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U N I V E R S I T Y

## **Employee Handbook**

**Questions or comments should be directed to the Office of Human Resources,  
(817) 531-4403.**

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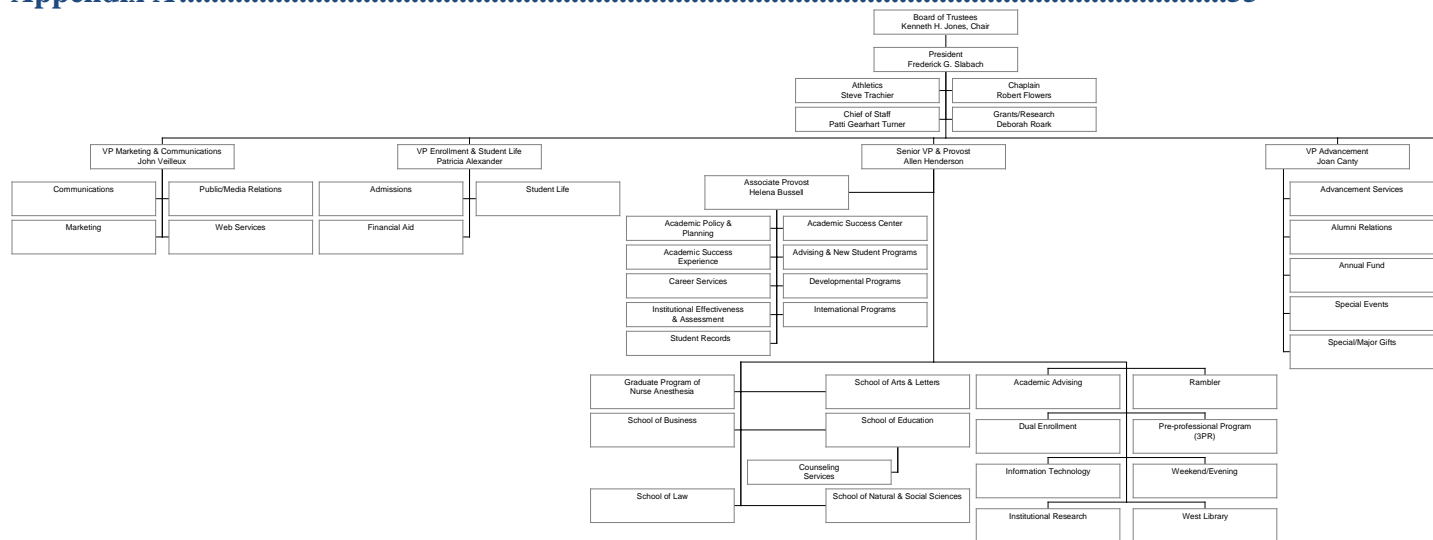
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## 1.0 Introduction

**Welcome to the University!** We hope that your experience here will be challenging, enjoyable and rewarding.

This handbook is designed to assist staff employees with basic information concerning expectations, policies, procedures, practices and benefits related to their employment with the University. **University employees are expected to be familiar with and abide by the contents of this handbook, as well as other policies that may be applicable to their employment, but that are not contained in this manual.**

### 1.1 Amendments and Administration

This handbook shall become effective on the date approved by the president and the board of trustees. **The University may unilaterally modify, suspend or cancel any or all of its policies, procedures, practices or benefits at any time, with or without notice to its employees.** However, the University shall endeavor to effectively communicate any changes through official notices. The president and the board of trustees must approve amendments to the handbook.

The Office of Human Resources maintains the handbook. Any questions regarding the handbook or interpretation of any policy within the handbook should be referred to the Office of Human Resources.

### 1.2 Notice of Benefit Summaries

To the extent that the handbook contains summaries of employee benefit plans or programs, the provisions or obligations of the actual plan or program document will prevail over summaries.

### 1.3 Disclaimer

This is not a legally binding document, nor is it to be considered a contractual agreement. It is however, to serve as a general policy and procedure handbook for staff employees and as a source of general information regarding benefits. If any policy, as stated within, is in direct conflict with state or federal law or a provider's contractual agreement, then the state or federal law or contractual agreement shall prevail.

### 1.4 Faculty Policies and Procedures

Faculty policies and procedures that apply only to faculty are not contained in this handbook. **However, faculty are required to follow general policies established by the University regardless of the source, including this handbook.** Employees holding faculty status should refer to the Faculty Handbook, Faculty Guide, or contact the Office of the Provost.

## 2.0 Mission Statement

Texas Wesleyan University, founded in 1890 in Fort Worth, Texas, is a United Methodist institution with a tradition integrating the liberal arts and sciences with professional and career preparation at the undergraduate level and in selected graduate areas.

Believing that the primary goal of education is the development of students to their full potential as individuals and as members of the world community, the University strives to give students opportunities to grow intellectually and spiritually. Texas Wesleyan is committed to the principles

that each student deserves personal attention and that all members of the academic community must have the freedom to pursue independent thought and to exercise intellectual curiosity. To this end, the University actively seeks and employs faculty with commitment and dedication to teaching and inspiring students, and staff who provide a wide range of support services. The University also accepts its responsibility to the community by providing leadership and talent through programs that improve society.

With the advantages of a small student body, the University serves a diverse student population drawn primarily from the Fort Worth/Dallas metropolitan area, but with a significant number from national and international sources. Texas Wesleyan appreciates the variety of ages and the cultural, ethnic, and socio-economic backgrounds of our students.

**Note: The following paragraph may be used as a purpose statement where a briefer version is needed.**

The purpose of the University is to create a learning environment where personal attention provides each student an opportunity to pursue individual excellence, to think clearly and creatively, to develop a spiritual sensitivity and commitment to moral discrimination and action, and to develop a sense of civic responsibility. In its undergraduate programs, Texas Wesleyan fosters an appreciation of the role of arts, sciences, and humanities in the students' cultural development and prepares students to use their knowledge in productive careers. Whether in its undergraduate, graduate, or professional programs, the University endeavors to produce individuals who become informed, responsible, creative, and articulate citizens.

### **3.0 Accreditation**

Texas Wesleyan University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097: Telephone Number (404) 679-4501) to award baccalaureate and master's degrees and the Juris Doctor degree.

### **4.0 Employment-at-Will**

The University is an employment-at-will employer, which means that just as any employee may conclude the employment relationship at any time for any or no reason, the University maintains the same right; **the employment relationship continues at-the-will of either party.** Since employment is not guaranteed for any definite period of time, no provision in the handbook is, or should be, construed as a contract or legal obligation of either the University or the employee. The president has the day-to-day responsibility and authority to hire and discharge employees and volunteers within budgeting and staffing guidelines established by the board. The president may delegate certain aspects of the employment responsibility to staff.

### **5.0 Equal Employment Opportunity**

Texas Wesleyan University is an equal opportunity employer.

The University upholds its commitment to provide equal opportunity to all employees and applicants for employment in all phases of employment, including, but not limited to, recruiting, hiring, placement, compensation, benefits, promotion, demotion, discipline, transfer and termination. The University shall not discriminate in the employment context against any individual because of race, color, religion, creed, national or ethnic origin, gender, age, disability,

veteran's status, sexual orientation or any other reason prohibited by applicable federal, state or local laws.

The University shall make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship for the University. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Discrimination should be reported to the employee's supervisor, appropriate divisional vice president, associate vice president for administrative services and human resources or the director of human resources immediately. If the employee's complaint is not adequately addressed, the employee should follow the faculty or staff grievance policy.

