energized lines or equipment over 600 volts.

## **Noise**

An ongoing preventive health program will be utilized to educate employees in safe levels of noise, exposure, effects of noise on their health, and use of personal protection. Approved hearing protective equipment (noise attenuating devices) will be available to employees working in areas where continuous noise levels exceed 85 dB. To be effective, ear protectors must be properly fitted and employees will be instructed in their use and care.

## **Ventilation for Indoor Air Quality**

HVAC systems should provide at least the quantity of outdoor air. The HVAC systems should be inspected annually for any potential problems and there should be an approved inspection certificate available for review. Records should be retained for a minimum five-year period.

## **Work Environment**

Work sites must be clean and orderly. Work surfaces must be kept dry or appropriate means taken to assure the surfaces are slip-resistant. Spills must be cleaned up immediately. All combustible scrap, debris and waste must be stored safely and removed promptly. Combustible dust must be cleaned up with a vacuum system to prevent the dust from going into suspension. The accumulated combustible dust must be removed routinely. Metallic or conductive dust must be prevented from entering or accumulating on or around electrical enclosures or equipment. Waste containers must be covered. Oily and paint soaked rags are combustible and should be discarded in sealable metal containers only. Paint spray booths, dip tanks and paint areas must be cleaned regularly. All oil and gas fired devices should be equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working. Ask your supervisor where these controls are located. Make sure all pits and floor openings are either covered or otherwise guarded.

## **Walkways**

All aisles and passageways must be kept clear. Also, aisles and passageways should be clearly marked. Wet surfaces must be covered with non-slip material and all holes properly covered or marked with warning guards. All spills must be cleaned up immediately, and a caution sign placed on all wet or drying surfaces. In cases of passageways used by forklifts, trucks or other machinery, use a separate aisle for walking, if available. If no separately marked aisle is available, use extreme caution. Remember, walking in a passageway used by machinery is like walking in the middle of a street used by cars: You may have the right of way, but the heavier vehicle can't always see you and can't always stop in time. The key to moving around in such circumstances is to stop, look and listen and then to move when there is no danger. Make eye contact with the drivers of moving vehicles so that you know that they know you are there. Equipment must be properly stored so that sharp edges do not protrude into walkways. Changes in elevations must be clearly marked, as must passageways near dangerous operations like welding, machinery operation or painting. If there is a low ceiling, a warning sign must be posted. If the walkway or stairway is more than thirty inches above the floor or ground, it must have a guardrail. If an employee is aware of any breach of these standards, please inform the workplace supervisor.

## **Floor and Wall Openings**

Be careful when working near floor and wall openings. All floor openings (holes) should be guarded by a cover, guardrail or equivalent barrier on all sides except at the entrance to stairways and ladders. Toe boards must be installed around the edges of a permanent floor opening. Skylights must be able to withstand at least 200 pounds pressure. Glass used in windows, doors, and walls (including glass block) must be able to withstand a human impact, and if required by code, be shatterproof "safety glass." Before

beginning work at a new location, inspect it to insure that all floor openings which must remain open, such as floor drains, are covered with grates or similar covers. In roadways and driveways, covers with capacity to carry a truck rear axle load of at least 20,000 pounds must protect all manholes and trenches. In office buildings, fire resistive construction requires that the doors and hallway closures be properly rated and be equipped with self-closing features. Be sure that there are at least two fire emergency exits accessible from your location at all times.

## **Work Area**

Fire extinguishers must remain accessible at all times. Means of egress should be kept unblocked, well-lighted and unlocked during work hours. Excessive combustibles (paper) should not be stored in work areas. Aisles and hallways must kept clear at all times. Workplaces are to be kept free of debris, floor storage and electrical cords. Adequate aisle space is to be maintained. File cabinet drawers should be opened one at a time and closed when work is finished. Proper lifting techniques are to be used by employees to avoid over exertion and strain when carrying loads. No alcohol or any intoxicating substance may be consumed prior to or during work.

## **Tool Maintenance**

Faulty or improperly used hand tools are a safety hazard. All employees shall be responsible for ensuring that tools and equipment (both University and employee-owned) used by them or other employees at their workplace are in good condition. Hand tools such as chisels, punches, etc., which develop mushroom heads during use, must be reconditioned or replaced as necessary. Broken or fractured handles on hammers, axes and similar equipment must be replaced promptly. Worn or bent wrenches should be replaced regularly. Appropriate handles must be used on files and similar tools. Appropriate safety glasses, face shields, etc., must be worn while using hand tools or equipment which might produce flying materials or be subject to breakage. Eye and face protection must be worn when driving in tempered spuds or nails. Check your tools often for wear or defect. Jacks must be checked periodically to assure they are in good operating condition. Tool handles must be wedged tightly into the heads of tools. Tool cutting edges should be kept sharp enough so the tool will move smoothly without binding or skipping. When not in use, tools should be stored in a dry, secure location.

## **Ladders**

Check ladders each and every time before you climb. Ladders should be maintained in good condition: joints between steps and side rails should be tight; hardware and fittings securely attached; and movable parts operating freely without binding or undue play. Non-slip safety feet are provided on each ladder. Ladder rungs and steps should be free of grease and oil. Employees are prohibited from using ladders that are broken, missing steps, rungs, or cleats, or that have broken side rails or other faulty equipment. It is prohibited to place a ladder in front of doors opening toward the ladder except when the door is blocked open, locked or guarded. It is prohibited to place ladders on boxes, barrels, or other unstable bases to obtain additional height. Face the ladder when ascending or descending. Be careful when you climb a ladder. Do not use the top step of ordinary stepladders as a step. When portable rung ladders are used to gain access to elevated platforms, roofs, etc., the ladder must always extend at least 3 feet above the elevated surface. It is required that when portable rung or cleat type ladders are used, the base must be so placed that slipping will not occur, unless it is lashed or otherwise held in place. All portable metal ladders must be legibly marked with signs reading "CAUTION" - "Do Not Use Around Electrical Equipment." Employees are prohibited from using ladders as guys, braces, skids, gin poles, or for other than their intended purposes. Only adjust extension ladders while standing at a base (not while standing on the ladder or from a position above the ladder). Metal ladders should be inspected for tears and signs of corrosion. Rungs of ladders should be uniformly spaced at 12 inches, center to center.



## **Portable Power Tools**

Portable power tools pose a special danger to employees because they are deceptively small and light, yet they can do great bodily harm if used improperly or poorly maintained. These rules apply to all power tools, but are especially important when handling portable saws, drills and power screwdrivers. Check your equipment before you use it. All grinders, saws and similar equipment should be equipped with appropriate safety guards. Power tools should not be used without the correct shield, guard, or attachment, recommended by the manufacturer. Portable circular saws must be equipped with guards above and below the base shoe. Circular saw guards should be checked periodically and before each use to assure they are not wedged up, thus leaving the lower portion of the blade unguarded. All rotating or moving parts of equipment should be guarded to prevent physical contact. All cord-connected, electrically-operated tools and equipment should be effectively grounded or of the approved double insulated type. Effective guards must be in place over belts, pulleys, chains, sprockets, on equipment such as concrete mixers, air compressors, etc. If portable fans are provided, they must be equipped with full guards or screens having openings 1/2 inch or less. Do not attempt to lift heavy objects without proper equipment. Hoisting equipment will be made available for lifting heavy objects, with hoist ratings and characteristics appropriate for the task. Power tools are either battery operated or wired. If battery operated, don't underestimate their power. A small electric drill or power screwdriver can cause a severe injury if it lands in the wrong place. While not usually a shock hazard, the battery pack contains toxic chemicals and does emit a low voltage electric current. Don't drop or incinerate the battery pack, or a tool with a self-contained power source. Hard-wired equipment can be portable or fixed. Typically used with extension cords, the more powerful hard-wired equipment presents a double safety problem: the actual equipment plus its electrical power source. Ground-fault circuit interrupters must be provided on all temporary electrical 15 and 20 ampere circuits used during periods of construction. Pneumatic and hydraulic hoses on power-operated tools should be checked regularly for deterioration or damage.

## **Combustible Materials**

All combustible scrap, debris and waste materials (oily rags, etc.) must be stored in covered metal receptacles and removed from the work site promptly. Proper storage to minimize the risk of fire, including spontaneous combustion must be practiced. Only approved containers and tanks are to be used for the storage and handling of flammable and combustible liquids. All connections on drums and combustible liquid piping, vapor and liquid must be kept tight. All flammable liquids should be kept in closed containers when not in use (e.g., parts-cleaning tanks, pans, etc.). Bulk drums of flammable liquids must be grounded and bonded to containers during dispensing. Storage rooms for flammable and combustible liquids must have explosion-proof lights. Storage rooms for flammable and combustible liquids should have mechanical or gravity ventilation. Liquefied petroleum gas must be stored, handled, and used in accordance with safe practices and standards. No smoking signs must be posted on liquefied petroleum gas tanks. Liquefied petroleum storage tanks should be guarded to prevent damage from vehicles. All solvent wastes and flammable liquids should be kept in fire-resistant, covered containers until they are removed from the work site. Vacuuming should be used whenever possible rather than blowing or sweeping combustible dust. Fire separators should be placed between containers of combustibles or flammables when stacked one upon another to assure their support and stability. Fuel gas cylinders and oxygen cylinders must be separated by distance, fire resistant barriers, etc., while in storage. Fire extinguishers are selected for the types of materials and placed in areas where they are to be used.

These fire extinguishers are classified as follows: Class A - Ordinary combustible materials fires. Class B - Flammable liquid, gas or grease fires. Class C - Energized-electrical equipment fires. Appropriate fire extinguishers must be mounted within 75 ft. of outside areas containing flammable liquids, and within 10 ft. of any inside storage area for such materials. All extinguishers must be serviced, maintained and tagged at intervals not to exceed one year. Extinguishers should be placed free from obstructions or

blockage. All extinguishers must be fully charged and in their designated places unless in use. Where sprinkler systems are permanently installed, are the nozzle heads arranged so that water will not be sprayed into operating electrical switchboards and equipment? Check to see that heads have not been bent or twisted from their original position. "NO SMOKING" rules will be enforced in areas involving storage and use of hazardous materials. "NO SMOKING" signs have been posted where appropriate in areas where flammable or combustible materials are used and/or stored. Safety cans must be used for dispensing flammable or combustible liquids at point of use. All spills of flammable or combustible liquids must be cleaned up promptly. Storage tanks should be adequately vented to prevent the development of excessive vacuum or pressure as a result of filling, emptying, or atmosphere temperature changes. Storage tanks are equipped with emergency venting that will relieve excessive internal pressure caused by fire exposure.

### **First Aid Kits**

First-aid kits and required contents are maintained in a serviceable condition. Unit-type kits have all items in the first-aid kit individually wrapped, sealed, and packaged in comparable sized packages. The commercial or cabinet-type kits do not require all items to be individually wrapped and sealed, but only those which must be kept sterile. Items such as scissors, tweezers, tubes of ointments with caps, or rolls of adhesive tape, need not be individually wrapped, sealed, or disposed of after a single use or application. Individual packaging and sealing shall be required only for those items which must be kept sterile in a first-aid kit. First-aid kits shall contain at least the following items: 10 Package Kit: 1 Pkg. Adhesive bandages, 1" (16 per pkg.) 1 Pkg. Bandage compress, 4" (1 per pkg.) 1 Pkg. Scissors\* and

tweezers (1 each per pkg.) 1 Pkg. Triangular bandage, 40" (1 per pkg.) 1 Pkg. Antiseptic soap or pads (3 per pkg.) 5 Pkgs. of consulting physician's choice 16 Package Kit: 1 Pkg. Absorbent gauze, 24" x 72" (1 per pkg.) 1 Pkg. Adhesive bandages, 1" (16 per pkg.) 2 Pkgs. Bandage compresses, 4" (1 per pkg.) 1 Pkg. Eye dressing (1 per pkg.) 1 Pkg. Scissors\* and tweezers (1 each per pkg.) 2 Pkgs. Triangular bandages, 40" (1 per pkg.) 1 Pkg. Antiseptic soap or pads (3 per pkg.) 7 Pkgs. of consulting physician's choice 24 Package Kit: 2 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.) 2 Pkgs. Adhesive bandages, 1" (16 per pkg.) 2 Pkgs. Bandage compresses, 4" (1 per pkg.) 1 Pkg. Eye dressing (1 per pkg.) 1 Pkg. Scissors\* and tweezers (1 each per pkg.) 6 Pkgs. Triangular bandages (1 per pkg.) 1 Pkg. Antiseptic soap or pads (3 per pkg.) 9 Pkgs. of consulting physician's choice 36 Package Kit: 4 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.) 2 Pkgs. Adhesive bandages, 1" (16 per pkg.) 5 Pkgs. Bandage compresses, 4" (1 per pkg.) 2 Pkgs. Eye dressing (1 per pkg.) 1 Pkg. Scissors\* and tweezers (1 each per pkg.) 8 Pkgs. Triangular bandages, 40" (1 per pkg.) 1 Pkg. Antiseptic soap or pads (3 per pkg.) 13 Pkgs. of consulting physician's choice Scissors shall be capable of cutting 2 layers of 15 oz. cotton cloth or its equivalent. The first-aid kits are maintained at the ten, sixteen, twenty-four or thirty-six package level. Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body are provided, within the work area, for immediate emergency use. A poster shall be fastened and maintained either on or in the cover of each first- aid kit and at or near all phones plainly stating, the phone numbers of available doctors, hospitals, and ambulance services within the district of the work site.

### **First Aid Station**

If a fixed establishment employs more than 200 employees at one central location, First-aid stations shall be located as close as practicable to the highest concentration of personnel. First-aid stations shall be well marked and available to personnel during all working hours. One person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station. First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the work site. One first-aid kit may be a permanent wall-

mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit. When required by the circumstances, the station shall be equipped with two wool blankets and a stretcher in addition to first-aid kits. A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the work site, shall be posted at each first-aid station.

## **Chapter 3 - Chemical Safety**

### **Introduction**

The objective of this chapter is to provide guidance to all UIW/IWHS/SACHS employees and participating guests who use hazardous materials so that they may perform their work safely. Many of these materials are specifically explosive, corrosive, flammable, or toxic; they may have properties that combine these hazards. Many chemicals are relatively non-hazardous by themselves but become dangerous when they interact with other substances, either in planned experiments or by accidental contact. To avoid injury and/or property damage, persons who handle chemicals in any area of the University must understand the hazardous properties of the chemicals with which they will be working. Before using a specific chemical, safe handling methods must always be reviewed. Supervisors are responsible for ensuring that the equipment needed to work safely with chemicals is provided. The cost of this equipment is borne by the University.

### **Hazcom Plan**

On May 25, 1986 the Occupational Safety and Health Administration (OSHA) placed in effect the requirements of a new standard called Hazard Communication (29 CFR 1910.1200). This standard establishes requirements to ensure that chemical hazards in the workplace are identified and that this information, along with information on protective measures, is transmitted to all affected employees. This section describes how UIW/IWHS/SACHS employees are informed of the potential chemical hazards in their work area so they can avoid harmful exposures and safeguard their health. Components of this program include labeling, preparing a material safety data sheet (MSDS), and training. With regard to MSDS, UIW/IWHS/SACHS has limited coverage under the OSHA Hazard Communication Standard. The University is required to maintain only those sheets that are received with incoming shipments for the following reasons: the University commonly uses small quantities of many different hazardous materials for short periods of time; that the hazards change, often unpredictably; many materials are of unknown composition and most workers are highly trained. Responsibilities of Supervisors/Management Identify hazards for respective work areas. Ensure hazards are properly labeled. Obtain/maintain copies of material safety data sheets, as required, of each hazardous material used in the work area and make them accessible to employees during each work shift. Have the written Hazard Communication Program available to all employees. Provide hazard-specific training for employees. Identify hazardous materials in the hazard review section of the UIW/IWHS/SACHS purchase requisition form. Employees must: Attend safety-training meetings. Perform operations in safe manner. Notify management immediately of any safety hazards or injuries. When ordering materials, identify hazardous chemicals in the hazard review section of the UIW/IWHS/SACHS purchase requisition form. The Responsible Safety Officer must: Develop a written Hazard Communication Program. Maintain a central file of material safety data sheets. Review and update UIW/IWHS/SACHS stock safety labels. Provide generic training programs. Assist supervisors in developing hazard-specific training programs. Oversee the Hazard Communication Standard written policy and implementation plans. Alert on-site contractors to hazardous materials in work areas. Alert on-site contractors that they must provide to their employees information on hazardous materials they bring to the work site. The number of hazardous chemicals and the number of reactions between them is so large that prior knowledge of all potential hazards cannot be assumed. Therefore, when the chemical properties of a material are not fully known, it should be assumed hazardous and used in as small quantities as possible to minimize exposure and thus reduce the magnitude of unexpected

events. The following general safety precautions should be observed when working with chemicals: Keep the work area clean and orderly. Use the necessary safety equipment. Carefully label every container with the identity of its contents and appropriate hazard warnings. Store incompatible chemicals in separate areas. Substitute less toxic materials whenever possible. Limit the volume of volatile or flammable material to the minimum needed for short operation periods. Provide means of containing the material if equipment or containers should break or spill their contents. Follow the requirements of this manual, if systems that can generate pressure or are operated under pressure are involved. Provide a back-up method of shutting off power to a heat source if any hazard is involved. Obtain and read the Material Safety Data Sheets.