## **6.0 Organization of the University**

The governance of the University is vested in a board of trustees, as provided in its 1890 charter. The board delegates the authority to conduct the business of the University to an executive committee. The executive committee meets quarterly and at such other times as may be needed. The full board of trustees meets in regular session (usually twice per year) and at such other times as may be needed. The board elects the president of the University, manages property of the University and determines general University policy.

### **6.1 Administrative Organization**

The president has the authority to develop the organization necessary to carry out the activities of the University. See Appendix A, the Organizational Chart.

### **6.2 President, Executive Staff and Senior Staff**

The president is the chief executive officer of the University and is directly responsible to the Board. The president is responsible for overseeing all programs and operations of the University within the guidelines and the policies established by the board. The president, provost/senior vice president, and the vice presidents make up the executive staff. The executive staff, associate vice presidents/provosts, academic deans and the chair of the faculty council comprise the membership of the senior staff. Both groups meet regularly to consider the policies and administration of the University. In the absence of the president, the provost/senior vice president presides at University meetings and functions. The composition of the executive staff or the senior staff may be changed at the discretion of the president.

### **6.3 Summary of President's Staff Positions**

The provost/senior vice president directs the overall academic program of the University. The vice president for enrollment develops and manages the enrollment plan and student life activities and services for the University. The vice president for finance oversees the University's budget process, administrative services and human resources. The vice president for university advancement is responsible for University development, public and University relations, institutional advancement and alumni activities.

### **6.4 Academic Deans**

The Schools of Arts and Sciences, Business, Education, and Law have academic deans who oversee and administer their respective academic programs.



## **6.5 Administrative Searches**

The president may fill staff positions at his or her discretion, including the utilization of a search committee. The senior officer to whom the individual reports will fill open administrative positions at their discretion as well, including the utilization of a search committee. These positions include, but are not limited to, associate or assistant vice president or director positions.

## **7.0 Administrative Policies and Procedures**

### **7.1 Employment Eligibility**

Under the Immigration Reform and Control Act of 1986 (IRCA), the University may hire only persons who may legally work in the United States (U.S.): citizens and nationals of the U.S. and aliens authorized to work in the U.S. The University must verify the identity and employment eligibility of anyone to be hired, which includes completing and retaining the Employment Eligibility Verification Form (I-9). **New employees must provide the information necessary to complete the I-9 on their first day, but no later than their third day of employment.** Failure to provide required information by the third day shall automatically result in the withdrawal of the offer of employment.

#### **7.1.1 Confidential Benefit Enrollment Information**

Following an offer of employment, employees may be required to furnish protected information for purposes of enrollment in benefit plans. Information of this type shall be kept strictly confidential and will not be used in employment-related decisions.

#### **7.1.2 Driver's License**

If an essential function of a position requires the employee to operate University vehicles, it is required that the employee provides verification of a current Texas driver's license and the University acquires a copy of their current driving record (MVR). A good driving record as established by the University's Motor Vehicle and Authorized Driver Policy also may be considered an essential function of the position. See Appendix B.

#### **7.1.3 Suitability Examinations and Drug Screening**

After issuing a job offer, the University may require, as a condition of employment, potential employees to submit to an examination by a physician selected by the University if the essential functions of the job warrant such an examination or drug screening. Examinations and screening procedures of this type will be nondiscriminatory and either all applicants or none of the applicants for a specific job or job category, as established by the University, will be screened in this manner. Examinations and drug screening will be at University expense. Results are confidential.

#### **7.1.4 Background Investigations**

The University may conduct background investigations, including credit, job references or criminal conviction history for certain job categories of any potential employee for the purpose of determining the suitability of the potential employee to satisfactorily perform the essential functions of the position. If conducted by a third party, background, criminal history or credit checks shall be in full compliance with

any applicable regulations contained in the Fair Credit Reporting Act (FCRA). See Appendix R.

The University may also conduct background checks in connection with an on-going investigation of potential employee misconduct. Specifically, **if required** under FCRA, the University shall provide disclosure that the investigation will be made and receive authorization from the applicant.

## **7.2 Employment of Relatives**

The employment of relatives or persons with whom an employee has a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality or harassment in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

**For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.** This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

**Relatives of current employees or persons with whom a current employee has a dating relationship may not occupy a position that will be working directly for or supervising their relative or dating relation, including student workers.** The University also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to their supervisor or to the Office of Human Resources. The individuals concerned will be given the opportunity to decide which one will seek and transfer to another available position. If that decision is not made within 30 calendar days, the department head will decide whether one or both employees will be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship must refrain from public workplace displays of affection or excessive personal conversation.

## **7.3 Job Descriptions**

Job descriptions are developed by hiring supervisors or department heads for all positions and are on file in the Office of Human Resources. Such descriptions should outline general duties, responsibilities, essential functions and qualifications for each position. Job descriptions may not be all-inclusive. Supervisors may also assign additional responsibilities essential to conducting the business of the University. Employees must receive, read and

sign a copy of their job description when they are hired and when significant changes in responsibility occur.

#### **7.4 Performance Reviews**

The appropriate supervisor reviews employees for compliance with performance standards and essential functions of their job at least annually. Although the Office of Human Resources typically coordinates performance reviews on an annual basis, department heads may establish more frequent reviews. Performance evaluations are used to identify employees' job-related strengths and weaknesses and to develop goals or objectives for improvement of individual performance. They may be used for compensation purposes. Signed originals are maintained in the Office of Human Resources in the employee's personnel file. An employee's signature acknowledges only that the employee received and understood the evaluation, not that the employee necessarily agrees with the evaluation. Employees with complaints regarding their evaluation are encouraged to discuss their concerns with their supervisor.

#### **7.5 Employment Categories**

Pursuant to the Fair Labor Standards Act (FLSA), all University employees are classified as follows.

##### **7.5.1 Non-exempt Employee**

Any salaried or hourly employee who is not exempt from the minimum wage, overtime and record keeping provisions of the FLSA. **Employees are presumed to be non-exempt unless their job duties exempt them from the FLSA.** The University reserves the right to designate any employee as non-exempt.

##### **7.5.2 Exempt Employee**

Any salaried employee exempt from the minimum wage, overtime and record keeping provisions of the FLSA. Exempt employees typically are in an executive, administrative or professional position. The exempt status of an employee is determined by exemption criteria established by the U.S. Department of Labor, Wage and Hour Division. The Office of Human Resources and the appropriate vice president has the final responsibility in determining the exempt/non-exempt status of employees under the FLSA. Employees paid less than \$455 per week may **not** be classified as exempt regardless of responsibilities. Employees paid over \$65,000 annually may be classified as exempt regardless of responsibilities.

**Note:** Staff positions are classified into one of the four following categories.

##### **7.5.3 Full-time Regular Employee**

Any position in which the employee is regularly scheduled to work at least 30 hours per week. Employees in this category are eligible for full University benefits. Student workers, regardless of hours, are not considered full-time regular employees and are not eligible for benefits.

##### **7.5.4 Part-time Regular Employee**

Any position in which the employee is regularly scheduled to work less than 30 hours per week. Part-time employees may not be eligible for certain employee benefits.

### **7.5.5 Temporary Employee**

Any position in which the employee is scheduled to work in a job assignment with a beginning and predetermined ending date. Ending dates may be shortened or lengthened at the University's discretion and with notification to and agreement with the employee. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for benefits other than those that may be legally mandated, such as workers' compensation insurance and social security. Individuals in temporary positions who are retained from outside agencies are not considered employees of the University for purposes of benefits.

### **7.5.6 Less than Twelve-month Employee**

Full-time exempt or non-exempt employee positions in which the employee is scheduled to work less than twelve months during any twelve-month period. For benefit purposes, these employees are considered full-time regular employees. Except for health insurance, benefits are only accrued during actual time worked.

### **7.5.7 Faculty and Student Workers**

Employees who are employed as a result of a faculty contract issued by the University or who are classified as student workers, except as otherwise noted, are not subject to this handbook. Academic deans also are subject to the policies in the Faculty Handbook except as otherwise noted. Policies, benefits and privileges in this handbook do not apply to employees in this category unless otherwise stated or required by federal or state laws. Policies in this handbook are applicable when federal, state or local employment laws are not addressed in the faculty handbook.

### **7.5.8 Holding Two Positions Simultaneously**

To ensure the University's compliance with FLSA standards, no employee may simultaneously hold a non-exempt position with any other position. Part-time employees may not hold any other position with the University that combined would make them a full-time employee. Furthermore, a student worker may not simultaneously hold any other permanent or temporary position within the University. An exempt employee must have supervisory approval to hold a second exempt position.

### **7.5.9 Transfer Policy**

**No employee may accept another position within the University within six months of the appointment to his or her current position.**

The current supervisor may waive the six-month policy at his or her sole discretion. All internal candidates must submit an application for a vacant position form (Appendix O) to Human Resources with a current resume.

### **7.5.10 Rehire Seniority Policy**

The date of hire or seniority date of previous employees, who are rehired by the University, shall be the first day on the job in their new or most current position, except that a previous employee's seniority date will be bridged by determining the employee's previous length of service and moving the new date of hire by a corresponding period of time, if the following conditions are met: (1) the employee must have worked for the University within the twelve calendar months immediately preceding rehire, (2) the employee's termination must have been due to resignation,

layoff or other reason other than poor performance or misconduct and (3) at the time of the employee's termination, adequate notice must have been given to the University. The new seniority date must be noted on the payroll status change form at the time the employee is rehired. If applicable, the new seniority date shall be used to determine benefit eligibility. Employees who are rehired within twelve months of their termination will be eligible immediately for vacation/sick leave accrual at their previous rate and will be eligible for immediate reinstatement into the 401(a) retirement plan at their previous vesting status.

## **7.6 Salary Administration**

### **7.6.1 Staff Job Classification System**

The University has established a staff classification system for staff employees. Hiring supervisors shall ensure that the initial rate of pay for a new employee falls within the appropriate range as established by the system. The University may also give consideration to the current wage scale in the local community and in other similarly situated universities; the education, training and experience of the subject employee; the compensation level of current employees of the University; and, the current-budgeted compensation guidelines.

### **7.6.2 Hiring Procedures for Budgeted Positions –Revised Date July 2015**

The hiring supervisor submits a completed Position/Posting Request form to the Finance and Administration office for approval signatures. After approved, the Position/Posting Request form is sent to Human Resources and the position is posted. Human Resources will log and forward resumes to the hiring supervisor as they are received. After candidates have been screened, the hiring department will notify Human Resources of the selected candidates to interview. The hiring department may schedule interviews or request that Human Resources do so. After interviews are scheduled, Human Resources will send candidates an interview confirmation via email with an attached employment application to complete. When interviews are concluded and a candidate has been selected, the hiring supervisor must complete a Request to Hire form and submit it to the Finance and Administration office for approval signatures. At this time, the hiring supervisor may make a verbal offer to the selected candidate, however, the official offer of employment and letter will be sent by the Human Resources office. Once the Human Resources office receives the approved Request to Hire form, the offer of employment letter will be created, signed by the Vice President of Human Resources and sent to the candidate with attached new hire paperwork.

### **7.6.3 Internal Job Postings/Transfers**

The University provides employees an opportunity to indicate their interest in open positions and to advance within the organization according to their skillset and experience. In general, notices of all regular, full-time job openings are posted, although the University reserves its discretionary right to not post a particular opening. Internal job postings are a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring supervisor. Other recruiting sources also may be used to fill open positions in the best interest of the organization.

Job openings will be posted in the Office of Human Resources and on the University's website. Jobs will normally remain open for a minimum of five working days. Notice of openings will include the job title, job description, department, summary, essential duties and necessary qualifications.

To be eligible to apply for a posted job, employees must have performed competently for at least six months in their current position. Employees who have received a written warning in the last six months, are on suspension or are on a leave of absence are not eligible to apply for posted jobs. Hiring supervisors should contact the employee's current supervisor for this information. Eligible employees only may apply for posted jobs for which they possess the required skills, competencies and qualifications.

To apply for an open position, employees should submit a Current Employee application form (Appendix O), letter of interest and resume to the Office of Human Resources listing job-related skills and accomplishments.

The University recognizes the benefit of developmental experiences and encourages employees to talk to their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's supervisor may be contacted to verify performance, skills and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer also may be discussed.

The University also encourages employees to identify friends or acquaintances that are interested in employment opportunities and refer qualified outside applicants for posted jobs.

Employees should obtain permission from the individual before making a referral, share their knowledge of the organization and not make commitments or oral promises of employment.

#### **7.6.4 Merit Increases**

Merit increases are based on the results of performance appraisals. The amount of the merit increase, **if any**, is based principally upon the individual's overall performance, the individual's current salary level and available budgeted funds, as determined by the president and the board of trustees.

#### **7.6.5 Promotion or Demotion/Salary Increases or Decreases**

Increases or decreases in responsibility and authority may or may not result in a compensation change at the time of transfer, promotion or demotion, and any increase or decrease is subject to the same approval process as any other salary adjustment.

### **7.6.5.1 Staff Teaching Assignments and Compensation**

1) Staff members can have teaching assignments as part of their regular job description. In these cases, the salary for the job will include consideration of the teaching responsibility, and there will be no additional compensation for the teaching assignment.

2) Staff members can teach on an exception or emergency basis. In this case, the Provost will determine whether this activity warrants additional compensation and, if so, how much that compensation will be. The CFO must approve the additional compensation. The staff member will be expected to complete his/her normal duties in addition to fulfilling this teaching assignment.

3) In the event that a staff member repeatedly teaches a class which does not fall under his/her normal job description, the job description must be amended by the Provost to reflect this activity, with compensation to be adjusted as necessary with the CFO's approval. This will effectively place this staff member under the terms of item (1) above.

This policy is to take place immediately, and covers all areas of the University.

### **7.6.6 Overtime**

Exempt employees are not eligible to receive overtime pay. Non-exempt employees shall be paid in compliance with FLSA standards. If non-exempt employees work more than forty (40) hours during a one-week pay period (Sunday at 12:00 a.m. through Saturday at 11:59 p.m.), they will be paid at the rate of "time and one-half" their regular pay rate for the overtime hours worked.

Overtime pay is paid for hours actually worked; a compensated absence, such as a holiday or sick leave, is not considered hours worked for purposes of overtime calculation. Non-exempt employees called into work on a day off will be compensated a minimum of two hours at overtime rates, if applicable. **Overtime hours must be authorized in advance by the employee's supervisor. Non-exempt employees may not take it upon themselves to work overtime. Employees are not allowed to record time in and out for other employees under any circumstances, and may be terminated if they do so.**

### **7.6.7 Pay Periods**

#### **7.6.7.1 Exempt Employees**

Exempt employees are paid on the last workday of each month. Pay periods for exempt employees begin on the first day of each month and end on the last day. If the last day of the month falls on a holiday or weekend, exempt employees may be paid on the last regular business day.

#### **7.6.7.2 Non-exempt Employees**

Non-exempt employees are paid biweekly on every other Friday. Each two-week pay period for non-exempt employees begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

It is the employee's responsibility to complete, sign and turn in his or her timesheet to the appropriate supervisor in a timely manner.

### **7.6.8 Time Records**

Staff employees are required to keep an accurate record of time worked. This record should be completed weekly for non-exempt employees. Time records must be signed by the employee, verified and signed by the supervisor, and submitted to the payroll department. Exempt employees should report absences from work each month on an exempt employee absence report.