## **Chapter 4 - Electrical Safety**

### **Policy**

It is the policy of UIW/IWHS/SACHS to take every reasonable precaution in the performance of work to protect the health and safety of employees and the public and to minimize the probability of damage to property. The electrical safety requirements contained in this chapter are regulations set forth by UIW/IWHS/SACHS.

### **Employee Responsibility**

All UIW/IWHS/SACHS personnel are responsible for all aspects of safety within their own groups. The Responsible Safety Officer is responsible for providing information, instruction, and assistance, as appropriate, concerning UIW/IWHS/SACHS electrical safety requirements and procedures. Individual employees are responsible for their own and their co-workers' safety. This means: Become acquainted with all potential hazards in the area in which they work. Learn and follow the appropriate standards, procedures, and hazard-control methods. Never undertake a potentially hazardous operation without consulting with appropriate supervision. Stop any operation you believe to be hazardous. Notify a supervisor of any condition or behavior that poses a potential hazard. Wear and use appropriate protective equipment. Immediately report any occupational injury or illness to the Responsible Safety Officer, any on site Medical Services Department and the appropriate supervisor. Each employee acting in a supervisory capacity has specific safety responsibilities. These include: Developing an attitude and awareness of safety in the people supervised and seeing that individual safety responsibilities are fully carried out. Maintaining a safe work environment and taking corrective action on any potentially hazardous operation or condition. Ensuring that the personnel he/she directs are knowledgeable and trained in the tasks they are asked to perform. Ensuring that safe conditions prevail in the area and that everyone is properly informed of the area's safety regulations and procedures. Ensuring that contract personnel are properly protected by means of instructions, signs, barriers, or other appropriate resources. Ensuring that no employee assigned to potentially hazardous work appears to be fatigued, ill, emotionally disturbed, or under the influence of alcohol or drugs (prescription, over the counter medicinal or otherwise). Management at every level has the responsibility for maintaining the work environment at a minimal level of risk throughout all areas of control. Each manager: Is responsible for being aware of all potentially hazardous activities within the area of responsibility. May assign responsibility or delegate authority for performance of any function, but - Remains accountable to higher management for any oversight or error that leads to injury, illness, or damage to property.

### **Working with Energized Equipment**

This section contains safety requirements that must be met in constructing electrical equipment and in working on energized electrical equipment. Special emphasis is placed on problems associated with personnel working on hazardous electrical equipment in an energized condition. Such work is permissible, but only after extensive effort to perform the necessary tasks with the equipment in a

securely de-energized condition has proven unsuccessful, or if the equipment is so enclosed and protected that contact with hazardous voltages is essentially impossible. Definitions: The following definitions are used in this discussion of electrical safety. Authorized Person: An individual recognized by management as having the responsibility for and expertise to perform electrical procedures in the course of normal duties. Such individuals are normally members of electronic or electrical groups. Backup Protection: A secondary, redundant, protective system provided to de-energize a device, system, or facility to permit safe physical contact by assigned personnel. A backup protective system must be totally independent of the first-line protection and must be capable of functioning in the event of total failure of the first-line protective system. Companion: A co-worker who is cognizant of potential danger and occasionally checks the other worker. Electrical Hazard: A potential source of personnel injury involving, either directly or indirectly, the use of electricity. Direct Electrical Hazard: A potential source of personnel injury resulting from the flow of electrical energy through a person (electrical shocks and burns). Indirect Electrical Hazard: A potential source of personnel injury resulting from electrical energy that is transformed into other forms of energy (e.g., radiant energy, such as light, heat, or energetic particles; magnetic fields; chemical reactions, such as fire, explosions, the production of noxious gases and compounds; and involuntary muscular reactions). First Line Protection: The primary protective system and/or operational procedure provided to prevent physical contact with energized equipment. General Supervision: The condition that exists when an individual works under a supervisor's direction but not necessarily in the continuous presence of the supervisor. Grounding Point: The most direct connection to the source of a potential electrical hazard such as the terminals of a capacitor. Such a point must be indicated by a yellow circular marker. Grounds, Electrical: Any designated point with adequate capacity to carry any potential currents to earth. Designated points may be building columns or specially designed ground-network cabling, rack, or chassis ground. Cold water pipes, wire ways, and conduits must not be considered electrical grounds. Grounds, Massive: Large areas of metal, concrete, or wet ground that make electrical isolation difficult or impossible. Implied Approval: Approval is implied when a supervisor, knowing the qualifications of an individual, assigns that individual a task, or responsibility for, a device, system, or project. Qualified Person: An individual recognized by management as having sufficient understanding of a device, system, or facility to be able to positively control any hazards it may present. Must, Should, and May: Must indicates a mandatory requirement. Should indicates a recommended action. May indicates an optional or permissive action, not a requirement or recommendation. Safety Watch: An individual whose sole task is to observe the operator and to quickly de-energize the equipment, using a crash button or circuit breaker control in case of an emergency, and to alert emergency personnel. This person should have basic CPR training.

## **Type of Hazards**

The degree of hazard associated with electrical shock is a function of the duration, magnitude, and frequency of the current passed by the portion of the body incorporated in the circuit. The current that can flow through the human body with contacts at the extremities, such as between the hand or head and one or both feet, depends largely on the voltage. Body circuit resistance, even with liquid contacts (barring broken skin) will probably be not less than 500 ohms. The current flow at this resistance at 120 volts is 240 milliamperes. Recognition of the hazards associated with various types of electrical equipment is of paramount importance in developing and applying safety guidelines for working on energized equipment. Three classes (in order of increasing severity) of electrical hazards have evolved.

## **Class C Hazard**

Class C electrical hazard classifications prevail for all situations when one or more of the limitations set in Class B is exceeded.

## **Employee Attitude**

The attitudes and habits of personnel and the precautions they routinely take when working on energized equipment are extremely important. There are three modes of working on electrical equipment.

## **Protective Systems**

Equipment must be designed and constructed to provide personnel protection. First-line and backup safeguards should be provided to prevent personnel access to energized circuits. Periodic tests must be established to verify that these protective systems are operative.

## **Electrical Lock-out/Tag-out Procedures**

When you have to do maintenance work on a machine, take these four steps to protect yourself and your co-workers from injury: 1. De-energize the machine if possible. Positively disconnect the machine from the power source. If there is more than one source of power, then disconnect them all. 2. If possible, lock out all disconnect switches. You must be given a lock and a key for each disconnect before you begin working on the machine. 3. Tag all disconnect switches. Use the yellow or Red safety tags which state in large letters -- "Danger...Do Not Operate," or "Danger...Do Not Energize" and which give the name of the individual who locked out the equipment, date and time. The tag must also state "DO NOT REMOVE THIS TAG". (The person who placed the tag may remove it only after the machinery maintenance has been completed.) 4. Test the equipment to insure it is de-energized before working on it. First, attempt to operate the equipment by turning it on normally. Next, check all electrical lines and exposed areas with test equipment or a "lamp". Finally, short to ground any exposed connections using insulated grounding sticks. This test must be done even if the electrical connection is physically broken, such as pulling out a plug, because of the chance of discharging components. A TAG OUT ONLY PROCEDURE MAY BE USED IF THE MACHINE CANNOT BE LOCKED OUT. IF THE MACHINE IS SUPPLIED ELECTRICAL POWER FROM A SINGLE SOURCE, WHICH IS UNDER THE EXCLUSIVE CONTROL OF A TRAINED AND QUALIFIED REPAIR PERSON AT ALL TIMES AND THERE ARE NOT ANY OTHER PERSONS IN THE REPAIR AREA WHO COULD BE HARMED BY THE ACCIDENTAL ENERGIZING OF THE MACHINERY, THEN TAG OUT MAY BE USED INSTEAD OF LOCK-OUT/TAG OUT. Be aware that many accidents occur at the moment of re-energizing. If the machinery is to be re-energized, all persons must be kept at a safe distance away from the machinery. The re-energization can be performed only by a person who either performed the lock-out/tag out, a person acting under the immediate and direct commands of the original lock-out/tag out person, or in the event of a shift change, or other unavailability of the original person, then the original shall, before leaving, appoint a surrogate original person and show him or her all steps taken to lock-out/tag out the equipment.

## **Chapter 5 - Emergencies**

### **Organization**

UIW/IWHS/SACHS requires that during every emergency an organized effort be made to protect personnel from further injury and to minimize property damage. All of UIW/IWHS/SACHS's resources can be made available to respond to an emergency. Each supervisor must know what to do during an emergency in his or her area and must be certain that his or her employees understand their roles.

### **Supervisors Responsibilities**

During an emergency, the supervisor must: Ensure that those under his or her supervision are familiar with the plan for the building, particularly the recommended exit routes and how to report an emergency. Render assistance to the person in charge during an emergency, as required. Maintain familiarity with the

shutdown procedures for all equipment used by those under his or her supervision. Know the location and use of all safety equipment on his or her floor. Keep employees from reentering an evacuated area until reentry is safe.

### **No Loitering Policy**

Employees not involved in the emergency must stay away from the scene and follow the instructions issued over the public address system or directly from the person in charge. The sounding of a fire bell means immediate evacuation by the nearest exit. Employees must not reenter an area that they have evacuated until notified that it is safe to return.

### **Employee Responsibilities**

Employees, other than emergency-response groups, involved in any emergency greater than a minor incident are expected to act as follows: If there is threat of further injury or further exposure to hazardous material, remove all injured persons, if possible, and leave the immediate vicinity. If there is no threat of further injury or exposure, leave seriously injured personnel where they are. Report the emergency immediately by phone. State what happened, the specific location, whether anyone was injured, and your name and phone number. Proceed with first aid or attempt to control the incident only if you can do so safely and have been trained in first aid or the emergency response necessary to control the incident. Show the ranking emergency-response officer where the incident occurred, inform him or her of the hazards associated with the area, provide any other information that will help avoid injuries, and do as he or she requests.

## **Chapter 6 - Building Management and Construction**

### **Introduction**

UIW/IWHS/SACHS's buildings and equipment must equal or exceed existing legal standards for safety, fire prevention, sanitation, architectural barriers, health protection, and resistance to seismic forces. Safeguards must provide built-in protection against injury to personnel or damage to property and include methods for limiting the consequences of accidents. Protection systems must permit the most effective work conditions consistent with effective safeguards. The following matters related to engineering and construction must be referred to the Facilities Department: New construction or alteration of buildings, building facilities, fixed equipment, outside utilities such as cooling towers, electrical substations, underground pipes, conduits, or vaults, roadways, parking lots, walkways, landscaping, sewers, and drainage systems. Plans under consideration that will affect any structure or physical plant facility because of the size of the project, loads, vibration, temperature requirements, humidity control, radiation background, or ventilation requirements, or any code-related feature of the facility.

## **Chapter 7 - Fire Safety**

### **Introduction**

Policy and planning for fire safety at UIW/IWHS/SACHS takes into account the special fire hazards for specific operating areas, the protection of high-value property, and the safety of employees. These ends are met by: \* Non-combustible or fire-rated materials and construction practices suitable to the assigned uses of buildings and facilities. \* Alarm systems and automatic extinguishing systems. \* Availability of suitable hand extinguishers and local hose lines for use before firefighters arrive. \* Access to professional fire department, always staffed and trained in the control of emergencies that could occur at the University. (The Fire Department makes the initial response to all requests for emergency aid

received on the emergency telephone number, 911.) This chapter covers the fire safety responsibilities of employees and supervisors and sets forth the fire safety rules and procedures.

## **Fire Department**

The San Antonio and Alamo Heights Fire Department are responsible for protecting people and property from fires, explosions, and other hazards through prevention and expeditious control of such events. In addition, the Fire Department provides first-response rescue and transportation services in medical emergencies. The Fire Department's inspection staff is responsible for ensuring university-wide compliance with fire safety and protection requirements and for reviewing all plans and procedures for compliance with these requirements; for inspecting and testing automatic fire protection and alarm systems and ensuring their maintenance and repair; for conducting fire safety and protection inspections; and for providing fire prevention recommendations. Other responsibilities include training employees in fire safety equipment, practices, and procedures. All these fire protection and response functions are performed in conformance with OSHA regulations, State law, UIW/IWHS/SACHS policies, and nationally recognized standards and guidelines for fire and life safety. The Fire Chief and the Fire Marshall have the authority to enforce applicable requirements of the Uniform Building Code; the Uniform Fire Code; National Fire Protection Association Codes (including the Life Safety Code), Standards, and Recommended Practices; and the fire protection provisions of OSHA Orders. All employees must immediately report fires, smoke, or potential fire hazards to the Fire Department (dial 911). All employees must conduct their operations in such a way as to minimize the possibility of fire. This means applying rules such as keeping combustibles separated from ignition sources, being careful about smoking, and avoiding needless accumulations of combustible materials. Supervisors are responsible for keeping their operating areas safe from fire. The Responsible Safety Officer and the Fire Department will provide guidance and construction criteria with respect to fire and life safety as well as inspections. The provision and maintenance of fire detection systems and both automatic and manual fire extinguishing equipment is the responsibility of the Responsible Safety Officer. But the supervisor, who best knows the day-to-day nature of his/her operations, is responsible for notifying the Responsible Safety Officer of operations that change the degree of fire risk and will therefore require a change in the planned fire protection provisions.

## **Electrical Fires**

There are many combustible materials, including electrical equipment, oxidizing chemicals, fast-reacting or explosive compounds, and flammable metals, which present specialized fire safety and extinguishing problems. Refer to other appropriate chapters of this manual for safe handling advice. If in doubt, request advice from the Responsible Safety Officer.

## **Portable Heaters**

The use of these devices, whether privately or University owned, is allowed only where there is no chance of causing injury to personnel or of creating a fire hazard. This provision obviously requires common sense in safely locating such devices and ensuring that they do not operate when they are unattended. These devices may not be used in locations where: Flammable or explosive vapors or dusts may be present. Smoking, eating, or drinking is prohibited because toxic or radioactive materials may be present. The area has been designated as unsafe for such devices. The following practices should be carried out when operating portable heating appliances: Do not place the appliance on unstable or readily combustible materials. Maintain a clearance of at least 12 inches between the appliance and combustible materials. Ensure that the appliance is approved by either Underwriters Laboratories, Inc., or Factory Mutual Research Corporation. Connect the appliance directly to a proper electrical outlet using only the cord with which it was originally equipped. Do not use extension cords in lieu of permanent wiring. Do not operate appliances during off hours if they are unattended.



## **Fire Detectors**

Several types of automatic fire detectors are used throughout UIW/IWHS/SACHS, according to particular needs and purposes. All of them will detect fire (by one of several means) and transmit an alarm to the fire station. In the many buildings equipped with evacuation alarm bells, the automatic detectors activate those alarms, as do the manual pull boxes. In some cases, automatic extinguishing systems are activated by automatic detectors. The Fire Department always dispatches firefighters and apparatus to the scene of any automatically actuated alarm.

## **Fire Doors**

Automatic fire doors and dampers are provided at strategic points to close and block the spread of smoke and fire when these are sensed by automatic detectors. Automatic fire doors must never be blocked or left in disrepair so that they cannot close and latch automatically as intended in the event of a fire. Self-closing fire doors are those doors designed and installed to close each time after being opened. They too must never be blocked, wedged, or tied open. If such doors must be kept open, the self-closers must be replaced with approved automatic smoke-activated release hold-open devices.

## **Fire Exits**

Exit corridors must not be used for storage. The Life Safety Code, NFPA 101, requires that buildings designed for human occupancy must have continuous and unobstructed exits to permit prompt evacuation of the occupants and allow necessary access for responding emergency personnel. The intent of the Code is to keep exits free from obstructions and clear of combustible materials. Attention to housekeeping, therefore, is very important. "Temporary" storage of furniture, equipment, supplies, or anything else is not permitted in exit ways. Combustibles, including recyclable waste paper, are not permitted in exit ways. Metal lockers with ends and tops ferried to the walls and that do not interfere with minimum exit width requirements may be installed in exit corridors when approved by the Fire Department and the Responsible Safety Officer. The following requirements must be met for storage locker/cabinets: Cabinets will be permitted on one side of the corridor only. Cabinets must end at least 6 ft from the corridor exit door. Cabinet ends must be at least 12 in. from the edge of the doorway on the latch side and from the edge of the door leaf when fully opened into the corridor. The cabinets must not be more than 20 in. deep by 37 in. wide by 72-3/4 in. high. The cabinets must be all metal construction with positive latches to prevent spillage of contents in the event of an earthquake. All doors must return automatically to the closed position when not held open manually. A 45 degree-angle fairing must be provided from the wall to the corridor corner of the cabinet. Fairing must be provided at both ends of cabinet or bank of cabinets. \* A 45 degree-angle fairing must be provided at the top of the cabinets from the outside corridor edge of cabinet to the wall. All cabinets must be anchored to the wall firmly enough to withstand 0.5g of lateral acceleration (or a lateral load equal to 1/2 the total dead weight of the cabinet and its contents) in the event of an earthquake. Liquids and chemicals are not to be stored in corridor lockers. All cabinets must be kept locked, with one key being retained by the Building Manager. All cabinets must be labeled with the contents and the name, address, and telephone number of the assigned user. Any deviation from the above requirements must be approved by Responsible Safety Officer.