The attendance report will identify days used for vacation, holidays, break days, bereavement, sick leave, jury duty and military leave. The report must be signed by the employee and verified by his or her supervisor. The payroll office will maintain absence reporting records and time sheets.

### **7.6.9 Attendance**

The efficient operation of the University requires punctual and regular attendance of all employees. Absence from work includes any time lost from the job, whether excused or unexcused, including failure to report to work, reporting to work late or not remaining at work as scheduled. Attendance and tardiness are important factors in the evaluation of job performance. Excessive or habitual patterns of absenteeism and/or lateness on the part of employees are not permitted. Absences due to illness or other circumstances beyond the employee's control may still be considered excessive based on departmental needs.

**It is the employee's responsibility to contact his or her supervisor, directly, before the scheduled starting time to inform the supervisor of the reason for the absence. If a supervisor is not available, the employee should contact the next person in authority to report the absence. If the University is closed, the absence must be reported within one hour of its reopening.** This shall be done the first day and consecutive days of an absence from the workplace.

If the foregoing policy is not followed, the supervisor may consider extenuating circumstances preventing prompt notification before taking disciplinary action. An absence of three or more consecutive days, without notifying the appropriate supervisor, may be considered a voluntary termination. **Excessive tardiness, absenteeism or falsification of time records is grounds for termination of employment.**

#### **7.6.9.1 Normal Workweek**

The normal workweek for University employees is 40 hours per week; however, some positions are designated at fewer than 40 hours per week. The University's general business hours are Monday through Friday from 8:00 a.m. until 5:00 p.m. (on the main campus).

Department managers have the authority to structure individual working conditions and hours to fit the demands of the respective areas. Employees' regular workweek may include Saturday and Sunday. The pay period for a non-exempt employee is Sunday through Saturday.



### **7.6.9.2 Break and Rest Periods**

Non-exempt employees are allowed two paid 15-minute rest periods during the day and an unpaid lunch break of at least 30 minutes. The break schedule should be approved in advance by the employee's supervisor, in recognition of the department's needs and schedules. **Break periods are not guaranteed.** Employees may take their breaks after notifying designated employees in order to cover workstations. Employees should make every effort to take their breaks in a timely manner. If they are unable to accommodate uninterrupted break periods, they must notify their supervisor immediately. **Additional breaks for smoking are not authorized.**

## **7.7 Work Standards**

Without limiting its rights to terminate employment at any time, with or without cause or advance notice, violation of work standards and/or related misconduct may result in disciplinary action, up to and including immediate termination.

University employees are expected to meet general standards of conduct while performing their job responsibilities. Including, but not limited to, employees shall not engage in any of the following conduct:

1. Indecent or discourteous behavior
2. Violent acts or threats of violence
3. Dishonesty or disrespectful behavior toward employees, students or guests
4. Failure to observe all safety and other rules necessary for the safe operation of the University
5. Falsification of records, including attendance records
6. Unauthorized disclosure of confidential information
7. Excessive tardiness or absence, or any absence for three (3) consecutive days without proper notification of a supervisor, as defined elsewhere in this handbook
8. Smoking in unauthorized areas
9. Soliciting or circulating information on University property without permission, concerted union organizing activities are allowed during off hours on exterior grounds
10. Reporting for work under the influence of alcohol or drugs, or possessing illegal drugs or alcohol on University property or at University events
11. Abusing University equipment or materials, or misappropriating University funds or other assets
12. Using one's position of employment to gain unauthorized access to secure locations
13. Personal use of University property or assets, or removal of University property or assets from University property without authorization
14. Conducting business for personal gain on University property or time, or engaging in a conflict of interest activity
15. Possessing unauthorized firearms, explosive materials or other lethal or hazardous materials on campus
16. Conducting oneself in a disorderly, deliberate or reckless manner that causes either actual or potential loss, damage or physical injury to the University, its employees or students
17. Fighting or provoking a fight, or attempting to do bodily harm to another individual while on University property or while on University business

18. Behaving in an insubordinate or disrespectful manner to a supervisor or person in authority
19. Interfering with the work duties of another employee
20. Stealing or behaving dishonestly
21. Conducting oneself in a sexually harassing or other threatening or harassing manner
22. Failing to cooperate in any authorized University investigation
23. Inappropriate use of e-mail or the Internet as described by policy
24. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, gender, age, religion or disability
25. Sleeping during working hours

In general, **off-duty activities** of employees are considered to be their own personal business. However, certain types of off-duty activity by employees represent the potential of a material business concern. Employees who engage in, or are associated with illegal or immoral conduct, which may adversely affect the University or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action, including termination. Any employee who is arrested for a crime of violence, dishonesty or a drug or alcohol-related offense must report such an arrest immediately to a supervisor.

## **7.8 Unified Harassment and Discrimination Policy**

### **Statement**

Harassment and discrimination, including sexual harassment and discrimination, are illegal under federal and state statutes, including but not limited to, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the Texas Commission on Human Rights Act, and is prohibited at Texas Wesleyan University (the "University").

The University is committed to providing an environment of academic study and employment free from harassment or discrimination to all segments of its community, that is, its faculty, staff, students (current or former), guests and vendors. It is the responsibility of members of the University community to conduct themselves so that their words or actions cannot be reasonably perceived as harassing, discriminatory, sexually coercive, abusive or exploitive, or as interfering with any other individual's ability to study or work productively at the University. Furthermore, the University strictly forbids retaliation by any member of the University community against anyone who brings a charge of discrimination, sexual harassment or any other form of harassment.

Once the University has knowledge of conduct or behavior that could be reasonably construed as harassment or discrimination, action under this policy must be initiated and followed to its conclusion.

### **Faculty/Staff-Student Relationship Policy**

The University prohibits relationships of a dating, intimate or sexual nature between faculty/staff and **any student** with whom the faculty or staff member has professional responsibility, even if the relationship is consensual. Professional responsibility may include, but is not limited to athletics, committee work, university sponsored activities or events, and any other direct educational or University employment related control that gives

the faculty or staff member authority or power over the student that could subsequently affect the student's academic or work environment and/or success. These types of relationships are strongly discouraged even when there is no direct relationship with authority/power that could be exerted over the student.

In addition, faculty members may not teach or take any action that may influence the grade of an immediate family member enrolled at the University. Immediate family members are defined as the spouse, significant other, children (natural, adoptive or step) or any dependent person residing with the faculty member. An exception to this policy may be authorized by the dean of the school in question. Faculty members may request an exception, in-writing, to the dean by outlining the reasons that support the requested exception.

### **Definition of Sexual Harassment**

Sexual harassment is any unwelcome sexual advance, request for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

1. Submission to, or rejection of, such conduct is used as the basis for employment or academic decisions or is made a term or condition of employment or academic success;  
or
2. Such conduct has the purpose or effect of unreasonably interfering with one's work or academic performance by creating an intimidating, hostile or offensive work or academic environment.

### **Other Forms of Harassment**

1. Any verbal, physical or visual act or conduct which denigrates, threatens or shows hostility toward any individual or group because of a protected status, and which has the purpose or effect of unreasonably interfering with one's work or academic performance by creating an intimidating, hostile or offensive work or academic environment.
2. Any threat or act of violence.
3. Such harassment may be based on, but is not limited to, race, color, national origin, ethnicity, gender, age, religion, disability, sexual orientation or other legally-protected status.

### **Definition of Discrimination**

Any act or conduct that is prejudicial toward another person's race, color, national origin, ethnicity, gender, age, religion, disability, sexual orientation or other legally-protected status.