## **Mechanical Equipment Rooms**

Mechanical equipment rooms contain boilers, blowers, compressors, filters, electrical equipment, etc. Such rooms must be separated from other areas of a building by fire-resistant walls and doors. To maintain the integrity of these separations, the fire doors must never be left open. Fan rooms house ventilation equipment which often includes automatic shut down and dampers activated by interlocking with the building smoke and fire detectors. Fire dampers and other automatic shut-down provisions must

not be disabled without Fire Department approval (as for temporary maintenance procedures). Mechanical equipment rooms and fan rooms must not be used for storage of any kind.

### **Life Safety Code**

The Life Safety Code of the National Fire Protection Association, NFPA 101, requires that emergency lighting be provided for means of egress in certain areas. The Code states emergency lighting is required in exit corridors in any office-type building where the building is two or more stories in height above the level of exit discharge. In industrial occupancies such as laboratories and shops, the Code requires emergency lighting in all exit aisles, corridors, and passageways. Emergency lighting may be installed in areas where not required by the Code when such areas present an egress hazard during a power failure. Although elevators are not considered a means of egress within the jurisdiction of the Life Safety Code, they do require emergency lighting. (Titles 8 and 24 require that emergency lighting be maintained in an elevator for a period of at least four hours.) Several types of emergency lights that satisfy the specifications of the Life Safety Code are: Battery Type - Only rechargeable batteries may be used. The rating of the battery must be such that it provides power for illumination for one and one-half hours in the event of a failure of normal lighting. Generator Type - When emergency lighting is provided by an electric generator, a delay of not more than 10 seconds is permitted. Exit sign lights, when burned out, should be reported to Maintenance for service.

### **Exit Corridors**

Exit corridors must not be used for storage. The Life Safety Code, NFPA 101, requires that buildings designed for human occupancy must have continuous and unobstructed exits to permit prompt evacuation of the occupants and allow necessary access for responding emergency personnel. The intent of the Code is to keep exits free from obstructions and clear of combustible materials. Attention to housekeeping, therefore, is very important. "Temporary" storage of furniture, equipment, supplies, or anything else is not permitted in exit ways. Combustibles, including recyclable waste paper, are not permitted in exit ways. Metal lockers with ends and tops ferried to the walls and that do not interfere with minimum exit width requirements may be installed in exit corridors when approved by the Fire Department and the Responsible Safety Officer. The following requirements must be met for storage locker/cabinets: Cabinets will be permitted on one side of the corridor only. Cabinets must end at least 6 ft from the corridor exit door. Cabinet ends must be at least 12 in. from the edge of the doorway on the latch side and from the edge of the door leaf when fully opened into the corridor. The cabinets must not be more than 20 in. deep by 37 in. wide by 72-3/4 in. high. The cabinets must be all metal construction with positive latches to prevent spillage of contents in the event of an earthquake. All doors must return automatically to the closed position when not held open manually. A 45 degree-angle fairing must be provided from the wall to the corridor corner of the cabinet. Fairing must be provided at both ends of cabinet or bank of cabinets. \* A 45 degree-angle fairing must be provided at the top of the cabinets from the outside corridor edge of cabinet to the wall. All cabinets must be anchored to the wall firmly enough to withstand 0.5g of lateral acceleration (or a lateral load equal to 1/2 the total dead weight of the cabinet and its contents) in the event of an earthquake. Liquids and chemicals are not to be stored in corridor lockers. All cabinets must be kept locked, with one key being retained by the Building Manager. All cabinets must be labeled with the contents and the name, address, and telephone number of the assigned user. Any deviation from the above requirements must be approved by Responsible Safety Officer.

### **No Smoking**

Smoking is forbidden in all University buildings and also in certain areas for fire safety reasons. Such areas include the following: Where flammable gases or liquids are stored, handled, or used. Where significant quantities of combustible materials, such as paper, wood, cardboard, or plastics are stored, handled, or used. Where liquid- or gaseous-oxygen is stored, handled, or used. Within 20 ft of a smoke

detector. In tape and record storage vaults and computer equipment areas . Areas that are designated "No Smoking" areas for fire safety reasons are indicated by large rectangular signs consisting of white backgrounds with red letters stating "NO SMOKING."

## **Chapter 8 - Materials Handling**

### **Introduction**

UIW/IWHS/SACHS requires that safety planning and practices for commonplace tasks be as thorough as for operations with unusual hazards. Commonplace tasks make up the greater part of the daily activities of most employees and, not unexpectedly, offer more potential sources of accidents with injuries and property damage. Every operation or work assignment begins and ends with handling of materials. Whether the material is a sheet of paper (paper cuts are painful) or a cylinder of toxic gas, accident risks can be reduced with thorough planning. Identifying obvious and hidden hazards should be the first step in planning work methods and job practices. Thorough planning should include all the steps associated with good management from job conception through crew and equipment decommissioning. Most of the material presented in this chapter is related to the commonplace and obvious. Nevertheless, a majority of the incidents leading to injury, occupational illness, and property damage stem from failure to observe the principles associated with safe materials handling and storage. A less obvious hazard is potential failure of used or excessive motorized handling or lifting equipment.

### **Lifting and Moving**

Lifting and moving of objects must be done by mechanical devices rather than by manual effort whenever this is practical. The equipment used must be appropriate for the lifting or moving task. Lifting and moving devices must be operated only by personnel trained and authorized to operate them. Employees must not be required to lift heavy or bulky objects that overtax their physical condition or capability.

### **Manual Lifting Rules**

Manual lifting and handling of material must be done by methods that ensure the safety of both the employee and the material. It is UIW/IWHS/SACHS policy that employees whose work assignments require heavy lifting be properly trained and physically qualified, by medical examination if deemed necessary. The following are rules for manual lifting: Inspect the load to be lifted for sharp edges, splinters, and wet or greasy spots. Wear gloves when lifting or handling objects with sharp or splintered edges. These gloves must be free of oil, grease, or other agents that may cause a poor grip. Inspect the route over which the load is to be carried. It should be in plain view and free of obstructions or spillage that could cause tripping or slipping. Consider the distance the load is to be carried. Recognize the fact your gripping power may weaken over long distances. Size up the load and make a preliminary "heft" to be sure the load is easily within your lifting capacity. If it is not, get help. If team lifting is required, personnel should be similar in size and physique. One person should act as leader and give the commands to lift, lower, etc. Two persons carrying a long piece of pipe or lumber should carry it on the same shoulder and walk in step. Shoulder pads should be used to prevent cutting shoulders and help reduce fatigue. To lift an object off the ground, the following are manual lifting steps: Make sure of good footing and set your feet about 10 to 15 inches apart. It may help to set one foot forward of the other. Assume a knee-bend or squatting position, keeping your back straight and upright. Get a firm grip and lift the object by straightening your knees - not your back. Carry the load close to your body (not on extended arms). To turn or change your position, shift your feet - don't twist your back. The steps for setting an object on the ground are the same as above, but in reverse.

## **Load Path Safety**

Loads moved with any material handling equipment must not pass over any personnel. The load path must be selected and controlled to eliminate the possibility of injury to employees should the material handling equipment fail. Equipment worked on while supported by material handling equipment must have a redundant supporting system capable of supporting all loads that could be imposed by failure of the mechanical handling equipment. A suspended load must never be left unattended but must be lowered to the working surface and the material handling equipment secured before leaving the load unattended.

## **Clean Work Areas**

All areas controlled by UIW/IWHS/SACHS must be kept in orderly and clean condition and used only for activities or operations for which they have been approved. The following specific rules must also be followed: Keep stairs, corridors, and aisles clear. Traffic lanes and loading areas must be kept clear and marked appropriately. Store materials in work rooms or designated storage areas only. Do not use hallways, fan lofts, or boiler and equipment rooms as storage areas. Do not allow exits, passageways, or access to equipment to become obstructed by either stored materials or materials and equipment that is being used. Arrange stored materials safely to prevent tipping, falling, collapsing, rolling, or spreading - that is, any undesired and unsafe motion. Do not exceed the rated floor capacity of stored material for the area. The load limit and the maximum height to which material may be stacked must be posted. Place materials such as cartons, boxes, drums, lumber, pipe, and bar stock in racks or in stable piles as appropriate for the type of material. Store materials that are radioactive, fissile, flammable, explosive, oxidizing, corrosive, or pyrophoric only under conditions approved for the specific use by the Responsible Safety Officer. Segregate and store incompatible materials in separate locations. Remove items that will not be required for extended periods from work areas and put them in warehouse storage. Call for assistance. Temporary equipment required for special projects or support activities must be installed so that it will not constitute a hazard. A minimum clearance of 36 inches must be maintained around electrical power panels. Wiring and cables must be installed in a safe and orderly manner, preferably in cable trays. Machinery and possible contact points with electrical power must have appropriate guarding. The controls for temporary equipment must be located to prevent inadvertent actuation or awkward manipulation. When heat-producing equipment must be installed, avoid accidental ignition of combustible materials or touching of surfaces above 60 degrees C (140 F). Every work location must be provided with illumination that meets OSHA requirements. Evaluation of illumination quality and requirements is made by the Responsible Safety Officer, but the supervisor of an area is responsible for obtaining and maintaining suitable illumination. Areas without natural lighting and areas where hazardous operations are conducted must be provided with enough automatically activated emergency lighting to permit exit or entry of personnel if the primary lighting fails.

## **Chapter 9 – Noise**

### **Introduction**

This chapter contains information on the effects, evaluation, and control of noise. For assistance in evaluating a noise problem, contact the Responsible Safety Officer.

### **Reducing Noise Exposure**

Noise exposure can be reduced by using engineering controls, administrative procedures, or personal protective devices. Engineering Controls Reduction of noise production at the source: Proper design of new machines Modification of present machines Proper repair and upkeep of equipment Use of appropriate mufflers Use of vibration dampeners on machines Reduction of noise transmission: Increase

distance between noise and personnel exposed Construction of barriers between noise source and personnel Sound treatment of ceilings and walls Administrative Procedures: Job schedule changes Personnel rotation Personnel Protective Devices: Ear plugs Earmuffs Federal and state occupational safety and health regulations require that whenever employees are exposed to excessive noise levels, feasible engineering or administrative controls must be used to reduce these levels. When these control measures cannot be completely accomplished and/or while such controls are being initiated, personnel must be protected from the effects of excessive noise levels. Such protection can, in most cases, be provided by wearing suitable protective hearing devices. The appropriate Medical Services provider and/or the supervisor of the Department will supply ear plugs for employees upon request or before going into a high noise area. There is a need for medical supervision when ear plugs are used because their effectiveness depends on proper fitting. Only approved plugs should be used. Ear plugs should be cleaned daily to prevent ear infections. Protection greater than that provided by a single device can be obtained by wearing ear plugs under an earmuff. While the reduction provided by wearing both devices simultaneously is considerably less than the sum of the individual attenuations, it is still greater than when either device is worn separately.

## **Chapter 10 - Ladders and Scaffolds**

### **Ladders**

Ladders must be in good condition, made of suitable material, of proper length, and of the correct type for the use intended. Damaged ladders must never be used; they should be repaired or destroyed. Ladders used near electrical equipment must be made of a nonconducting material. Stored ladders must be easily accessible for inspection and service, kept out of the weather and away from excessive heat, and well supported when stored horizontally. A portable ladder must not be used in a horizontal position as a platform or runway or by more than one person at a time. A portable ladder must not be placed in front of doors that open toward the ladder or on boxes, barrels, or other unstable bases. Ladders must not be used as guys, braces, or skids. The height of a stepladder should be sufficient to reach the work station without using the top or next to the top steps. Bracing on the back legs of stepladders must not be used for climbing. The proper angle (75-1/2 degrees) for a portable straight ladder can be obtained by placing the base of the ladder a distance from the vertical wall equal to one quarter of the vertical distance from base to top of ladder's resting point. Ladders must be ascended or descended facing the ladder with both hands free to grasp the ladder. Tools must be carried in a tool belt or raised with a hand line attached to the top of the ladder. Extension ladders should be tied in place to prevent side slip.

### **Scaffolds**

All scaffolds, whether fabricated on site, purchased, or rented must conform with the specifications found in ANSI A10.8, Safety Requirements for Scaffolding. Rolling scaffolds must maintain a 3:1 height to base ratio (use smaller dimension of base). The footing or anchorage for a scaffold must be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks must not be used to support scaffolds or planks. No scaffold may be erected, moved, dismantled, or altered unless supervised by competent persons. Scaffolds and their components must be capable of supporting at least four times the maximum intended load without failure. Guard rails and toe boards must be installed on all open sides and ends of scaffolds and platforms more than 10 ft above the ground or floor. Scaffolds 4 feet to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches must have standard installed on all open sides and ends of the platform. Wire, synthetic, or fiber rope used for suspended scaffolds must be capable of supporting at least 6 times the rated load. No riveting, welding, burning, or open flame work may be performed on any staging suspended by means of fiber or synthetic rope. Treated fiber or approved synthetic ropes must be used for or near any work involving the use of corrosive substances. All

scaffolds, bosun's chairs, and other work access platforms must conform with the requirements set forth in the Federal Occupational Safety and Health Regulations for Construction, 29 CFR 1926.451, except where the specifications in ANSI A10.8 are more rigorous.

## **Chapter 11 - Tools**

### **University Provided Tools**

UIW/IWHS/SACHS provides hand and powered portable tools that meet accepted safety standards. A damaged or malfunctioning tool must not be used; it must be turned in for servicing and a tool in good condition obtained to complete the job. Employees must use the correct tool for the work to be performed; if they are unfamiliar with the operation of the tool, they must request instruction from their supervisor before starting the job. Supervisors are responsible for ensuring that their subordinates are properly trained in the operation of any tool that they are expected to operate.

### **Grounding**

Tools that are not double-insulated must be effectively grounded and tested. Testing must be accomplished before initial issue, after repairs, and after any incident that could cause damage, such as dropping or exposure to a wet environment. Grounded tools must always be used with an effectively grounded circuit. Any extension cord used with a grounded tool must be a three-wire, grounded type. Electric-powered hand tools used on construction sites, on temporary wired circuits, or in wet environments will be used in conjunction with an approved ground fault circuit interrupter (GFCI). The responsibility for implementing and maintaining this program rests with the individual supervisors involved.

### **Shop Rules**

Any UIW/IWHS/SACHS facility housing shop tools is defined by OSHA as a shop. It is the responsibility of the person in charge of each shop to ensure compliance with the following practices: Shop machines and tools are to be used only by qualified personnel. It is the responsibility of the person in charge of the shop to render a judgment as to who is qualified. The person in charge will take whatever action is deemed necessary to prevent a personal injury or damage to equipment. Equipment guards and protective devices must be used and must not be compromised. Approved eye protection (visitor's glasses) must be worn by anyone entering and/or passing through shop areas. Approved industrial safety eye protection must be worn by anyone working in a posted shop area. Shoes or boots covering the whole foot must be worn in shop areas. Persons using machine tools must not wear clothing, jewelry, or long hair in such a way as to represent a safety hazard.

## **APPENDIX 2 - VEHICLE SERVICES POLICY AND GUIDELINES**

### **POLICY OVERVIEW**

This policy establishes requirements and procedures for driving a university vehicle that is owned, leased or rented in connection with University related business or sponsored activities; for using personal vehicles in connection with University-related business or sponsored activities; for using a University vehicle for personal use; and for reporting accidents and damages. The term “University vehicle” includes all University owned, leased or rented vehicles, 12- passenger vans, golf carts and utility vehicles. This Vehicle Services Policy and Guidelines applies to persons that are approved drivers under the University’s insurance policy when they have been authorized by their Director or Dean to drive for university related business.

University departments are required to utilize Vehicle Services for all university related travel. If a department demonstrates that a cost savings can be realized by a vehicle rental from an external source, Vehicle Services will consider the request.

### **DEPARTMENT OF VEHICLE SERVICES**

The Purchasing Department oversees Vehicle Services which is responsible for maintaining the University of the Incarnate Word’s motor pool and supplying university vehicles for authorized university related business. Vehicle Services is responsible for monitoring and ensuring that the mechanical, safety, and appearance conditions of each vehicle in its motor pool meets the University’s standards and that the sponsoring department is using the vehicle for the stated business purposes.

### **VEHICLE USAGE RULES**

Approval as a driver and authorization to operate a vehicle on university business is a privilege rather than a right, and authorization to drive University vehicles may be revoked for reasons deemed appropriate by the University. The University regards the safety of its faculty, staff, students, and volunteers as one of its top priorities. Every time you drive for the University, you represent the University and are responsible for your actions as well as for the safety and security of your passengers.

1. University vehicles are to be used only for authorized University business and operated only by authorized individuals who have been approved to drive.
2. Any University employee or student driving a University vehicle will operate the vehicle in a safe and responsible manner, with respect for other drivers, and due consideration for acting as a representative of the University.
3. Drivers must comply with all state and local traffic laws.
4. Seat belts must be worn at all times by the driver and the passengers. Vehicles that do not have operable seat belts may not be used for University business.
5. Drivers are responsible for payment of any fines resulting from violation of motor vehicle regulations while operating a vehicle for authorized University business.
6. Only passengers authorized by Vehicle Services may ride in University vehicles. Transportation of unauthorized passengers is prohibited. All non-employee passengers, including students, must be pre-approved by the director or dean and execute a release prior to riding as passenger.
7. University owned vehicles are to be housed on University property when not in use.

8. For extended trips, the authorized driver may not drive longer than ten hours in one day (this does not include breaks). After ten hours, there must be a break of eight hours off the road. There will be no exceptions.
9. The University **prohibits** the use of cell phones without a hands free device while driving a University vehicle.
10. University owned vehicles should not be used to jump-start, push or tow other vehicles unless Vehicle Services provides specific permission or instruction.
11. You must turn the vehicle off, remove the keys, and lock the vehicle when it is unattended.
12. You may not drive the vehicle at speeds that are in excess of the posted speed limit or inappropriate for the type of vehicle or the road conditions.
13. You may not drive the vehicle “off road” unless the vehicle is appropriate for that use.
14. You must inspect the vehicle for safety concerns prior to use, including checking tires, lights and other safety equipment for observable defects. Report any defects to Vehicle Services prior to use.
15. You are subject to applicable University disciplinary procedures for violations of University policy or rules.
16. Drivers must not drive when driving conditions are hazardous (this includes fog, heavy rain, snow or ice conditions).
17. Authorized Area of Operation: University vehicles may be operated in the contiguous United States. University vehicles may not be operated in Mexico.
18. Due to safety issues identified by the National Transportation Safety Board, fifteen passenger vans may not be used for University-related activities.
19. No transportation of dangerous chemicals, flammable items, or other hazardous materials without prior approval of Vehicle Services.

## **WHO MAY DRIVE A UNIVERSITY VEHICLE**

Only persons authorized by their dean or director and Vehicle Services to drive a university vehicle, that meet all university driver standards, that otherwise hold a valid driver’s license for the class of vehicle being driven, and that have been approved as a driver by the university’s insurance company, may drive a university vehicle.

The following groups may otherwise be authorized to drive a university vehicle:

1. Student:
  - a. An enrolled student, including registered student organizations and academic groups, who have obtained authorization for travel in furtherance of educational or group objectives. The authorization must be provided by dean if the travel is connected to an academic department, or the director, if the travel is connected to a business unit.
  - b. A University Athletic Team that has obtained approval for travel in furtherance of educational or team objectives.
2. Employees: University Faculty/Administrator/ Staff: Full time staff, administrator or faculty members who have obtained authorization for travel in furtherance of educational or group objectives. The authorization must be provided by dean if the travel is connected to an academic department, or the director, if the travel is connected to a business unit.



## **APPROVED DRIVER QUALIFICATIONS UNDER THE UNIVERSITY'S INSURANCE POLICY**

Only persons that are approved as a driver by the university's insurance company may drive a university vehicle. To be placed on the university's insurance carrier's list of *Approved Drivers* to drive, a person must:

- Complete the Driver Authorization Form and submit it to Vehicle Services to allow for a three year driving record check. This record check may be performed annually and may require submittal of a new authorization.
- Must be at least 21 years of age.
- May not be greater than 72 years of age, unless you provide a medical clearance that is approved by the insurance company.
- Submit a copy of the valid, unrestricted driver's license (except for corrective eyewear) required by the state where each applicant driver claims residency.
- Valid United States Drivers or Canadian Driver's License.
- Meet all other requirements as set forth by the insurance company

## **UNIVERSITY DRIVER STANDARDS**

Only persons that met these driver standards are authorized to operate a university vehicle:

- Driver must be an approved driver, and therefore insurable, under UIW's Insurance policy.
- Driver must be a student or employee of the University, or working in an official capacity for a department with authorization provided by dean if the travel is connected to an academic department, or the director, if the travel is connected to a business unit.
- No more than two (2) moving violations and/or chargeable accidents in the most recent year.
- No more than three (3) moving violations and/or chargeable accidents in the most recent three (3) years.
- No "major convictions" within the last three (3) years. Major convictions include:
  - Driving while intoxicated or "under the influence" of alcohol or drugs.
  - Leaving the scene of an accident
  - Careless or reckless driving violations
  - Homicide or assault
  - Attempting to elude a police officer
  - Racing
  - Permitting a minor to operate a vehicle
  - Vehicle abuse or misuse

## **LOSS OF DRIVING PRIVILEGES**

The following actions may result in suspension or termination of driving privileges and in appropriate disciplinary action consistent with the University's applicable policies and procedures:

- Operating a vehicle outside of the scope of the destination and school related activity or business.
- Operating a vehicle in a reckless or unsafe manner.

- Failing to report an accident immediately after an accident occurs, and preferably at the accident site, to the local law enforcement agency.
- Failing to report an accident involving a university owned vehicle, a rental vehicle, or your personal vehicle, as soon as is practicable, but in no event greater than 24 hours of the next business day to your dean or director and to Vehicle Services.
- Operating a vehicle while under the influence of alcohol or drugs.
- Immediately report to Vehicle Services any change in driving status as it may impact driving qualifications. Example- Suspension or revocation of a license, traffic citation.

## **PERSONAL USE**

Personal use of a university owned vehicle is strictly prohibited. Exceptions to this policy may only be granted by the Vice President for Business and Finance.

## **RENTAL VEHICLES:**

Enterprise: The University maintains a relationship with Enterprise Rent-A-Car.

- Rentals where the point of origin is within a 100 mile radius of San Antonio, Texas, shall be handled by Vehicle Services.
- Accessible Vehicles rentals shall be handled by Vehicle Services.
- Rentals where the point of origin is greater than a 100 mile radius of San Antonio, Texas, please contact Gail Genthner at CTP/Rennert Travel (972) 292-1913 to make a reservation.

Make certain to inspect your rental vehicle for damage prior to leaving the rental lot at the time of pick up. Make certain a written notation of any damage is made on the rental agreement by the rental agent.

Inspect your rental vehicle at the time of return to the rental company. Make certain a written notation of the damage is made on the rental agreement by the rental agent.

Contact Enterprise as soon as possible concerning special circumstances affecting the pick up or return of a vehicle.

Insurance Guidelines for Entering into Domestic Car Rental Contracts: The University's commercial automobile liability policy provides physical damage and liability coverage for rental cars; therefore, it is not necessary to purchase the insurance provided by the rental agency. As such, the University recommends declining the "collision damage waiver" and "liability insurance waiver" offered by car rental firm, except when leasing a car in a foreign country. The University's automobile liability does not cover any loss to personal effects or baggage. The Renter can purchase this type of coverage by purchasing Personal Effects Cargo (PEC) coverage. PEC benefits apply to personal effects belonging to the vehicle renter; however, it will not be considered a University-reimbursable expense.

International Auto Rental: Renter must purchase the maximum limits required by law in the country where travel is to take place for physical damage and liability, but not for luggage.

## **USE OF PRIVATELY OWNED VEHICLES**

Drivers shall utilize a university vehicle whenever possible and if not available, and then Vehicle Services shall seek alternative transportation options such as rental cars, public transportation or charter services.

In the normal course of business, students and employees are not authorized to transport students and employees in their personal vehicles on university business. In rare circumstance and only with advance approval of the dean or director, students and employees may transport students and employees in their private vehicles on University business; however, the driver must be an **approved driver** and is subject to the requirements of this policy. For the purposes of this provision, employees and students who transport students on a trip that is a business or course requirement or at the direction of their dean or director are considered to be on "University business." For this rare situation, a release is found at:

<https://orgsync.com/9997/forms/14852>

Approved drivers operating their personal vehicle for authorized University business shall be reimbursed for mileage at the annual Standard Rate found on the Payroll website.

## **INSURANCE COVERAGE**

The University maintains commercial automobile liability coverage and physical damage coverage on University-owned or hired vehicles. There is no insurance coverage for theft of personal items from University-owned, hired or your personal vehicle. Drivers are encouraged to consult with their personal lines insurance provider to determine if coverage for property in vehicles is included in their homeowner's insurance policy.

Personal Vehicles: Faculty, staff and students that are approved drivers using their personal vehicle on University business or sponsored activities are required to carry auto liability insurance with minimum limits as required in Texas. In an accident involving a driver's personal vehicle, the university policy will cover liability only (claims made against the driver by third parties) and not physical damage to the driver's vehicle. In this regard, the driver must use his/her individual automobile insurance coverage as the primary insurance. The University's liability coverage will apply when the vehicle owner's policy has been exhausted. Further, the University will not reimburse a driver, or other private owner, or his/her insurer for any deductible or liability claim paid by their personal auto insurance policy or for any damage to the vehicle.

Employee- Injury and lost wages: When traveling on University business and within the course and scope of employment and in furtherance of university business at the time of the accident, employees are covered by the university's workers' compensation Insurance.

## **STUDENT ORGANIZATION TRAVEL**

Registered student organizations may make off-campus trips that are approved by the organization and Director of Student Center and Leadership Activities (SCLA). In order to use a University owned vehicle, the trip must be sponsored by a recognized student organization and a UIW employee must accompany the group.

Vehicle Services will not approve a vehicle for use by the student organization until it has been provided the document entitled "Event Approval Form" confirming that the Director of SCLA has approved the use of the university vehicle and event, that the student is an approved driver, and that the SCLA has reviewed with the student and provided a copy of the Vehicle Services Policy and Guidelines.

## **ACCIDENTS**

Damages to Vehicle: An accident is defined as any incident that causes damage to persons or property. Report accidents or damage involving a university owned vehicle, a rental vehicle, or your personal

vehicle immediately, but in no event greater than 24 hours of the next business day to your dean or director and to Vehicle Services.

Guidelines in the event of an accident:

1. Keep calm and do not argue with other persons involved in the accident.
2. Notify the local law enforcement agency immediately after an accident occurs, and at the accident site (unless it would be unsafe), and request that an accident report be completed.
3. Check for the University's Insurance ID card in the glove compartment of University-owned vehicles. The ID card is required by law and provides evidence of the University's fleet insurance coverage.
4. Cooperate fully in responding to requests for information from law enforcement officials. It is also permissible to state that you are driving a university vehicle and that it is insured under a university policy.
5. If injury is involved, get immediate medical aid.
6. Report injuries you or your passengers sustain to your director or dean, Health Services, and Human Resources.
7. Discuss the accident only with police officers, the University's insurance representatives or University officials. Refer all questions from lawyers, other involved parties, and others to the General Counsel.
8. Take down as much information as you can on all other party(ies) to the accident (e.g., insurance company, driver's name, license number, plate number, make of car, model of car, year, how accident happened, witness, addresses, phone numbers, etc.).
9. Do not undertake or authorize any repairs (other than emergency repairs to safely return to the lodging/destination). Authorization may only be provided by the Director of Vehicle Services.

## **GARAGING**

Operators must take all reasonable precautions to prevent damage or theft of University Vehicles when parked and not in operation.

- A. Roll up all windows.
- B. Lock all doors.
- C. Remove all valuables and conspicuous items, and if unable to remove, hide from sight and lock all valuables in the trunk so that they are not visible.
- D. Where possible, park in a lighted area or where security protection exists.

## **FUEL AND FUELING**

- University vehicles shall be returned with a full tank of gas.
- Fuel cards are issued by Vehicle Services to authorized users.
- Fueling vehicles locally will be accomplished by the card the driver was issued (i.e. Valero, Shell and Fuelman).
- Retain all fuel receipts and provide to Vehicle Services when returning the vehicle.

- Fueling when the university's gas card is not available: The driver may fuel by using his/her personal credit card and shall be reimbursed at the time of the travel settlement with Accounts Payable.

## **GOLF CARTS AND UTV PROGRAM**

### **Purpose:**

The Golf Cart and Utility Terrain Vehicle (UTV) program ensures the safe operation of golf carts and utility vehicles while operated on the campus. The Vehicle Services Policy and Guidelines are applicable to employees, students, and contractors/vendors that own and/or operate golf carts and UTVs. In this policy, all references to "golf carts" includes UTVs.

All owners and operators of golf carts have specific responsibilities to ensure safe operation of golf carts and good maintenance in accordance with the manufacturer's guidelines.

### **Driver standards:**

- Approval to operate a UIW golf cart is the same as a licensed vehicle, except the minimum age is 18, rather than 21.
- You must be issued a Golf Cart Operator's Permit.
- Successful completion of a Golf Cart Safety Program.

### **Golf Cart Operational Procedures:**

Golf carts shall be operated with the utmost courtesy, care and consideration for the safety and convenience of pedestrians. Golf carts shall be operated in accordance with following specifications:

1. Pedestrians shall be afforded the right-of-way at all times.
2. Operators are prohibited from driving or removing golf carts from UIW Property.
3. Golf carts are prohibited on the property of the Generalate and the Village at Incarnate Word.
4. Golf carts are restricted to campus streets.
5. Driving on sidewalks or grass is prohibited except when working requirements dictate otherwise. For security reasons, golf carts containing tools and equipment may park on the grass within the site of the work area.
6. A golf cart may enter the courtyard solely for the purpose of loading and unloading, but may not park in the courtyard. The time may not exceed 10 minutes.
7. Golf carts are not to be used as a taxi service or to otherwise provide "rides" for people.
8. Golf Carts may not damage buildings, gates, bollards, or lawns
9. The passenger carrying capacity of golf carts may not exceed the number of seats.
10. Campus speed limit (10 mph) and UIW traffic regulations will be observed at all times when operating their assigned golf cart.
11. Maintain appropriate distances between vehicles when operating the golf cart.
12. Operators are required to maintain both hands on the steering wheel when operating the golf cart. Legs must be kept within the vehicle and in the foot compartment.
13. Reduce speed to compensate for adverse road conditions.
14. Apply service brakes when parking on steep grades.

15. Slow down when making sharp turns to minimize the risk of overturning the golf cart.
16. Use of cell phones is prohibited while operating the golf cart.
17. Eating or drinking is prohibited while operating the golf cart.
18. Golf carts must be parked in designated areas only and may not park in the following areas:
  - Metered parking spaces
  - Fire Lanes
  - Handicap parking spaces and accessible curb cuts
  - Reserved parking spaces
  - Within 20 feet of the main entrance/exit of any building in any manner that would impede the normal flow of pedestrian traffic.
  - On sidewalks or ramps that would impede pedestrian and accessible pathways.

**Violations:**

Violators are subject to having their golf cart impounded, being fined, or having their operators permit revoked, and may result in appropriate disciplinary action consistent with the University's applicable policies and procedures.

**Responsibilities of Golf Cart Owners and Operators:****Department/Vendor Responsibility to Maintain Golf Carts:**

UIW departments and vendors are responsible for:

- All repairs and maintenance cost.
- All preventive maintenance and repair records for their assigned golf carts.
- Keep all equipment and safety features in good working order.
- Identify the name of the vendor or department responsible for the golf cart
- Display the number assigned by Vehicle Services on the front of their golf cart.

**Employee Responsibility to Maintain Golf Carts:**

- Inspecting their assigned golf cart before operating, documenting any unsafe conditions, and reporting the deficiency to their immediate supervisor.
- Attending the mandatory Golf Cart Safety Program prior to operating any UIW golf cart.
- Operating their golf cart in a safe manner.
- Reporting any incident or accident to their Supervisor Immediately.

**Supervisor Responsibility:**

Supervisors will be expected to ensure enforcement of the golf cart rules and policies and will be held accountable for violations by their employees. Supervisors are responsible for:

- Submit driver's license on all employees who are required to operate a UIW golf cart to Vehicle Services for approval.

- Ensure that all employees attend the mandatory Golf Cart Safety Program prior to operating any UIW golf cart.
- Take timely corrective action for any employee infractions of this policy.
- Ensure their assigned golf carts are operating properly and that conditions identified are repaired.
- Report any incidents/accidents to Vehicle Services.

**Vehicle Services Responsibility:**

- Provide the required Golf Cart training for all on-campus golf cart operators.
- Maintain the appropriate records for all employees who operate UIW Golf carts.
- Report any incidents/accidents to Safety Manager and Human Resources.

**Environmental Health Safety and Risk Management (EHSRM):**

- Providing the online Golf Cart Training Program.
- Assist the supervisors in complying with this policy.
- Review all incidents/accidents and forward a report with recommendations to the VP for Business and Finance with a copy to Human Resources.

**To Obtain A Golf Cart Operators Permit:**

- Obtain your Supervisors approval to operate a golf cart
- Sign on to the Risk and Safety Blackboard site, review the Golf Cart user guide, and take the online exam. The passing score is 85% or higher.
- Take a copy of your exam score to Vehicle Services and schedule a driving test.
- Pass the driving test.

If you have any questions or concerns please direct your questions to Vehicle Services at 829-3907 or the EHSRM office at 829-6035

## APPENDIX 3 - KEY ISSUE AND CONTROL PROCEDURES

### PROCEDURES

Other than during normal working hours, all buildings shall be locked in order to maintain the security of both the buildings and their contents. Academic buildings shall be opened by Campus Police to serve student and university needs Monday through Friday from 7:00 a.m. to 8:30 p.m. or until 30 minutes after the final class in that building whichever is later. A waiver may be issued by the Vice President for Academic and Student Affairs for Educational Buildings or by the Vice President for Administration for Buildings under his/her control for different operating hours. When academic buildings have been secured, access may be permitted by a security officer upon presentation of proper UIW identification and a stated reason for access to the building. Except for classrooms, all interior doors to all university buildings will be locked by janitorial personnel upon completion of cleaning operations of each room. Individual classrooms will be locked immediately after the last class of the day/night.