### **Sanctions**

Any violation of any aspect of this policy toward any faculty member, staff member, student, guest or vendor will subject the violating faculty member, staff member, student, guest or vendor to appropriate disciplinary action or sanction, which may include: dismissal from employment for faculty and staff, cancellation of student status for students, and loss of business or other campus privileges for vendors and guests.

### **Timing of Complaint**

Any complaint, either oral or written, must be communicated to the appropriate University representative immediately as indicated by this policy, but no later than 180 calendar days from the most recent occurrence of the alleged behavior.

## **Confidentiality of Proceedings and Records**

All persons involved in the investigation, adjudication or resolution of complaints shall preserve the confidentiality of information relating to such investigation, adjudication or resolution, to the extent possible. Such confidential information shall only be disclosed on a need-to-know basis to those in the University or their designees and legal representatives (including outside counsel) authorized to participate in the investigation, adjudication or resolution, or to those outside the University, as required by court order or otherwise required by law.

The University **cannot** guarantee confidentiality.

## **Proceedings**

Once the complaint has been received, the appropriate authority, as defined by this policy, shall promptly initiate the specific complaint and investigation procedure applicable for the accused individual, according to this or other appropriate University policy.

## **Complaint Procedures in General**

The University recognizes the need for each of the three segments of the University community (faculty, staff and students), with their unique missions and roles, to have their own respective complaint procedures. Although this is a unified policy for the University community, specific complaint procedures are listed for each segment, depending upon which member of the University community is being charged with harassment or discrimination. Complaints against vendors and guests should follow the complaint procedures for charges against staff employees.

Complaints should be delivered in writing to the appropriate person as specified in this policy. However, verbal complaints may be accepted. Complaints must provide the name of the person alleged to have harassed or discriminated against the complainant, specific details of the alleged conduct or act, a list of witnesses (if any), a desired remedy, and any other pertinent details.

The complaint procedure described herein shall be available to any faculty member, staff member, student, vendor or guest who believes that he or she has been harassed or discriminated against by a faculty member, staff member, student, vendor or guest in the context of the accused individual's performance of University-related functions.

## **Title IX Overview**

Title IX of the Education Amendments Act of 1972 (amending the Higher Education Act of 1965) specifically provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

The United States Department of Education, Office of Civil Rights (“OCR”) is the primary federal agency responsible for enforcing Title IX, and it has developed regulations that require education programs to take steps to prevent and address sex discrimination.

## **Title IX Scope**

Title IX's prohibition against sex discrimination is broad, protecting students, faculty, and staff in federally funded education programs, and applies to every aspect of the program, including admissions, recruitment, academics, employment, athletics, and student services. Title IX's broad prohibition against sex discrimination also includes sexual harassment, and holds schools responsible for addressing and remedying harassment.

Under Title IX, an educational institution's athletic programs must insure effective accommodation of interests and abilities, equivalence in availability, quality and kinds of other athletic benefits and opportunities, including coaching, equipment, practice and competitive facilities, recruitment, scheduling of games and publicity, and equivalence in financial assistance. Title IX regulations provides that if an institution sponsors an athletic program, it must provide equal athletic opportunities for members of both sexes.

All, faculty, staff or student, complaints of sex discrimination, including sexual harassment or violence, must be reported immediately to the Title IX coordinator (817) 531-4286 or to any assistant coordinator immediately. The Title IX coordinator will take action within a reasonable period of time to effectively correct the situation, prevent a recurrence and remedy any effects of any unlawful harassment. Title IX complaints may also be reported to the OCR.

The Title IX coordinator is responsible for providing a prompt and equitable resolution of all Title IX complaints including conducting a reliable and impartial investigation or coordinating such an investigation through his/her appointment of Title IX assistant coordinators or others at the senior staff level.

**Retaliation against any individual who files a complaint or participates in a harassment inquiry is strictly prohibited.**

**Title IX Coordinator:** Associate Vice President for Administrative Services and Human Resources (817) 531-4286

**Title IX Assistant Coordinators:**

Academic: Associate Provost (817) 531- 4405

Athletics: Athletic Director (817) 531-4874

Disability Accommodations: Director Graduate Counseling/Disability Accommodation (817) 531-7565

Human Resources: Director of Human Resources (817) 531-4403

Student Life: Dean of Students (817) 531-4872

**Complaints not cover under Title IX are handled according to the following:**

**1. Lodging of Complaint Involving a Faculty Member**

**Investigation**

Any complaint of harassment (other than sexual harassment) or discrimination against a faculty member shall be reported immediately to the Provost. The Provost shall promptly

assign the complaint to two (2) appropriate administrators of at least the senior staff level or someone who directly reports to the senior staff. These administrators shall investigate the complaint, interview the parties and others in possession of pertinent information, review relevant documentation and evidence, reach an initial determination of whether harassment or discrimination has occurred and, depending upon its severity, seek to resolve the matter informally.

If the administrators believe that immediate harm to either party or the integrity of the investigation is threatened by the continued performance of the accused faculty member's customary duties or responsibilities, the administrators may recommend to the Provost that the accused faculty member be suspended with pay, or reassigned pending the completion of the investigation.

The Provost shall complete the investigation within thirty calendar days (30) of the receipt of the complaint, unless notice of delay is given. Within this time frame, the administrators shall prepare a written report of the investigation, which shall include their initial determination.

### **Informal Resolution**

Upon completion of the investigation and depending upon its severity, the administrators are authorized to resolve the matter to the satisfaction of the University, the complaining party and the accused faculty member. If a resolution satisfactory to the University and both parties is reached through the efforts of the administrators, a written statement, a copy of which shall be attached to the administrators' report, shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the administrators. At that time, all action contemplated under the agreement shall be taken and the investigation shall be closed.

### **Determination of Merits of Complaint**

In arriving at a determination of the existence of harassment or discrimination, the administrators shall consider the evidence as a whole, the totality of the circumstances, and the context in which the alleged events occurred. The determination of the existence of harassment or discrimination shall be made from the facts on a case-by-case basis.

### Determination of No Harassment or Discrimination

If the administrators determine that no harassment or discrimination has occurred, they shall dismiss the complaint, giving prompt written notice of said dismissal to each party involved. The complaining party or the University has the right to appeal said dismissal in writing, within fifteen (15) calendar days of the date of the notice of dismissal, to the Provost. If no appeal is filed within fifteen calendar days (15) period, the matter is automatically closed. If a determination of no harassment or discrimination is appealed, the Provost shall make a written recommendation to the President within seven (7) calendar days. The President shall notify all parties of his or her decision in writing within seven (7) calendar days after receipt of the Provost's recommendation. The President's decision is final.

### Determination of Harassment or Discrimination

If the administrators determine that harassment or discrimination has occurred and that a particular sanction is appropriate, they shall promptly notify the parties **without providing**

**details of the sanctions to the complainant.** The accused faculty member, the complaining party or the University may appeal said determination, in writing, to the Provost within fifteen (15) calendar days of the date of notice of determination. If no appeal is filed within the fifteen calendar days (15), the matter is automatically closed. If a determination of harassment or discrimination is appealed, the Provost shall make a written recommendation to the President within seven (7) calendar days. The President shall notify all parties of his or her decision in writing within seven (7) calendar days after receipt of the Provost's recommendation. The President's decision is final.

### **Revocation of Tenure and Termination as Possible Sanction for Harassment or Discrimination**

If the administrators determine at any stage in the investigation that the evidence of harassment or discrimination is sufficiently clear and severe, and the Provost concurs in writing, so as to warrant the immediate commencement of proceedings to revoke tenure and/or terminate a tenured faculty member, the case shall be removed from the complaint procedures contained herein and resolved in accordance with the revocation of tenure and termination policies and procedures for faculty members. The faculty member shall be suspended, with pay, pending formal resolution of the matter.

## **2. Lodging of Complaint Involving a Staff Employee, Guests or Vendor**

Persons who have complaints alleging harassment (other than sexual harassment) or discrimination against a staff employee, guest or vendor are encouraged to raise them either orally or in writing to the Associate Vice President for Administration and Human Resources, Director of Human Resources, a supervisor, the department head, Dean, Divisional Vice President or the Provost. It is recommended, although not required, that the complainant follow the "chain of command." For example, staff employees are encouraged to lodge complaints within their respective work area. The person receiving the complaint shall communicate it promptly to the Associate Vice President for Administration and Human Resources or the Director of Human Resources. The Office of Human Resources shall be responsible for investigating complaints. In the event of a conflict of interest involving the Office of Human Resources, the Associate Vice President shall assign the complaint for Administration and Human Resources to a Divisional Vice President for investigation. Nothing in this policy shall require a complainant to file a complaint with the individual who is accused of harassment or discrimination.

### **Investigation**

Upon receipt of a complaint of harassment or discrimination against a staff employee, guest or vendor, the Office of Human Resources shall investigate the complaint itself or assign it to two (2) administrators, each of whom must be either a Vice President, Associate Vice President or someone who directly reports to a Vice President, Associate Vice President and who is employed at least at the director level.

The Office of Human Resources or the assigned administrators shall investigate the complaint, interview the parties and witnesses involved and gather all pertinent information. The investigation shall be completed within thirty calendar days (30) of receipt of the complaint, unless notice of delay is given. A written report shall be prepared, unless advised otherwise by University legal counsel.

At any stage in the investigation, an accused employee may be suspended with pay or reassigned. If the complaint is against a guest or vendor, the guest may have his or her privileges as a guest suspended, or the vendor may have its business dealings with the University suspended, or the guest or vendor may be prohibited from having contact with faculty, staff, students, guests or vendors of the University until the complaint is resolved. The Office of Human Resources or the administrators shall promptly inform the accused employee, guest or vendor of the complaint and shall, during the investigation, obtain the employee's, guest's or vendor's version of the facts. The Office of Human Resources or the administrators, in arriving at a determination of whether harassment or discrimination has occurred, shall review the information as a whole in the totality of the circumstances and in the context in which the alleged incident or incidents occurred. The determination shall be made from the facts on a case-by-case basis.

### **Determination**

Upon completion of the investigation, the Office of Human Resources or the administrators are authorized to take the following actions:

1. Determine that the claim of harassment or discrimination was not substantiated and provide written notice of such determination to the employee, guest or vendor, and the complainant; or
2. Determine that the claim of harassment or discrimination was substantiated and issue appropriate disciplinary action against the employee, guest or vendor with notification to the complainant that appropriate action is being taken against the employee, guest or vendor, without providing details of the nature of such action.

### Appeals

Either party may appeal the determination by the Office of Human Resources or the administrators to the President in writing within fifteen (15) calendar days of receipt of notification of the determination. If the President does not act to change the determination within seven (7) calendar days of receiving the appeal, the determination shall become final under the executive authority of the President. The President's decision is final.

### Employment-at-will

The utilization of these procedures shall not affect the employment-at-will nature of the employment relationship.

### **3. Lodging of Complaint Involving a Student**

Persons who have complaints alleging harassment (other than sexual harassment) or discrimination against students are encouraged to raise them either orally or in writing to the Vice President of Student Services, the Dean of Students, the Provost, a Dean, or the Office of Human Resources. The person receiving the complaint shall communicate it promptly to the Vice President of Enrollment and Student Services or the Dean of Students in his or her absence.

### **Investigation**

Upon receipt of a complaint of harassment or discrimination against a student, the Vice President of Enrollment and Student Services or the Dean of Students, if designated by the Vice President, shall investigate or assign the complaint to two (2) administrators, each of whom must be either a Vice President, Associate Vice President or someone who directly



reports to a Vice President or Associate Vice President and who is employed at least at the director level. The Office of Human Resources shall serve in an advisory capacity for complaints involving students.

The above-mentioned staff or the assigned administrators shall investigate the complaint, interview the parties and witnesses involved and gather all pertinent information. The investigation shall be completed within thirty calendar days (30) of receipt of the complaint, unless notice of delay is given. A written report shall be prepared, unless advised otherwise by University legal counsel.

At any stage in the investigation, the accused student may be suspended until the matter is resolved. In the event a student is suspended and subsequently exonerated, the student shall be allowed to make-up missed assignments or tests, if possible. If that is not possible, the student shall be refunded any tuition or fees lost. The accused student shall be promptly notified of the complaint and shall, during the investigation, provide his or her version of the facts. In arriving at a determination of whether harassment or discrimination has occurred, the information as a whole in the totality of the circumstances and in the context in which the alleged incident or incidents occurred shall be reviewed. The determination will be made from the facts on a case-by-case basis.

### **Determination**

Upon completion of the investigation, the Vice President of Enrollment and Student Services, the Dean of Students or the administrators are authorized to take the following actions:

1. Determine that the claim of harassment or discrimination was not substantiated and provide prompt written notice of such determination to the student and the complainant; or
2. Determine that the claim of harassment or discrimination was substantiated and issue appropriate disciplinary action against the student with notification to the complainant that appropriate action is being taken against the student, without providing details of the nature of such action. If the disciplinary action against the student is expulsion, the President must first be notified and approve the expulsion.

### **Appeals**

Either party may appeal the determination by the Vice President of Enrollment and Student Services, the Dean of Students or the administrators to the President in writing within fifteen (15) calendar days of receipt of notification of the determination. If the President does not act to change the determination within seven (7) calendar days of receiving the appeal, the determination shall become final under the executive authority of the President. The President's decision is final.

### **Notice**

This policy does not create contractual rights of any kind for students, faculty, staff, guests or vendors. This policy may be amended, amplified or withdrawn by the University, in its sole discretion, at any time.

### **Campus Hotline**

The University provides a third-party campus hotline that all University constituents may use to report concerns. The third-party provider may be reached by calling 866-943-5787.

## **7.9 Dress Policy**

The University requires that its employees dress in a professional and safe manner. It is the supervisor's responsibility to make sure his or her employees are dressing in a manner that is appropriate for the business setting and that presents a professional image, even though the manner of dress may be casual. Business attire is normally required for administrative personnel.

### **7.9.1 Casual Day**

Friday has been approved as “casual day.” For purposes of this policy, casual attire is defined as casual business attire. Denim slacks that are neat and tailored are permitted. However, shorts and warm-up suits are not considered appropriate dress for University office work and should not be worn, even on Fridays. When in doubt, ask your supervisor. Casual attire also may be appropriate, as determined by your supervisor, during summer months or break-periods.

## **7.10 Access to Personnel Records**

Employee personnel records are the property of the University and are maintained by the Office of Human Resources. Employee medical records and work-eligibility records are maintained in separate confidential files. The payroll department maintains employee records related to payroll administration. Review of personnel files is restricted to the president, the vice presidents, human resources and supervisors on a need-to-know basis.

Employees may view their own personnel files, except for information by reference sources or other confidential information, annually in the presence of a human resources representative. An employee may not copy or remove any information from the file unless approved by the associate vice president for administrative services and human resources. To view a personnel file, the employee should make a written request to the associate vice president for administrative services and human resources or the director of human resources, and schedule an appointment. If the employee wishes to dispute any item in the personnel file, the employee may send a written description of the disputed item to the appropriate vice president, with a copy to the associate vice president for administrative services and human resources. The vice president will issue a written response within thirty (30) calendar days to the employee, with a copy to human resources. No document shall be removed from the file without a vice president’s approval. An exception to this policy is contained in 7.16.