Non-academic activities sponsored by university departments/groups must have prior approval from the appropriate Vice President for area(s) to be used. Each department/group is responsible for coordinating with University Police Department the opening/closing of door(s) to the area(s) they will be using for their activity.

The scheduling of off-campus sponsored activities is the responsibility of the Director of Special Events. Each area to be used for off-campus sponsored activities must be reserved with the appropriate facility coordinator. Security personnel will ensure designated areas are open for off-campus sponsored activities only subsequent to receiving notification from the Director of Special Events.

The Registrar's Office is responsible for scheduling classroom usage and will provide Campus Police with a listing of classroom usage with any changes as they occur. Security personnel will ensure designated doors are opened for special activities involving classrooms only subsequent to receiving notification from the Registrar's Office or from the Office of Instructional Technology in the case of computer labs.

Prior approval must be obtained from the appropriate department chair for activities scheduled in lab areas. The appropriate department chair or his/her designee is responsible for the opening/closing of lab area doors and ensuring that adequate supervision is present.

**Keys are not to be issued to students.** For those students needing after-hour access to university buildings, a memorandum should be sent through the appropriate dean to the University Police Department listing those students who are to have access, and to what rooms. Proper UIW identification must be presented to the security officer to access.

Special assignment of keys, where required (such as contractors, housekeeping, food service, etc.), may be authorized by the Director of Facilities Management.

Employees may be issued keys to university buildings upon written approval of the department chair/director or designee, and the dean and vice president in accordance with university procedures. The number of keys issued to an employee will be limited to the MINIMUM NEEDED TO DO THEIR JOB!

1. Keys are issued for entry to university buildings for the purpose of conducting university business only.



2. An authorized employee entering or leaving a locked building shall not permit any individual to enter who would not normally be permitted to enter the building during the hours it is locked. An authorized employee may have guests so long as the guests stay in the proximity of the employee having the assigned key. The authorized employee assumes full responsibility for their presence.
3. An individual entering or leaving a locked building shall be responsible for securing the door and may be held responsible for any loss or damage to university property resulting from failure to do so.
4. Individuals transferring to another department or building may be issued new keys upon the written approval of the new department chair / director in accordance with the above and subsequent to the return of all old keys to the Facilities Management Office ATTN: Locksmith.
5. All keys issued remain the property of the University and shall be returned to Facilities Management Office ATTN: Locksmith under the following conditions:
  - a. For employees:
    - Prior to transfer to another department or building.
    - Upon termination of employment.
    - Upon request of the department chair / director, or Dean.
    - Upon being granted a leave of absence without pay for a period of 30 or more calendar days: however, employees granted such leaves may retain their key(s) if they are authorized to have access to the building and / or office during the leave.
  - b. For all individuals:
    - At the request of Security personnel.
    - At the request of personnel authorized to manage or audit this policy.

It is the responsibility of the appropriate department chairperson/director or designee to ensure that all keys are returned to Facilities Management Office ATTN: Locksmith under the provisions above.

**IN NO CASE IS A KEY TO BE TRANSFERRED FROM ONE INDIVIDUAL TO ANOTHER, OR TO BE OBTAINED FROM ANY OTHER SOURCE THAN FROM THE FACILITIES MANAGEMENT OFFICE. WHEN ANY TRANSFER OR DUPLICATION OF A KEY IS MADE WITHOUT UNIVERSITY CONSENT, THE KEY SHALL BE RECOVERED AND THE INDIVIDUAL(S) INVOLVED REPORTED TO THE ADMINISTRATIVE HEAD, DEAN, OR VICE PRESIDENT FOR APPROPRIATE ACTION.**

Keys to cabinets, lockers and drawers within buildings or to dormitory rooms are not covered under provisions of this policy. The Facilities Management Office will furnish these keys upon request by the director of the facility. The issue, control and recovery of these keys are the responsibilities of the director of the facility. Key issuances for cabinets, lockers, and drawers within buildings/offices are authorized by the department chair/director subject to such policy guidance as may be issued by the division dean/Vice President.

In accordance with this policy the types and number of keys issued will be limited to the **MINIMUM REQUIRED BY REGULAR WORK ASSIGNMENTS.**

1. The permanent issuance of building master keys will ordinarily be limited to the president, vice presidents and those service departments needing access to the facility.
2. The permanent issuance of building sub master keys will ordinarily be limited to deans and department chairs.
3. Two or more keys may be issued to those requiring access to several rooms throughout the entire building.

PROCEDURES FOR THE ISSUANCE AND RETURN OF KEYS MAY BE ALTERED BY THE DIRECTOR OF FACILITIES MANAGEMENT AS NEEDED TO MEET WORK REQUIREMENTS THROUGHOUT ALL OF THE UNIVERSITY CAMPUSES.

The loss or theft of any key is to be reported immediately to the department chair/director, who in turn will notify the Facilities Management Office or the Police Department.

Lost keys turned in to a department are to be forwarded immediately to either the Facilities Management Office or the Police Department.

Application for keys is made on a KEY RECORD form.

1. KEY RECORD forms will be submitted to the Facilities Management Office ATTN: Locksmith.
2. If an individual has a need for more than 1 key, additional keys will be listed in block 5 on the Key Record Form.
3. KEY RECORD forms are available from UIW Intranet web site.

Keys can only be obtained in person directly from the Facilities Management Office or Locksmith.

1. Masters and sub masters must be picked up by the employees to whom the keys are to be issued.
2. All other keys may be picked up by an appropriate department representative.

The department is responsible for the key collection procedure. Departments collecting keys will transfer them to the Facilities Management Office.

**NOTE: Departments failing to deliver keys to the Facilities Management Office expeditiously will cause a delay in the release of a terminating employee's final paycheck.**

Prior to the end of each academic semester, each department will review their list of individuals assigned keys to areas under its jurisdiction and ensure that all keys no longer needed by any individual in the department (full time, part time, or adjunct) are collected and returned to Facilities Management as appropriate.

**NOTE: This review will aid the department in identifying those keys to be returned by employees having an ending date of appointment as of the end of each academic semester.**

Annually, each department must check and certify the accuracy of their inventory list of keys issued to individuals under its jurisdiction. A copy of the verified list will be provided to the Facilities Management Office ATTN: Locksmith.

Keys must be surrendered at the request of any campus police or security representative or other law enforcement official in the performance of his/her duty.

## **PROCEDURES: ISSUANCE OF KEYS**

### **Department**

Upon request for key, initiate UIW KEY RECORD form, completing items no. 1-7. Approve KEY RECORD form (item no. 6) and forward to dean or vice president for approval (item no. 7). Make and keep copy of the key record form.

The KEY RECORD form (item no. 5 Remarks) must be completed to justify the issuance of a master or a grand master and must be approved by the Vice President for Business and Finance.

Forward or deliver the approved Key Record form to the Facilities Management Office ATTN: Locksmith for processing. The applicant will be notified when the key is ready for pickup.

1. Master and sub master keys must be picked up by the applicant who will be asked to sign for the key on item 8 of the form.
2. All other keys may be picked up by the applicant or department representative designated by the applicant. If the representative is picking up the key, the applicant must sign the form, item 8 prior to the form being delivered or forwarded to the Facilities Management Office.

### **Facilities Management Office**

1. Produce key and obtain applicant's signature on KEY RECORD form (item no. 8) if not already signed.
2. Give key and a copy to applicant/department representative.
3. Update the key issuance data base computer program. File Facilities Management Office copy.

## **PROCEDURES: RETURNING KEYS**

### **Department**

Upon determining that an individual is transferring or terminating employment with the university, review department files (list) to see what keys are to be returned by that individual. SEND THE INDIVIDUAL TO THE FACILITIES MANAGEMENT OFFICE TO TURN IN HIS/HER KEY WITH A CLEARANCE FORM.

The Facilities Management Office will acknowledge receipt of key(s) by completing the KEY RECORD (item no.10). Key Returned.

Maintain copy of KEY RECORD until deletion of issue record is verified by department annual review, after which time the copy can be destroyed.

## **PROCEDURES: LOST OR STOLEN**

### **Department**

Notify the Facilities Management Office or Police Department immediately by telephone when a key is reported lost or stolen.

Pull department copy of appropriate KEY RECORD from file. Enter “Lost” or “Stolen” in item no. 10 and forward to the Facilities Management Office.

Inform individual that he/she will need to pay the key replacement fee per the Key Replacement Fees schedule as published herein.

Departments/Divisions will be charged key replacement fees, per the Key Replacement Fees schedule, if keys lost by respective faculty members/staff results in the need to re-key a building/room(s).

If a reissue is approved by the department chair/director follow section on Procedures: Issuance of Keys

### **Facilities Management Office**

Enter “Lost” or “Stolen” in item no. 10 of Facilities Management Office copy.  
Update the data base program as appropriate to reflect the missing key status.

## **PROCEDURES: RECOVERED KEYS**

### **Department**

Notify the Facilities Management Office immediately by telephone when a key is recovered. Initiate a new KEY RECORD form if a reissue has not occurred. Complete items no. 1-7. Obtain the signature of the key holder (item no.8) and distribute copies in accordance with these guidelines. If a reissue has already occurred turn in the recovered key to the Facilities Management Office.

### **Facilities Management Office**

When a key is reported as recovered, request the department to complete a new KEY RECORD form if a reissue has not occurred.

1. Request the department that has the recovered key obtain the employee’s signature in item no. 8 of the KEY RECORD form. Request the department give a copy to the employee and send the Facilities Management Office the original.
2. If a duplicate key has already been issued request the recovered key be forwarded immediately to the Facilities Management Office ATTN: Locksmith.

Destroy duplicate KEY RECORDS marked “Lost” or “Stolen” for the recovered key.  
Update the data base program as appropriate to reflect the key’s current status.

### **KEY REPLACEMENT FEES**

Replacement of a lost or stolen key or failure to return an issued key by its due date or upon an employee's last day of employment is subject to a fee as stated below:

1. A replacement fee of \$10.00 per door opened, up to a maximum of \$100.00, for each master or sub-master key not returned.
2. A replacement fee of \$20.00 will be charged for each key other than master or sub-master key not returned.
3. A department will also be charged \$10.00 a key for each door that a sub-master or master key opens with a maximum cap of \$500.00.

**Key replacement fees will be deducted from the employee's final paycheck for each key not returned.**

This Key Issue and Control Procedures applies to all building/rooms on all campuses of the University of the Incarnate Word.

## APPENDIX 4 – HIRING PROCESS

*(Revised by the Director of Human Resources, 12/20/16)*

The process described in this document is intended to assure that all those who participate in selecting new hires are fully informed and exercise judgment that is fair and unbiased.

This process is applicable to hiring UIW/SACHS/IWHS administrators, staff, and faculty (full-time, and part-time). Faculty searches are also governed by Appendix 15 and 16 of the *Faculty Handbook*.

### Posting a Position

A position becomes available due to incumbent departing or a newly created position. Each position must have its own requisition.

1. The hiring manager creates a requisition in the University's applicant tracking system, <http://jobs.uiw.edu/hr>. The position's job description must be in the applicant tracking system for a requisition to be created. Instructions on how to use the applicant tracking system can be found in the Hiring Managers Guide on the Human Resources (HR) department's website.
2. The requisition is sent electronically by the hiring manager to the supervisor.  
**Please note:** the requisition will be sent to the supervisor that is listed in the Supervisor & Hiring Manager field box on the requisition form.
3. Supervisor approves the requisition and sends electronically to the executive for approval.
4. Executive approves the requisition and sends electronically to the Vice-President for Business & Finance.
5. Vice-President for Business & Finance confirms the budget account number and budget amount and sends electronically to the HR department for approval.
6. HR will review the requisition and job description and post the position on the University's career opportunities website. Also, upon request from the hiring department, HR will advertise the position on other external websites.

**Please note:** The process for a requisition to be approved and the position posted on the career opportunities website takes approximately 1-5 business days.

### Interviewing Process

1. Positions must remain open for a minimum of 5 calendar days before any interviews can commence. If a close date is listed, interviews cannot commence until after the closing date.
2. Applicants must apply online. The hiring department cannot accept any resumes, cover letters or applications in any other format.

3. The hiring manager is responsible for managing the applicant pool in the applicant tracking system, <http://jobs.uiw.edu/hr>. Hiring managers can change the status to “not hired” of applicants he/she is not interested in interviewing. The applicant will receive an email immediately letting them know they have not been selected for the position. The applicants that are selected for interview, the hiring manager should change the status to “interview”. This allows applicants to track the status of their application for the position(s) he/she has applied for.
4. When the applicant pool exceeds 20 qualified candidates a minimum of 5 candidates will be selected for interviews. When the applicant pool is equal to or less than 20, a minimum of 3 candidates will be selected for interviews. The initial interview may be made by telephone.
5. Hiring managers, and search committee members conducting interviews will adhere to a strict non-discriminatory procedure. The HR office is available to assist in the interview process including the development of interview questions. All members of the search committee must make every effort to participate in the telephone and on-campus interview of all selected candidates. The hiring manager or the search committee chair, are responsible for summarizing the level of participation of all members of the search regarding any recommendations of hire to the decision maker.
6. All candidates selected for interviews (telephone and on-campus) will be asked the same general questions; however, differing backgrounds and circumstances may require a variation in specific questions asked of the candidates. Samples of questions are included in section “A” & “B”. These questions are illustrative only and may be used as guidelines for developing specific questions for each search. Also, a list of permitted and prohibited questions is included in section “C”. Prior to inviting candidates to campus for interviews, the hiring manager or search committee must check the professional and personal references provided by the candidates.
7. All newly-hired regular full and part-time, staff, administrators, and contracted administrators will be hired with a start date of 1<sup>st</sup> or 16<sup>th</sup> of the month. If the 1<sup>st</sup> and/or 16<sup>th</sup> is a weekend or holiday, the new employee will start employment on the following work day.
8. Regular full and part-time, staff, administrators, and contracted administrators first day of employment will be dedicated to attending a Day-One Orientation in the Human Resources office.

### **Offering Employment for Administrator and Staff Positions**

1. When a candidate is selected for employment, the hiring manager must contact the HR Office of the selection of hire.
2. HR will contact the selected candidate and schedule a time for him/her to come in and complete the new hire paperwork, which includes the conditional offer letter, authorization for a background check, I-9 form, and W-4 form. HR will also schedule the meeting with the VP of Mission and Ministry.
3. When the background check clears and all the new hire paperwork is complete, HR will email the hiring manager that the candidate is cleared to start work. The email will also include the new hires email address and PIDM.
4. No employee can start work until the background check, the meeting with the VP of Mission and Ministry and I-9 form are complete. For the I-9 form to be complete, the new hire must show original documents to prove he/she can work in the United States. A copy of these documents are kept with the I-9 form in the HR office.

5. New employees must present a Social Security Card as verification of legal name and Social Security number to ensure accurate payroll reporting to the Social Security Administration.
6. HR will notify the hiring manager when the new employee will be eligible to start working which will either be the 1st or 16th of the month.
7. HR will complete the New Hire Payroll Authorization form and submit to the VP of Business and Finance office for signature.
8. When the payroll authorization form has all the signatures, it is sent to the Payroll office for processing and the President's office will generate the Formal Offer Letter which is sent to the employee.
9. Anticipate that this process takes approximately 2 weeks from the time the hiring manager makes the verbal offer to Payroll receiving the payroll authorization form.
10. Hiring manager should update the status of the remaining applicants on the applicant tracking system and close the position.
11. The new employee will spend their first day of work in the Human Resources office for the Day-One New Employee Orientation.
12. During the Day One – New Employee Orientation, the new employee will receive their employment ID card, parking decal, have a policy review, benefits overview, and complete required training.
13. The new employee will begin their position in their assigned department on the first scheduled work day after completion of the Orientation

#### **Offering Employment for Temporary or Seasonal Positions**

1. Steps 1-5 above remain the same. The only exception is the temporary or seasonal hire does not meet with the VP of Mission and Ministry.
2. Hiring department completes the Temporary or Seasonal Payroll Authorization Form and submits for signatures.
3. The Temporary or Seasonal Payroll Authorization form is submitted to the Payroll office for processing and a copy is sent to the HR office.
4. Hiring manager should update the status of the remaining applicants on the applicant tracking system and close the position.

#### **Offering Employment for Full-Time Faculty Positions**

1. When a candidate is selected for hire the dean submits the Request for Letter of Offer to the Provost office.
2. The Provost office will send the letter of offer to the candidate.