## **7.11 Conflicts of Interest**

In an environment as diverse and complex as the University, conflicts of interest between personal and professional interests are possible. It is the responsibility of each employee to recognize and avoid potential conflicts of interest. Employees are expected to be honest and exercise professional integrity in every aspect of their relationship with the University. Using official status, family position, political influence or other associations for personal gain or to achieve personal goals for the employee or a family member of the employee is contrary to institutional policy and is unacceptable. Employees should be alert to and recognize difficult situations and seek guidance. Employees shall immediately notify their supervisor and the appropriate vice president of any activity or transaction that may interfere with his or her responsibilities at the University or which even give the appearance of impropriety. Unacceptable behavior includes, but is not limited to, the following:

- A. Situations in which an employee's personal interests could conflict with the interests of the University
- B. Using University assets for unlawful, improper or unauthorized purposes
- C. Using University funds for any purpose other than that described in the supporting documents
- D. Using inside or confidential information or trade secrets for personal profit or gain

### **7.12 Campus Conduct Hotline®**

As part of the University's continuing effort to promote "zero tolerance" of unethical conduct in the workplace, employees and students can contact the *Campus Conduct Hotline®* program anonymously to report concerns about possible violations of the University's ethics and employment policies. The *Campus Conduct Hotline®* system is available twenty-four hours a day, seven days a week by dialing toll-free, 866.943.5787, to report a question or concern about a possible violation of our employment policies or unethical behavior. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential and can be anonymous. For additional information regarding the *Campus Conduct Hotline®*, please contact the Office of Human Resources.

### **7.13 Use and Duplication of Computer Software**

The University prohibits the unauthorized reproduction of software or use of illegally obtained software. Individuals who violate U.S. copyright law and software licensing agreements may be subject to criminal or civil action by the owner of the copyright as well as to disciplinary action by the University. Employees are required to adhere to conditions or restrictions that are required by licensing agreements that accompany software programs.

For many licensing agreements, it is illegal to copy any software program and install that single program on multiple machines. A lack of copy protection does not constitute permission to copy software. Instruction manuals associated with programs are typically protected by copyright law. For questions or concerns, employees should contact the University's technology department.

### **7.14 Copyright and Photocopying**

Copyright laws frequently prohibit the use of photocopying equipment to duplicate protected materials. All employees should be familiar with and adhere to copyright laws. If documents, books, brochures, photographs or other written or recorded materials display a notice of copyright protection or appear to be subject to copyright protection, those materials shall not be duplicated without authorization from the holder of the copyright.

### **7.15 Risk Management**

University employees should practice fundamental risk management techniques in the course of their employment. Risk management assistance, including a variety of risk management forms such as waivers, is available through the Office of Human Resources.

### **7.16 Acceptable Use of Information Technology Resources**

As is the case with all University assets, e-mail sent or received using University resources should be related to the business or activities of the University. E-mail must never be used

to send, receive, or solicit any illegal, offensive or potentially offensive materials or visible displays, including but not limited to sexually explicit materials. The use of the Internet shall not expose another person to any offensive or potentially offensive material. Individuals should use caution in sending private or confidential information in electronic format. The University does not guarantee that information sent in electronic format over University resources will be privileged or confidential and expressly reserves the right to review any information transmitted or stored on University equipment to ensure compliance with these policies or for system maintenance.

Inappropriate use of e-mail or the Internet may result in disciplinary action. See Appendix M for more information.

### **7.17 Disciplinary Guidelines**

When appropriate, employees may be counseled in an attempt to correct work-related performance or behavioral problems. Generally, progressive disciplinary actions as described below will be followed. **However, in certain circumstances and at the University's sole discretion, it may be necessary to impose an action, up to and including termination of employment, without prior notice or counseling and without progressing through each stage of the disciplinary guidelines.**

Determination of appropriate action will be made on a case-by-case nondiscriminatory basis depending upon the nature and severity of the occurrence and in consultation with and the approval of the appropriate vice president, and the associate vice president for administrative services and human resources or the director of human resources.

**Verbal Counseling:** The supervisor or manager may discuss unacceptable performance or behavior with the employee. The discussion will indicate the nature of the problem and the action necessary to correct it. Verbal counseling should be documented on the employee counseling form and retained by the supervisor. See Appendix C.

**Written Warning:** The supervisor may prepare a written warning regarding an employee's unacceptable performance or behavior, which will be discussed with the employee. The written warning shall clearly state the problem, identify date(s) and example(s) of problem behavior, state the required expectations for change, including a deadline (time periods), provide the employee with suggestions for improving his or her performance and state the consequences if conditions are not met. Some infractions may warrant a written warning without prior verbal counseling. The supervisor and the employee will sign the written warning and the employee will be given a copy. The original shall be sent to the Office of Human Resources. An employee's signature merely acknowledges receipt and understanding of the nature of the warning. If the employee refuses to sign the written warning, another staff member in the department will sign as a witness verifying that the employee received the written warning and refused to sign.

**Optional Second Written Warning or Optional Decision Day Agreement:** A second written warning repeating the above criteria may be utilized if the offending behavior or job performance does not reflect immediate, significant and sustained improvement.

Supervisors and managers also may use the optional **decision day agreement**. See Appendix D. The second written warning must put the employee on notice that if

behavior/job performance does not improve immediately termination of employment may occur. The employee should sign the letter, receive a copy and the original should be sent to the Office of Human Resources.

If the **decision day agreement** is used, it should be explained to the employee in advance. The employee should then be given one day off with pay to evaluate or decide to what he or she is willing to commit to resolve the performance or behavioral issue. Upon the employee's return, Appendix D should be completed with the employee. The employee must elect choice number one or choice number two, complete the corresponding information with the supervisor and sign the agreement.

If the employee fails to agree or commit to a specific course of action, the supervisor should proceed with termination, unless special circumstances warrant a second written warning. Documentation must be forwarded to the Office of Human Resources immediately.

Human resources maintains employee personnel files. Copies of all disciplinary action must be forwarded to human resources. **Upon request by the supervisor, written warnings may be removed from an employee's file two years after its issuance if the conduct or performance cited has not re-occurred.**

#### **7.17.1 Terminations**

**As the University is an employment-at-will employer, a termination may occur without following disciplinary guidelines.** Certain infractions also may warrant immediate termination of employment without prior disciplinary action. Continued unacceptable performance or behavior may result in termination of employment. The appropriate vice president and the associate vice president for administrative services and human resources must be consulted prior to the termination of an individual's employment. If reasonably possible, employees should be advised in person of their termination, and provided written notice stating the effective date and reasons for their termination. Following the termination, all documentation must be forwarded to the Office of Human Resources.

Every effort should be made to recover any University property in the employee's possession at the time of termination.

##### **7.17.1.1 Administrative Leave with Pay for Investigations**

In situations where an infraction is serious enough to warrant an investigation and necessary in order to determine appropriate disciplinary action, employees may be placed on administrative leave with pay until the investigation is complete.

##### **7.17.1.2 Administrative Leave without Pay for Investigations**

Employees should not be placed on administrative leave without pay without consulting with the associate vice president for administrative services and human resources. Generally, exempt employees may not be placed on administrative leave without pay, unless the leave corresponds to one or more full work-week(s), measured from Sunday, 12:01 a.m. to Saturday 12:00 midnight.

### **7.17.1.3 Investigations**

Failure or refusal to cooperate in an investigation or interference with an investigation may be grounds for dismissal, unless a legal exception exists. An employee shall not be subject to retaliation by any other employee for cooperating with an investigation.