3. The HR office needs to be notified of the potential new hire along with a copy of the signed offer letter.
4. HR will contact the candidate and schedule a time for him/her to come in and complete the new hire paperwork, which includes the authorization for a background check, I-9 form, direct deposit, and W-4 form.
5. When the background check clears and all the new hire paperwork is complete, HR will email the hiring dean that the new hire is cleared to start work. The email will also include the new hire's email address and PIDM.
6. No employee can start work until the background check, and I-9 form are complete. For the I-9 form to be complete, the new hire must show original documents to prove he/she can work in the United States. A copy of these documents are kept with the I-9 form in the HR office.
7. New employees must present a Social Security Card as verification of legal name and Social Security number to ensure accurate payroll reporting to the Social Security Administration.
8. The dean completes the Request for Contract and submits to the Provost office for approval.
9. The President's office generates the contract and the contract must be signed by the employee and President of the University.
10. The signed contract needs to be sent to the Payroll office for processing and a copy sent to the HR office.
11. Dean or department chair should update the status of the remaining applicants on the applicant tracking system and close the position.

### **Offering Employment for Part-Time Faculty Positions**

1. The new part-time faculty member must sign a part-time faculty contract provided by the Dean's office.
2. Dean's office must contact the HR office of the new hire and send a copy of the signed contract.
3. HR will contact the candidate and schedule a time for him/her to come in and complete the new hire paperwork, which includes the authorization for a background check, I-9 form, direct deposit, and W-4 form.
4. When the background check clears and all the new hire paperwork is complete, HR will email the hiring Dean that the new hire is cleared to start work. The email will also include the new hire's email address and PIDM.
5. No employee can start work until the background check, and I-9 form are complete. For the I-9 form to be complete the new hire must show original documents to prove he/she can work in the United States. A copy of these documents are kept with the I-9 form in the HR office.
6. New employees must present a Social Security Card as verification of legal name and Social Security number to ensure accurate payroll reporting to the Social Security Administration.

7. Dean's office needs to complete the Part-Time Faculty Payroll Authorization form and submit for signatures.
8. The payroll authorization form is sent to the Payroll office for processing and a copy is sent to the HR office.

## SECTION A

### SAMPLE INTERVIEW QUESTIONS FOR FACULTY

#### Mission

1. How does its mission distinguish UIW from other universities you are familiar with?
2. What do you think distinguishes an institution in the Catholic tradition?
3. How might the document, *Ex Corde Ecclesiae*, affect what you do in the classroom?

#### Teaching

4. Describe your philosophy of teaching.
5. How do you engage students in and out of the classroom? For example, what active/collaborative strategies do you use?
6. Describe significant innovations you brought to a recent course you have taught.
7. What is your experience in using a service-learning methodology in a course?
8. What technology applications have you utilized in the classroom? What is most effective in your estimation?
9. If you have developed a new course in the last 5 years, why did you do it and did the implementation live up to your expectations?
10. How do you feel your teaching style can serve our student population; namely, to accept where students are and help them to be successful?
11. How do you adjust your style to be effective with the less-motivated, under-prepared or academically marginal students?
12. What pedagogical changes do you see on the horizon in your discipline?
13. What do you think are your greatest strengths as an instructor? In which areas do you feel you can use some further development?

#### Scholarship

14. What are your current research interests? How do you see yourself continuing with your research agenda at UIW?
15. What do you see as research possibilities in collaboration with colleagues at UIW?
16. Your work best fits where in the Boyer model of scholarship (teaching, discovery, integration, application)?
17. Describe any grant proposals you are working on or considering.
18. How have you involved your students in your research?

#### Service

19. How would your background and experiences strengthen this X academic department?
20. How do you see yourself supporting the faculty role in governance through participation on the Senate or other institution-wide committees?
21. What is your top priority for being involved in service to the wider community?

#### Professional Development

22. What are your priorities for professional development in the next few years?
23. Where would this new position at UIW fit into your career development goals?

#### Collegiality/Fit

24. Describe your ability to communicate well and work effectively with others.
25. How do you see yourself as responding to teaching what is needed in the discipline, or the Core Curriculum as necessary?
26. Describe what you see as the demands for civility in the academic work environment.

## **SECTION B**

### **Good Behavior Based Interview Questions**

Behavior-based questions provide insight into a candidate's past performance. Here are some effective questions, suggested by Mindy Chapman, author of The HR Specialist's "Case in Point" *employment* law blog:

1. How can we best reward you for a job well done?
2. What have your mistakes taught you?
3. What frustrates you at work, and what do you do about it?
4. How do you like to be managed?
5. What kind of supervisor brings out your peak performance?
6. What's the most useful criticism you've ever received?
7. What one area of your work performance do you struggle with most?
8. Tell me about a time you had to quickly adapt to change.
9. In your position, are you a risk-taker, or do you play it safe?
10. How do you stay current with industry trends?
11. What do you think are key qualities for this position?
12. How has your current position prepared you for this job?
13. What are your three most important business accomplishments?
14. Tell me when your communication skills had an impact.
15. What professional accomplishments are you most proud of and why?
16. What is your greatest professional strength, and how have you used it to overcome a challenge in your career?
17. Can you describe a time when you didn't accomplish a goal and how you rectified the situation?
18. What specifically attracted you to our organization?"
19. Can you describe an example of when you worked with a colleague or group to solve a problem?
20. Walk me through your progression with your current employer, leading me up to what you now do daily.
21. Why would this be a good move in progression for you from a career development standpoint? (i.e., What are you adding to your résumé?)

#### **Technical skills**

22. On a scale of 1 to 10 (10 being a perfect match for this job), how would you grade yourself from a technical standpoint? What would make you a 10? (This second question identifies the gap in their current skills.)
23. Where would you need the most support, structure or direction in your first 90 to 180 days? (Ask this instead of the standard, "What's your greatest weakness?" question.)

#### **Achievement**

24. What makes you stand out as a rarity among your peers? (This tells you how much self-confidence they have.)
25. What have you done in your present/last position to increase your organization's top-line revenues, to reduce expenses or to save time?

26. Why is your current organization a better place for you having worked there?
27. Tell me about your reputation at work: What are you known for?

#### **Pressure-cooker questions**

28. Tell me about your last performance appraisal: In which area were you most disappointed?
29. From an interpersonal standpoint, where do you disagree with your boss most often? What kind of constructive feedback would you give him if he were here right now?
30. What do you know about our organization?

### **SECTION C**

#### **Permitted and Prohibited Questions**

The Equal Employment Opportunity Commission issued its *Pre-Employment Inquiry Guidelines* in 1981 and its *Enforcement Guidance: Pre-Employment Disability-Related Questions and Medical Examinations* in 1995. These address the issue of interview questions which, if used in making a selection decision, have a discriminatory effect by screening out minority applicants, female candidates, and older applicants and individuals with a disability, etc., for the particular job in question.

**Race** – There are no job-related considerations that would justify asking an applicant a question based on race.

**Religion** - There are no job-related considerations that would justify asking about religious convictions, unless your organization is a religious institution, which may give preference to individuals of their own religion.

**Gender** – Generally, there are no appropriate questions based on the applicant's gender during the interview process. Specifically:

- (a) Women are no longer protected under state wage/hour laws re: number of hours worked, lifting restrictions, etc.
- (b) It is unlawful to deny a female applicant employment because she is pregnant, or planning to have a child at some future date.
- (c) Questions on marital status, number of children, child care arrangements, etc. are not appropriate.
- (d) Questions as to availability to work should be job-related: What hours can you work? What shift(s) can you work? Can you work on weekends and/or holidays?

**Sexual Preference** - There are no permissible questions regarding an applicant's sexual preferences.

**Height and/or weight restrictions** – These questions may support gender or national origin discrimination claims unless their relationship to specific job requirements can be demonstrated.

**Age** –Any question during the interview process that deters employment because of age is unlawful. The Age Discrimination Act of 1967 bars discrimination against persons age 40 or over.

**Arrest & Conviction Records** – Questions relating to an applicant's arrest record are improper, while questions of an applicant's conviction record may be asked, if job related. The Equal Employment Opportunity Commission and many states prohibit use of arrest records for employment decisions because they are inherently biased against applicants in protected classes. The EEOC has issued a Revised Policy Statement covering the use of conviction records by employers in making employment decisions:

(a) The employer must establish a business necessity for use of an applicant's conviction record in its employment decision. In establishing business necessity, the employer must consider three factors to justify use of a conviction record:

(1) Nature and gravity of the offense for which convicted;

(2) Amount of time that has elapsed since the applicant's conviction and/or completion of sentence; and

(3) The nature of the job in question as it relates to the nature of the offense committed.

(b) The EEOC's Revised Policy Statement eliminated the existing requirement that employers consider the applicant's prior employment history along with rehabilitation efforts, if any. The Revised Policy Statement requires that the employer consider job-relatedness of the conviction, plus the lapse of time between the conviction and current job selection process.

**National Origin** – You may not ask an applicant where he/she was born, or where his/her parents were born. You may ask if the applicant is eligible to work in the United States. Our application will have already asked this question.

**Financial Status** – An interviewer should not ask if the applicant owns or rents a home or car, or if wages have been previously garnished, unless financial considerations for the job in question exist. Any employer who relies on consumer credit reports in its employment process must comply with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.

**Military Record** – You may not ask what type of discharge the applicant received from military service. You may ask whether or not the applicant served in the military, period of service, and rank at time of discharge, and type of training and work experience received while in the service.

**Disability** – You may not ask whether or not the applicant has a particular disability. You may only ask whether or not the applicant can perform the duties of the job in question with or without a reasonable accommodation.

Although federal EEO laws do not specifically prohibit any pre-employment questions, the EEOC does look with "extreme disfavor" on questions about age, color, and disability, national origin, and race, religion, gender or veteran status. Following is a representative list of unacceptable and acceptable questions. It is NOT all-inclusive.

<b><u>TOPIC</u></b>	<b><u>UNACCEPTABLE</u></b>	<b><u>ACCEPTABLE</u></b>
Reliability	-Number of children?	-What hours and days can you work?
Attendance	-Who is going to baby-sit?  -What religion are you?  -Do you have pre-school age children at home?  -Do you have a car?	-Are there specific times that you cannot work?  -Do you have responsibilities other than work that will interfere with specific job requirements such as traveling?  -Are you legally eligible for Employment in the United States? - Same as above -Have you ever worked under a different name?
Citizenship/ National Origin	-What is your national origin? -Where are your parents from? -What is your maiden name?	-None -None
For Reference Checking	-What is your father's surname? -What are the names of your relatives?	-None -None
Arrest and Conviction	-Have you ever been arrested?	-Have you ever been convicted of a crime? If so, when, where and what was the disposition of the case?
Disabilities	-Do you have any job disabilities?	-Can you perform the duties of the job you are applying for?
Emergency	-What is the name and address of the relative to be notified in case of an emergency?	-What is the name and address of the person to be notified in case of an emergency? (Request only after the Individual has been employed.)
Credit Record	-Do you own your own home? -Have your wages ever been garnished? -Have you ever declared bankruptcy?	-None -Credit references may be used if in compliance with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act Of 1996. -None
Military Record	-What type of discharge did you receive?	-What type of education, training, Work experience did you receive while in the military?
Language	-What is your native language? Inquiry into use of how applicant acquired ability to read, write or speak a foreign language.	-Inquiry into languages applicant speaks and writes fluently. (If the job requires additional languages)
Organizations	-List all clubs, societies and lodges to which you belong	-Inquiry into applicant's membership in organizations which the applicant considers relevant to his or her ability to perform job.
Race or Color	-Complexion or color of skin. Coloring.	-None
Worker's Compensation	-Have you ever filed for worker's compensation? -Have you had any prior work injuries?	-None -None

Religion or Creed	-Inquiry into applicant's religious denomination, religious affiliations, and church, parish, pastor or religious holidays observed.	-None
Gender	-Do you wish to be addressed as Mr.?, Mrs.?, Miss?, or Ms.?	-None
Addresses	-What was your previous address?	-None
	-How long did you reside there?	-None
	-How long have you lived at your current address?	-None
	-Do you own your own home?	-None
Education	-When did you graduate from high school or College?	-Do you have a high school diploma or equivalent? -Do you have a university or college degree?
Personal	-What color are your eyes, hair? -What is your weight?	-Only permissible if there is a bona fide occupational qualification.



## APPENDIX 5 - STUDENT EMPLOYMENT HANDBOOK

*(Revised by the Director of Human Resources, 07/15/15; Revised 01/2019)*

### Introduction

This handbook contains information regarding Student Employment at the University of the Incarnate Word. Student employees are responsible for adhering to the policies set forth in this handbook. Student Employment is employment at-will. Information within this handbook is subject to change without notice.

### Mission

*(Endorsed by the Board, 12/5/14; approved by the Congregation, 2/5/15)*

The first Sisters of Charity of the Incarnate Word, three young French women motivated by the love of God and their recognition of God's presence in each person, came to San Antonio in 1869 to minister to the sick and the poor. Their spirit of Christian service is perpetuated in the University of the Incarnate Word primarily through teaching and scholarship, encompassing research and artistic expression. Inspired by Judeo-Christian values, the Catholic Intellectual Tradition, and Catholic Social Teaching, the University of the Incarnate Word aims to educate men and women who will become concerned and enlightened citizens within the global community.

The University of the Incarnate Word is committed to educational excellence in a context of faith in Jesus Christ, the Incarnate Word of God. Thus, through a liberal education the university cultivates the development of the whole person and values of life-long learning. To that end, faculty and students support each other in the search for and communication of truth, thoughtful innovation, care of the environment, community service, and social justice.

The University of the Incarnate Word is a Catholic institution that welcomes to its community persons of diverse backgrounds, in the belief that their respectful interaction advances the discovery of truth, mutual understanding, self-realization, and the common good.

### Contact Information

#### Human Resources

Fourth Floor, Administration Building  
210-829-6019

#### Campus Police

Clement Hall  
210-829-6030

#### Financial Aid

Chapel Building, Ground Floor  
210-829-6008

#### Residence Life

Third Floor, Student Engagement Center  
210-829-6034

#### Payroll

First Floor, Administration Building  
210-829-5860

#### Health Services

Ground Level, Agnese Sosa Parking Garage  
210-829-6017

#### Title IX

Fourth Floor, Administration Building  
210-283-6977

## **Equal Employment Opportunity**

UIW is committed to a policy of equal opportunity in employment, without regard to race, color, national origin, disability, genetic information, veteran status, sex, gender, age, pregnancy, or religion (except in limited circumstances when religious preference is both permitted by law and deemed appropriate as a matter of University policy).

## **Employment of Relatives**

Students and Work Study employees cannot work in the same department with a blood relative. See Section 7.5 - Employment of Relatives in the Employee Handbook for additional information.

## **Reasonable Accommodation**

Reasonable accommodation is any change that is made to the work environment or the performance of the job, so someone with a temporary or permanent disability or impairment can perform the essential functions of the job. It is the student's responsibility to inform the supervisor of any needed accommodation. If reasonable accommodation is being requested, the employee must fill out a Reasonable Accommodation form in the HR Office.

## **Student Eligibility**

Students are eligible for a student employment position when they are enrolled as a student at the University of the Incarnate Word. Student employees must be authorized to work in the United States. Proof of eligibility to work must be provided to the Office of Human Resources within 72 hours of hire.

### **Full-time student enrollment is as follows:**

**Undergraduate Student** – 12 or more credit hours during the fall/spring semester

**Graduate Student** – 6 or more credit hours during the fall/spring semester

### **Part-time student enrollment is as follows:**

**Undergraduate Student** - Less than 12 credit hours during fall/spring semester

**Graduate Student** - Less than 6 credit hours during fall/spring semester

To work during the summer, students must be enrolled in the summer or registered for the fall semester. All student employment positions end upon graduation.

## **Finding and Applying for a Job**

Open student positions may be found at <http://jobs.uiw.edu/hr>. Apply by completing an online application at <http://jobs.uiw.edu/hr> or apply for Work-Study job openings through Student Financial Assistance Office. If you would like to be considered for more than one position, you will need to apply for each position accordingly.

The hiring supervisor will review applications, conduct interviews, and select the best candidate for the job. The selected candidate will need to complete required paperwork at Human Resources before starting to work.

## **Job Qualifications**

Student employees must be able to perform the essential functions of the position with or without reasonable accommodation.

## **Number of Hours Students Can Work**

*(Approved by Executive Council, 7/15/15)*

### **1. Undergraduate Student Employees**

Students employed as a student assistant and work study, inclusive of US Citizens, Permanent Residents of the US, and International Students (F-1 and J-1) may work up to 20 hours per week from August 16 through May 15. Student employees may work up to 40 hours per week during the summer break, from May 16 – Aug 15.

Employment is limited to one department at a time.

Student employees are paid on an hourly basis and hours worked must be entered into the Banner Web-Time Entry System.

SGA and CAB student officers may work an additional five (5) hours per week in their student leadership role. This may be combined with one other student position for a maximum of 25 worked hours per week.

### **2. Graduate Student Employees**

Graduate student employees (referred to as Graduate Assistant or GA) may work part-time up to 25 hours per week in one department or in limited cases may work as a Regular GA up to 40 hours per week. All GA's may work up to 40 hours per week during the summer break, from May 16 – Aug 15. GA's may be compensated in the form of hourly pay or stipend, housing assistance, and/or tuition benefits.

- Part-time Graduate Assistants may work up to 25 hours per week and may be paid via stipend or hourly assignment. Compensation may be in the form of tuition benefits, housing, and/or salary.
- Regular Graduate Assistants may work up to 40 hours per week. All regular graduate student employees receive 18 credit hours of tuition benefits per year, a stipend, and the University will subsidize the cost of the employee health insurance to ensure affordability. Regular GA's must enroll as a full time student in the fall semester. Employment in this category is limited to two years.

### **3. Payment Method for Wages**

- Stipend: If the GA is performing professional duties in the field of their studies, i.e., research assistant, athletic trainer, teaching assistant, etc., they may be paid via stipend.

- Hourly: If the GA is working in a non-exempt position, i.e., clerk, laborer, etc., they must be paid on an hourly basis.

## **International Students**

International students with an F1 or J1 Visa, you may apply for student employment. International students in F-1 visa status are generally permitted to work part-time on the premises of the school that issued their currently valid I-20, while they are attending that school and maintaining their F-1 status. Employment is “incident to status” and does not require authorization. International students in J-1 status must be in good standing to be eligible for on-campus employment and need to be authorized in advance and in writing by the Director or Assistant Director of the International Student and Scholar Services.

In order to work at the University, you must first apply for a Social Security Number. It will be necessary to visit the Social Security office with a letter from the Director of International Student and Scholar Services, and apply for a Social Security card. You will immediately receive a letter from Social Security stating that you have applied for a Social Security Number. As soon the Social Security card is received in the mail, please return to Human Resources with your Social Security card.

## **Mandatory Paperwork**

The following paperwork is required (unless otherwise noted) to be completed **BEFORE** student employees may start work. The paperwork includes the Form I-9, W-4, Background Check and Direct Deposit (if desired). Please read the following information regarding what documents are needed to complete these forms.

### **A. Form I-9:**

Federal law requires that every employer in the United States check the legal status of all employees, including student employees. Students are required to complete the Form I-9 and provide the documentation that is described on the back of the Form I-9 within 3 days of being hired.

There are three categories of documents that are accepted for the Form I-9. From List A, the most common form of identification is a **valid** unexpired United States Passport. If you choose not to use a form of identification from List A, you must have two forms of identification, one from List B and one from List C. The most common form of identification from List B is a **valid** Driver’s License or a Military ID card. The most common form of identification from List C is a Social Security card or an original or certified birth certificate.

Copies of these forms of identification cannot be accepted. **ORIGINAL** documents must be presented to Human Resources.

**No student will be allowed to start work, regardless of the department’s need, until they have completed the Form I-9 and presented all of their documentation in person.**

## **B. W-4 Form:**

Each student is required by the Internal Revenue Service (IRS) to complete a W-4 form indicating the number of withholding allowances he or she wishes to claim. This form does not need to be updated each year. It should only be updated if the student wishes to change the amount of allowances they want withheld or if they have a change of address. The W-4 form will be kept in the Payroll Office.

### A Few Tips for Filling out the W-4:

- use your permanent address (not your campus address)
- make sure to write in your social security number in box number 2
- make sure to check off your marital status in box number 3
- make sure to write in the number of allowances in box number 5:

With “0” allowances claimed, your take-home pay may be slightly lower, but you will either owe less money at the end of the tax year, or you will receive more money back on your tax return, as more money was withheld through the year.

With “1” allowance, you can earn more on each paycheck, but you may owe more money or receive a smaller tax refund at the end of the tax year.

Any pay that you receive as a student employee is considered taxable income, so you will receive a W-2 Form around February each year. You will need this form to complete your taxes. Please note that your W-2 Form will be mailed to the address you have provided on the W-4.

## **C. Background Checks**

Depending on the type of employment, a background check may be required before starting to work. A successful background check will be needed if the duties and purpose of the position is to directly serve students or children. By way of example, typical positions that require a successful background check include RA's, tutors, mentors, and kids' camp counselors. The background check will be completed in the Human Resource Office and your supervisor will be notified when the background check is clear.

## **D. Direct Deposit**

Students are encouraged to enroll in Direct Deposit. A voided check or a Direct Deposit Authorization may be provided to Human Resources or directly to Payroll. A deposit slip is not sufficient. The Direct Deposit authorization forms are located in Human Resources.

## **Harassment**

*(Approved by the Executive Council and Board of Trustees, 3/16/16)*

For the complete policy applicable to student employment, please see Chapter 9 of the Employee Handbook located on the Human Resources webpage at [www.uiw.edu/hr](http://www.uiw.edu/hr). Summarily, please be aware as follows:

- **Harassment-Free Work and Learning Environment**

The University promotes a harassment free work environment. Employment policies including, but not limited to the Harassment Free Work and Learning Policy contained in Chapter 9 of the Employee Handbook protecting employees from unlawful harassment is applicable to all student employees.

- **Policy Against Sexual Harassment**

Sexual harassment is a violation of Title VII of the 1964 Civil Rights Act and should not be tolerated by either students or staff. Sexual harassment in the workplace is defined in the following way:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission is made either explicitly or implicitly a condition of an individual's employment, or educational experience;
2. Submission to or rejection of the overture is used as the basis for employment decisions or academic decision that affect the individual; or
3. The conduct has the purpose or effect of interfering unreasonably with an individual's work performance, academic performance, participation in extracurricular activities or creating an intimidating, hostile, or offensive working environment.

The supervisor should deal with observed or reported incidences of sexual harassment immediately. If you are unsure of what constitutes sexual harassment or if you cannot discuss the matter with your supervisor, call the Office of Human Resources at 829-6019.

Additional information can be found at

<http://www.uiw.edu/campuslife/documents/uiwstudenthandbook2014.pdf>

- **Sexual Misconduct Policy**

The purpose of the Sexual Misconduct Policy is to establish a work, educational and living environment at UIW that is free from sexual misconduct, including sex and gender discrimination; sexual and sex and gender based harassment; sexual assault and rape; sexual exploitation; stalking, relationship violence (including domestic and dating violence), and retaliation, through guidelines that promote and foster safe campus climate.

Sexual misconduct is prohibited by University policy and state and federal law, including Title IX and the Violence Against Women Act (VAWA), as amended, S. 47 – 113<sup>th</sup> Congress; Violence Against Women Reauthorization Act of 2013. Title IX and VAWA rights and responsibilities apply to students, faculty, staff, visitors, third parties and other community members.

Resources to address sexual misconduct are available at [www.uiw.edu/titleix](http://www.uiw.edu/titleix).

Questions about the Sexual Misconduct Policy may be sent or referred to the Title IX and Compliance Coordinator.

## **Getting Paid**

A Payroll Authorization form is submitted by the supervisor each semester. No student employee may

begin working until he/she is set up in Banner Web-Time Entry. All student employees must clock in and out in the Web-Time Entry system. Instructions on the use of Web-Time Entry are found at <http://sites.uiw.edu/payroll/web-time-entry-videos/>. It is the student's responsibility to accurately clock in and out.

### **Sick Time, Vacations and Holidays**

Student employees are not eligible for any University benefits. They do not accrue sick or vacation time.

### **Conduct**

It is vital that student employees take their jobs seriously. Student employees are expected to:

- Arrive on Time: It is vital that you arrive to work on time. Excessive tardiness and/or unexcused absences may result in disciplinary actions. Your supervisor is counting on you to show up for your scheduled shift on time. If you are going to be late for any reason, make sure to call your supervisor to let them know.
- Appropriate Dress: Although the University does not have a dress code, please keep in mind that while you are at work, you are representing the University. Please do not wear cut-offs, tank tops, clothing that has profanity on it, etc. Depending on where you work, you may need to wear safety conscious clothing (facilities, grounds).
- Plan on Working Your Entire Shift: Do not intend on doing any homework or studying during your shift. Your employer will have plenty of work for you to do. If for any reason you have some down time, it is up to your supervisor as to whether you may use that time to do some studying.
- Time Off: If for any reason you need a day off, make sure that you have the time off approved by your supervisor first. Supervisors are aware that you are a student first. If you need time off for something that is school related, be honest and let them know what is going on.
- Issues: If you are having any problems with your job, speak to your supervisor. If you are unable to speak to your supervisor, you may speak to someone in Human Resources.
- Phone and Email Etiquette: Please keep in mind the way in which you answer the phone while you are working.
  - o Answering the Telephone: Please be very courteous to anyone you speak to on the phone with. Remember that other people around you can hear you on the phone, so even if you know the person who is calling you, remember to remain professional.
  - o Email: If you compose emails for the department you work in, please remember to be professional in your writing. Check for spelling and proper grammar usage.
  - o Internet Usage: You are not being paid to surf the internet. You are not permitted to be on Facebook, MySpace, Twitter or any other social site while you are at work.

### **Terminations**

Termination of a student employee shall be approved by a supervisor or manager after consultation and approval of Human Resources. Below are some examples as to what constitutes grounds for termination. Please note that these are just some examples and are not exhaustive.

## **Grounds for termination**

1. Excessive tardiness
2. Excessive absences
3. Breach of confidentiality
4. Gross negligence
5. Physical violence or obscene language when dealing with the public or other staff members
6. Being under the influence of drugs or alcohol while on duty
7. Incidence of fraud
8. Violations of the Email/Internet Policy/Responsible Use of University Computing Resources
9. Violation of the Harassment Policy
10. Poor work performance

## **Injuries on the Job – Worker’s Compensation**

In the event of an occupational injury or occupational illness (as defined by Texas Workers’ Compensation Laws) all UIW/IWHS/SACHS employees, including student employees, are covered by Workers’ Compensation Insurance. If an employee is injured on the job or the employee feels that they have an illness caused by their work, STOP WORKING and report the condition to your direct supervisor immediately.

Failure to report such an injury or illness promptly may disqualify the employee from receiving benefits. Every injury regardless of its severity must be reported by the employee to his/her supervisor. Complete an “Employee Report of Injury/Incident” form found on the Human Resources website at <http://www.uiw.edu/hr/forms.html> and submit it to your direct supervisor and the Human Resources Department.

If an employee receives medical treatment, the employee must provide a Work Status Report provided by the doctor to Human Resources before returning to work.

## **Confidentiality Agreement**

A confidentiality agreement must be signed prior to starting work. This is to ensure that anything seen or heard while working at the University will not be repeated to anyone who is not authorized access to that information. The confidentiality agreement located at the end of this handbook must be signed and returned to the hiring manager.

## **Computer Policy**

Student employees are subject to the policy on “Acceptable Use of Information Resources” found at <http://www.uiw.edu/ird/policies-procedures/index.html>.

## **Acknowledgement of Receipt of this Handbook**

The Acknowledge located at the end of this handbook must be signed and returned to your hiring manager upon receipt of this book.



**UNIVERSITY OF THE INCARNATE WORD**  
**Student Statement of Confidentiality**

I, \_\_\_\_\_, understand that I may have access to student and/or personnel records and other types of information that may contain personal and confidential information. I acknowledge that access to this information is necessary for me to do my job for the University. Likewise, I understand that it is against University policy for me to disclose this information to anyone who does not have a specific need relating to the performance of my duties and the University's business to know the information. Therefore, I agree that I will not disclose any information from these records or other sources to anyone except to authorized University personnel who have a specific need to know the information.

If I have any questions regarding whether I should release information learned in connection with my position or found in student and/or personnel records, I should consult my direct supervisor for permission to release the information **before** releasing such information.

I understand that if I violate this Statement of Confidentiality I may be subject to immediate dismissal from my position and may violate certain applicable federal and state laws for which I may have personal responsibility/liability.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

### **Student Acknowledgement of Student Employment Handbook**

I acknowledge receipt of the University of the Incarnate Word, Student Employment Handbook. The handbook can be found online at

<http://www.uiw.edu/hr/documents/StudentEmploymentHandbookwithwebtimeentry.pdf> I understand that I must adhere to the guidelines. I further understand that these guidelines are a general guide and that the provisions of these guidelines do not constitute an employment agreement or a guarantee to continued employment. I will read these guidelines carefully and I understand it is my responsibility to ask questions about any of these guidelines that are unclear to me.

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Employee's Signature

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Date

---

Supervisor's Signature

---

Date

## **APPENDIX 6 - GUIDELINES FOR UNIVERSITY SPONSORED GIFTS AND EVENTS**

*(Approved by Executive Council, 6/1/18)*

The guidelines outlined below apply to all budgeted funds for the University of the Incarnate Word, Incarnate Word High School, and St. Anthony Catholic High School (collectively referred to as the University), including unrestricted and restricted funds.

Employees with budgetary account authority are responsible for expending University funds and resources for purposes that support the University's educational functions, promote education, and provide an important institutional purpose. Expenditures must have a clear business purpose and meet the guidelines established by the Division of Business and Finance. Refer to the official policy in section 7.25 of the Employee Handbook.

### Gifts and Gift Cards

University funds may be used to purchase gift cards or other gifts for university business related purposes, such as thanking a speaker or recognition for tasks beyond normal departmental job duties (e.g. participation on a special task force). Such gifts may not exceed \$25 in value.

However, a supervisor may not purchase gifts or gift cards for employees in his/her own department or another department for non-related University business purposes including special days of recognition or official holidays (i.e. Administrative Assistant's Day, Boss's Day, Christmas, Birthdays, etc.). Small gifts to employees or student employees (including graduate assistants) are a personal decision and should be funded using personal funds or a collection of donations from departmental members.

Retirement gifts for employees who are officially retiring from the University may be purchased by the employing department with University funds and cannot exceed \$100 in value.

Gift cards cannot be used to compensate individuals for services rendered. Compensation for employees must be paid through the Payroll Department, and compensation for independent contractors must be paid through the Accounts Payable Department.

Gift cards may be used as an incentive payment for research or survey participants. A log of recipients must be included with the supporting documentation.

### Prizes

Prizes are only allowed at official University sponsored events coordinated by Human Resources or other authorized departments (such as the Employee Campaign Breakfast, Cowboy Breakfast, and Holiday Reception) where prizes (including gift cards) are awarded to employees, and the recipients are unknown until their names are drawn. Individual prizes purchased with University funds cannot exceed \$50 in value.

### Parties

Retirement gatherings may only be hosted by the employing department for employees officially retiring from the University and should not be lavish or extravagant. Other private departmental or employee events and celebrations such as holidays, birthdays, showers or going-away parties should not be scheduled during the regular workday, except during the lunch hour. Departmental funds cannot be used

for refreshments, gifts or decorations at such events.

### Meals

The University allows payment for reasonable and necessary business meal expenses for meetings and other activities. Meals involving only University personnel are allowed under certain circumstances. The frequency of such meetings and the related expenses must be reasonable and appropriate given the purpose of the discussion and the nature of the business conducted by the schools or departments. Such expenditures should not occur more often than on a quarterly basis.

Meetings should only be scheduled during the normal mealtime when no other time is available for all involved personnel to meet. Such meetings include:

- Breakfast, lunch and dinner meetings which are necessary to conduct University business
- Formally-organized luncheon meetings which are necessary to carry out the business of official committees appointed by the University
- Meetings of an organized working group of employees that require the work of the group to progress through a normal mealtime (i.e. participating in a webcast for training purposes)

Reasonable tips of no more than 20% are allowed on business meals. Tips exceeding 20% of allowable business meals are a personal decision and are not allowed. The amount of tips over 20% will be the personal responsibility of the employee paying the tips.

### Flowers

Flowers sent on major occasions are not classified as gifts and, therefore, may be purchased with University funds. Major occasions include the death of an immediate family member, hospitalization, and the birth or adoption of a child. A floral arrangement or suitable gift of condolence (such as a donation to an appropriate charitable organization in lieu of flowers at the request of the family) will be made on behalf of the University by the employing department with prior approval from the Human Resources Department. Flowers or gifts for such purposes may not exceed \$100 in value. Prior approval should be obtained by contacting Human Resources via email at [uiwhr@uiwtx.edu](mailto:uiwhr@uiwtx.edu). Any additional gifts from other departments or employees are a personal decision and should be funded using personal funds or a collection of donations from departmental members.

### Apparel

Apparel items with school logos and/or department names are not classified as gifts since they are promotional in nature and, therefore, may be purchased with University funds. Such apparel should be professional in appearance and may not exceed \$100 in value per employee per fiscal year. This limit does not apply to departments that require official uniforms.

### Unallowable Expenditures

Expenses of a personal nature cannot be funded with University resources. Examples of unallowable expenditures include, but are not limited to, the following:

- Expenditures for employee social or recreational functions where no business is conducted nor business objectives are present. Such expenditures include tables or individual meals or tickets to school sponsored events (i.e. Swing-in golf tournament, fashion show, sporting events, etc.), non-

approved individual farewells or employee recognition programs, picnics, or other seasonal gatherings and employee functions.

- Personal travel and entertainment expenses including passports, airline club memberships, etc.
- Expenses for spouses and family members including meals, travel, tickets to school sponsored events, etc.
- Dues for personal or business memberships in wholesale clubs, vendor programs, etc. (i.e. Sam's Club and Amazon), other than the approved corporate memberships maintained by the Purchasing Department
- University parking fees and permits for faculty, staff or administrators for personal use
- Fines and penalties (i.e. traffic tickets, parking fines and returned check charges)
- Other personal expenses such as fees for personal credit cards, personal phone calls, personal use of photocopy machines, and supplies for home or personal use
- Alcohol (except at official University functions such as the Holiday Reception)

The University intends for this policy to have broad application in order to limit the use of institutional funds and resources for valid business purposes. This policy is intended to be neither all-inclusive nor to address every situation that may arise. The Associate Vice President for Business and Finance and Comptroller or her designee may authorize exceptions to this policy in writing. Employees who disregard this policy will be personally liable to reimburse the University for unauthorized use of University funds and subject to disciplinary action. Questions about specific situations not addressed in this policy or policy clarifications should be addressed to the Comptroller's office via email at [vlcastil@uiwtx.edu](mailto:vlcastil@uiwtx.edu) or at 210-829-6037.

## Appendix 7 - Human Resources Record Retention

Human Resources Record Retention Guidelines				
Human Resources Documents				
Retention Period	Document Type	Law	Notes	Retention Requirements
<b>Employee File</b> Keep documentation for length of employee's service and follow destruction guidelines seven years after employee is terminated. If the employee is involved in an employment-related dispute all documents must be kept until the dispute is reconciled.	<b>Pay Records</b>			
	Offer Letters	EEOC: 29 CFR 1620.32C(c)	Each employer shall preserve for at least two years the records he makes of the kind described in § 1620.32(b) which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.	2 Years
	Faculty Contracts			
	Contracted Administrator Contracts			
	PAF - Admin & Staff	EEOC: 29 CFR part 516.5 (a)	Payroll records. From the last date of entry, all payroll or other records containing the employee information and data required under any of the applicable sections of this part	3 Years from last date of entry
	Adjunct Faculty			
	Temporary Admin Pay Authorizations	FLSA, ADEA, FMLA	Payroll records – name, address, birth, occupation, rate of pay and compensation per week and other information	3 Years
	Temporary Staff Pay Authorizations			
	Student Pay Authorizations	FLSA	Supplemental back-up data for certain payroll records	2 Years
	Work-study Pay Authorizations	Title VII, ADA	General personnel and employment records	1 Year
	Request for Full-Time Faculty			
	Voluntary Resignation Agreement	29 CFR 1602.14	Payroll status change: hiring, promotion, demotion, and/ or transfer	1 Year after the record is made or 1 Year after the action taken, whichever is later
	<b>Personal information</b>			
	Personal Data Form	FLSA, ADEA, FMLA	Payroll records – name, address, birth, occupation, rate of pay and compensation per week and other information	3 Years
	Change of Name, Address, Telephone	Title VII, ADA	General personnel and employment records	1 Year
	<b>Departure</b>			
	Employee Clearance Form	Title VII, ADA	General personnel and employment records	1 Year
	Termination			
	Letters of Resignation			
	Grey Box Memo			
	<b>Evaluations</b>			
	For existing paper evaluations	EEOC: 29 CFR 1620.32C(c)	Each employer shall preserve for at least two years the records he makes of the kind described in § 1620.32(b) which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.	2 Years
	Electronic evaluations	EEOC: 29 CFR 516	Employer evaluations, seniority systems, wage rates, merit system, collective bargaining agreements	3 Years
		EEOC: 29 CFR 1602.14	Performance Review	1 Year after the record is made or 1 Year after the action taken, whichever is later
	<b>Letters of Recognition and Reprimand</b>			
	Certifications – Training at UIW	Title VII, ADA	General personnel and employment records	1 Year
	Acknowledgements		If the employer is involved in an employment-related dispute with a terminated employee and this dispute had not yet been reconciled, retain all documents relating to that employee.	
	Memo's			
	Personnel Disciplinary Action Documentation			
	Personnel Corrective Action Documentation			
	Grievance Records			
	<b>Applicant Profile</b>			
	Resumes/CV	Title VII, ADA	General personnel and employment records	1 Year
	Cover letters	EEOC	Keep solicited job applications for at least one year – it is best to keep them at least 4 years, in order to exhaust all possible statutes of limitations for various employment law causes of action, and the application for the successful candidate for at least 7 years; if EEOC investigates and finds that applications have not been kept, that is not only a recordkeeping violation, but also potential evidence of intent to discriminate.	7 Years
	Application for employment			
	Job Advertisements for H1B			
	Transcripts			
	<b>Job Descriptions</b>			
		Title VII, ADA	General personnel and employment records	1 Year
	<b>Documents related to Hiring</b>			
	Dispute Resolution Program Memo	Title VII, ADA	General personnel and employment records	1 Year
	Workers' Compensation Notice - Notice to New Employee			
	Background Check Disclosure & Release Form			
	Harassment-Free Work & Learning Environment Policy Memo & Receipt			
	Other			

Human Resources Record Retention Guidelines				
Human Resources Documents				
Retention Period	Document Type	Law	Notes	Retention Requirements
Employee File Continued				
Keep documentation for length of employee's service and follow destruction guidelines seven years after employee and the plan is terminated.	<b>Benefit Records</b>			
	<b>Payroll Employee Benefit Deduction Form</b>			
	Enrollment/Change Form - Old	EPA	Additions and deductions from wages paid	Recommended to retain for length of employment plus additional five years
	UIW Benefit/Change Form for Open Enrollment			
	Employee Benefits Deduction Form			
	<b>Health Benefits</b>			
	University of the Incarnate Word Vision Enrollment Form (SPECTRA)	ADEA		Full period of time plan is in effect and for one year after its termination
	Humana Web Printouts/Email Correspondence			
	VSP Web Printouts/Email Correspondence			
	Ceridian Benefits Continuation Services	ERISA and HIPAA	Benefit-related information (ERISA and HIPAA) - generally, keep ERISA- and HIPAA-related documents for at least six years following the creation of the documents. UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
	Certification of Vital Records - Example: Copy of Birth Certificates			
	National Medical Support Notice and supporting documents			
	AIF - Aetna Evidence of Insurability Statement Life Coverage			
	AIF - Aetna Benefit Information	COBRA	Continuation of health plan	No set requirement under COBRA Recommend to stay consistent with ERISA - 6 Years
	AIF - University of the Incarnate Word Employee Benefits Deduction Form	ERISA: 29 USC 1027	Benefit Plan - UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
	<b>Insurance</b>			
	Catholic Life - Email Correspondence	ERISA and HIPAA	Benefit-related information (ERISA and HIPAA) - generally, keep ERISA- and HIPAA-related documents for at least six years following the creation of the documents. UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
	Catholic Life - Employee Group Enrollment Card			
	AFLAC - Salary Reduction Agreement			
	AFLAC - Email Correspondence			
	Hartford Long Term Disability	ADEA		Full period of time plan is in effect and for one year after its termination
	AIF - Hartford Life Insurance			
	AIF - Colonial Supplemental Insurance			
	AIF - Colonial Waiver Card	ERISA: 29 USC 1027	Benefit Plan - UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
	<b>Retirement</b>			
	TIAA-CREF - Salary Reduction Agreement Under Internal Revenue Code Section 403b	ERISA	UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	Records used to determine benefits that are or will become due for each employee participating in the plan must be retained as long as they are relevant.
	TIAA-CREF - Enrollment Form for TIAA and CREF Retirement Annuity Contracts			
		ERISA: 29 USC 1027	Benefit Plan -UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
	<b>SBS 125 Cafeteria Plan</b>			
	SBS Section 125 Cafeteria Plan	EPA	Additions and deductions from wages paid	Recommended to retain for length of employment plus additional five years
		ADEA		Full period of time plan is in effect and for one year after its termination
	<b>Benefit Plan Records</b>			
	Plan Documents	ADEA		Full period of time plan is in effect and for one year after its
		ERISA: 29 USC 1027	Benefit Plan -UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
		ERISA	UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	Records used to determine benefits that are or will become due for each employee participating in the plan must be retained as long as they are relevant.

Human Resources Record Retention Guidelines					
Human Resources Documents					
Retention Period		Document Type	Law	Notes	Retention Requirements
Employee File Continued					
Employee Loans		Employee Loans			
Keep loan documentation on active employees and follow destruction guidelines seven years after the employee is terminated.		Request for Employee Loan Email to Business for Approval/Approval Email Promissory Note	EPA	Additions and deductions from wages paid	Recommended to retain for length of employment plus additional five years
Terminated Employees					
Follow destruction guidelines 7 years after employee is terminated. If the terminated employee is involved in an employment-related dispute all documents must be kept until the dispute is reconciled.		All Employee Record Files Inclusive of Benefit Records	EEOC: 29 CFR 1620.32C(c)	Each employer shall preserve for at least two years the records he makes of the kind described in § 1620.32(b) which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.	2 Years
			EEOC: 29 CFR part 516.5 (a)	Payroll records. From the last date of entry, all payroll or other records containing the employee information and data required under any of the applicable sections of this part	3 Years from last date of entry
			FLSA, ADEA, FMLA	Payroll records – name, address, birth, occupation, rate of pay and compensation per week and other information	3 Years
			FLSA	Supplemental back-up data for certain payroll records	2 Years
			Title VII, ADA	General personnel and employment records	1 Year
			ADEA		Full period of time plan is in effect and for one year after its termination
			ERISA and HIPAA	Benefit-related information (ERISA and HIPAA) - generally, keep ERISA- and HIPAA-related documents for at least six years following the creation of the documents.	6 Years
			COBRA	Continuation of health plan	No set requirement under COBRA Recommend to stay consistent with ERISA - 6 Years
			EPA	Additions and deductions from wages paid	Recommended to retain for length of employment plus additional five years
			EEOC: 29 CFR 1602.14	Payroll status change, separation agreement, exit interview	1 year from termination date
	If the employer is involved in an employment-related dispute with a terminated employee and this dispute had not yet been reconciled, retain all documents relating to that employee.				
	When eliminating terminated employee records, be sure to create a destruction log and destroy by shredding to ensure that no confidential employee information is inadvertently released.				
Unemployment Compensation					
Follow destruction guidelines 4 years after file is closed.		Unemployment Compensation is kept separate from employees record.	TWC General Recordkeeping Requirement	While some wage and hour records must be kept only two years, others require retention for three years under the federal law, and since the Texas unemployment tax rules require a four-year retention period for payroll records, it is a good idea to keep all wage and hour records for at least four years.	4 Years



Human Resources Record Retention Guidelines					
Human Resources Documents					
Retention Period		Document Type	Law	Notes	Retention Requirements
INS Form 1-9					
Keep all I-9's on active employees and follow destruction guidelines one year after termination, but no less than three years after date of hire.		Employee Eligibility Verification Form (INS Form 1-9)	Immigration Reform and Control Act 8 USC 1324(b)(3)(A)(B)		3 years after hire date or 1 year after termination(whichever is later)
Tuition Waiver Programs		Employee Tuition Waiver Program			
Keep all documentation on active Tuition files and follow destruction guidelines seven years after file is closed.		UIW Employee and dependent waivers	FICA & FUTA	Basic employee data, compensation, and tax records	4 yr. from date tax is due or tax paid
		Tuition Exchange Programs			
		Council of Independent Colleges The Tuition Exchange Catholic College Cooperative Tuition Exchange			
Family & Medical Leave Act		Forms			
Keep all documentation on active FMLA files and follow destruction guidelines seven years after file is closed.		Certification of Health Care Provider for employee's serious health condition (WH-380-E) Certification of Qualifying Exigency for Military Family Leave (WH-384) Certification for serious injury or illness of covered service member-for military family leave (WH-385) Certification of Health Care Provider for Family Member's Serious Health Condition (WH-380 F) Designation Notice (WH-382) Notice of Eligibility and Rights and Responsibilities (WH-381) Acknowledgment Form Leave of Absence Request form Request for Time off	FMLA	Family and Medical Leave (FMLA) - keep all payroll, benefit, and leave-related documentation for at least three years after conclusion of the leave event.	3 Years
			29 CFR 825.500(b)	Request for FMLA leave, company response, physician certification, payroll status change, absence report, FMLA tracker	3 Years after leave ends
			HIPAA		6 Years
		Military			
		Covered Military Active Duty Orders Documentation for Call to Active Duty			
		Notices			
		Your rights under USERRA Employee Rights and Responsibilities Under the Family Medical Leave Act			
		Doctor notes			
		UIW Return to Duty Status Form Doctor notes			
		Communication			
		Formal Letters related to Leave of Absences Note pages Email correspondence			
		Misc.			
		Copies of Premium Checks Time sheet print outs Leave Balance print outs ( PEALEAV) Banner print outs Leave of Absence Check List Short Term Disability paperwork			

Human Resources Record Retention Guidelines					
Human Resources Documents					
Retention Period		Document Type	Law	Notes	Retention Requirements
Workers' Compensation  Keep all Workers' Compensation documentation on active cases and follow destruction guidelines 30 years after the case is closed.		Forms	Texas Department of Workers Comp		Health, Medical, Safety Data – Job Related illnesses and injuries: 5 Years  Requests for accommodations of disability: 1 year  Medical Exams: 30 years  Toxic substance exposure records: 30 years  Blood-borne pathogen exposure records: 30 years
		Online Claim Notification			
		Employee report of injury			
		Workplace Injury incident report			
		Health Service Injury report			
		Workplace Accommodation Form			
		First report of injury (DWC 1)			
		Employer's Wage Statement (DWC 3)			
		Supplemental Report of Injury (DWC 6)			
		Employer's contest of compensability (DWC - 004)			
		Employees request to change treating doctor (DWC 53)			
		Description of injured employee's employment (DWC 74)			
		Employee Acknowledgment of Workers' Compensation Network			
		Medical Release of Information			
	Work Status/Dr Notes				
	Work status reports				
	Dr's Notes				
	Communication				
	Email correspondence				
	Formal Letters related to Workers' Comp				
	Note pages				
	Misc.				
	Banner print outs				
	Time sheet print outs				
Medical Files		DOT Driver Qualification File			
Keep all DOT documentation on active employees and follow destruction guidelines five years after the employee is terminated for all but the following items:			U. S.Department of Transportation 382.401		Keep all DOT documentation on active employees and follow destruction guidelines five years after the employee is terminated for all but the following items:
After Five years in active file, follow destruction guidelines for the following:		Records of driver alcohol test results indicating an alcohol concentration of 0.02 or great Records of driver verified positive controlled substances test results Records related to the administration of the alcohol and controlled substance testing programs			After Five years in active file, follow destruction guidelines for the following:
After Three years in active file, follow destruction guidelines for the following:		The medical examiner's certificate of his/her physical qualification to drive a commercial motor vehicle as required by 391.43(f) or a legible photographic copy of the certificate			After Three years in active file, follow destruction guidelines for the following:
After One years in active file, follow destruction guidelines for the following:		Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.			After One years in active file, follow destruction guidelines for the following:
Other Medical Files		ADA Accommodation			
Keep documentation for length of employee's service and follow destruction guidelines seven years after employee is terminated. If the employee is involved in an employment-related dispute all documents must be kept until the dispute is reconciled.			ADAAA 1630.14	Medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record	Disability-related records (ADA) - keep all ADA-related accommodation documentation for at least one year following the date the document was created or the personnel action was taken, whichever comes last.
		Ergonomic Request			
			EEOC: 29 CFR 1602.14	Request for reasonable accommodations	1 Year after the record is made or 1 Year after the action taken, whichever is later
		Long Term Disability			
		Application for Long Term Disability income benefits Explanation of Benefits-Electronic Funds Transfer	ERISA and HIPAA	Benefit-related information (ERISA and HIPAA) - generally, keep ERISA- and HIPAA-related documents for at least six years following the creation of the documents. UIW is not subject to ERISA but it is recommended we follow ERISA retention recommendation.	6 Years
		Other Medical Files			
		Not under FMLA and/or Workers Comp			

Human Resources Record Retention Guidelines					
Human Resources Documents					
Retention Period		Document Type	Law	Notes	Retention Requirements
OSHA 300 Log					
The OSHA 300 Log, annual summary, and the OSHA 301 Incident Report forms must be saved for five years following the end of the calendar year that these records cover. After the five window items may be purged following destruction guidelines.		Workers Comp OSHA 300 Log - only incidents	Occupational Safety & Health Administration 1904.33(a)	and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover.	5 Years
		Hazardous materials records - Kept in Risk and Safety office - 30 years after employee's separation			
Application/Not Hired		Applicant Profile			
Keep all application documentation for those not hired and follow destruction guidelines four years from requisition closing.		Resumes	EEOC	Keep solicited job applications for at least one year – it is best to keep them at least 4 years, in order to exhaust all possible statutes of limitations for various employment law causes of action.	4 Years
		Cover letters			
		Application for employment	Additional Notes	No law requires employers to accept resumes or applications if there are no openings, but an employer should either keep all unsolicited applications, or throw them all away – "cherry-picking" can easily lead to disparate treatment claims with the EEOC or a state human rights agency.	No retention
		Job Advertisements for H1B			
		Job Descriptions			
		H1-B			
		Search Committee Files and Documents			
				Files are maintained in deans office. Must be maintained for 2 years when H-1B is selected to support special handling for permanent residency.	2 Years
Job Advertisements		Monster			
Keep all documentation on active advertisements and follow destruction guidelines two years after the advertisement is closed.			EEOC: 29 CFR 1627.3(b)(1)(vi)	Hiring documentation - under EEOC rules, all records relating to the hiring process must be kept for at least one year following the date the employee was hired for the position in question; if a claim or lawsuit is filed, the records must be kept while the action is pending.	1 Year
		Higher Ed			
		Inside Higher Ed			
		Chronicle			
		SA Express News			
		Job Finder			
		Other			