### **7.17.1.4 Vacation Termination Pay**

No employee shall receive pay in lieu of vacation unless his or her employment with the University has been terminated. Employees with less than six months service are not eligible for vacation termination pay. Furthermore, an employee that does not give proper notice as defined by this policy or who is terminated for misconduct or poor performance shall not be paid for unused vacation time.

The minimum notice an employee must provide to receive pay for unused vacation time is two weeks. Employees providing less than two weeks notice shall not be paid unless extenuating circumstances (as determined by the employee's supervisor) are such that an undue burden is placed on the employee or the University. If an employee voluntarily resigns, the University reserves the right to accept an employee's notice immediately or at any time during the notice period.

If applicable, vacation termination pay shall be paid only for vacation days available for use but not taken at the time of termination, and shall be paid at the employee's regular hourly rate.

Terminated employee paychecks shall be forwarded to the employee as soon as possible. **Employees terminated involuntarily must receive their final paycheck within six calendar days.**

Any monies owed to the University, or reimbursement for equipment or material owned by the University that has not been returned by a departing employee will be deducted from his or her final paycheck in accordance with written authorization obtained from the employee.

### **7.17.1.5 Resignations**

Supervisors or managers should seek to obtain a written letter of resignation from employees who voluntarily resign. The original must be sent to the Office of Human Resources immediately upon receipt. The University typically expects two weeks notice from employees who are voluntarily resigning.

### **7.17.1.6 Exit Interviews**

Human resources shall schedule exit interviews for all terminating employees. Interviews are intended to provide employees the opportunity to comment on University matters, their working environment and conditions, and to receive an explanation of benefits. Attendance by the employee is optional.

## **7.18 Grievance Policy**

The University encourages an open, honest atmosphere in which work-related problems, complaints, suggestions or questions may be handled promptly. An employee's claim of unfair or inequitable treatment with respect to the implementation of work-related policies,

procedures or practices **may** be considered a grievance. As an employment-at-will employer, termination of employment, for any reason, may **not** be addressed by this policy. Grievances will be processed in the following manner:

- A. Grievances should be processed with reasonable promptness, both in submission by the employee and by supervisory personnel. Failure of the employee to report the incident within five (5) working days may result in a waiver of the grievance.
- B. The presentation of the grievance may be made orally to the immediate supervisor, unless the grievance pertains to the supervisor in which case the grievance should be presented to the next level of supervision or directly to human resources. If the supervisor does not resolve the grievance, the aggrieved employee has two working days in which to present his or her grievance in writing to the next level of supervision. That level of supervision will respond to the employee's concern in writing within five working days of receipt of the grievance.
- C. If the matter is still not resolved to the satisfaction of the employee, the employee may make an oral appeal up the supervisory chain of command to the appropriate vice president.
- D. If the matter is not resolved to the employee's satisfaction after a decision by the appropriate vice president, the employee may submit a written appeal to the staff grievance committee.
  - a. The appeal for a hearing by the grievance committee must be in writing and sent to the Office of Human Resources within five days of the vice president's decision in the matter.
  - b. The appeal should contain the following:
    - i. A brief statement of the complaint, problem or concern that forms the basis of the grievance
    - ii. A list of witnesses involved or having first-hand knowledge of the incident, problem or concern
    - iii. A description of the remedy sought by the employee
    - iv. A request for a hearing on the matter

The Office of Human Resources will forward the request to the chair of the staff grievance committee within 48 hours of receipt. The chair of the grievance committee will set up a hearing on the matter (by the committee) within 10 working days of receipt of the grievance. The committee will consider only issues identified in the employee's letter. The committee may not recommend any action that is a direct violation of established University policy. Legal counsel shall not be present at the hearing.

Following a hearing on the matter, the Committee will make a written recommendation to the president (within 72 hrs). The president may accept, reject or amend the recommendation. The president will inform human resources of his or her decision (within 72 hrs). The human resources office will inform the employee of the president's decision (within 72 hours of receipt). The president's decision is final. Each employee has the right to express to the administration his or her views concerning the University's implementation of its policies and practices, and is expected to express such views in a fair, honest, responsible and confidential manner. The employee is required to comply with the policy or procedure as applicable until the grievance is resolved.

### Committee Make Up

The president will appoint the staff grievance committee on an as needed basis. The committee will consist of seven members. A quorum of the staff grievance committee is met when more than one-half of the committee members are present.

1. Chair: Member of the senior staff
2. Six (6) full-time staff members
  - a. A staff member from the provost's division
  - b. A staff member from the law school
  - c. A staff member from the advancement division
  - d. A staff member from the enrollment/student life division
  - e. A staff member from the finance division
  - f. A staff member from the administration division

Staff working in the same division or area as the employee filing the grievance should not be assigned to the committee.

### **7.19 Drug and Smoke Free Environment**

The University maintains a drug free workplace. Employees should recognize the hazards to themselves, to other employees and to students while working under the influence of drugs, inhalants or other intoxicants. In order to maintain a drug free workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by an employee is prohibited within the bounds of the University campus or while conducting University activities.

All employees, as a condition of their employment, must at all times abide by the terms of this policy. All employees must notify the University of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. In this context a "controlled substance" means any substance listed in schedules I through V of Section 202 of the Controlled Substances Act (21 USCS Section 812). "Convictions" include nolo contendere, and "criminal statutes" include state and federal prohibitions against the manufacture, distribution, dispensation, possession or use of any controlled substance.

Any employee convicted of a violation of the drug free workplace policy will be subject to disciplinary action, which may include termination of employment or required participation in a drug free assistance or rehabilitation program approved by the federal, state or local health, law enforcement or other appropriate agency.

**Note:** The University has an alcohol policy for University-sponsored functions and events. That policy is contained in Appendix N and must be followed by all employees.

**Employees who smoke are expected to restrict their smoking as follows:** Smoking, including all smokeless tobacco products and electronic cigarettes, are not permitted in any University building or any owned or leased University vehicle. This includes academic, administrative, residential, or any other University facility. Designated smoking areas will be clearly identified. Used smoking material must be disposed of properly in designated containers. Additional breaks to accommodate smoking are not authorized. Smoking is permitted in designated areas only on an employee's own time or scheduled breaks.



## **7.20 Safety and Health**

Texas Wesleyan University is committed to providing a safe and healthful environment for students, faculty and staff. It is the University's policy that all employees work in a safe manner. Any unsafe work, practice or condition on any University property shall be reported promptly to the employee's immediate supervisor, campus security or human resources.

### **7.20.1 General Safety Rules**

The following are general safety rules. The list is not intended to be all-inclusive. Additional safety precautions may be warranted in your specific work area. Please ask your supervisor.

1. Report all injuries to your supervisor immediately.
2. Report all unsafe conditions or work practices immediately.
3. Horseplay is prohibited.
4. The use of illegal drugs or the consumption of alcoholic beverages on campus or while performing work for the University is absolutely prohibited under all circumstances. Employees must not work if under the influence of any drug, inhalant or alcohol.
5. Appropriate clothing, footwear or personal protective equipment (including eye protection) necessary to perform work safely must be worn or used at all times.
6. No employee should attempt to perform work that is likely to aggravate a prior injury or medical condition that could pose a health risk or for which the employee is untrained or not qualified.
7. Safety devices, guards or signs shall not be removed, modified, disregarded or circumvented.
8. All work areas should be kept clean and free from rubbish, debris, hazards and unsanitary conditions.
9. First aid is rendered on a Good Samaritan basis only.
10. Additional safety policies and programs, as contained in the University's safety manual or as prescribed by your supervisor, shall be followed.
11. Employees shall comply with all applicable state and federal safety and health regulations.

### **7.20.2 Safety and Health Policies**

Upon hiring, employees shall be trained by their immediate supervisor or a qualified designee regarding any safety precautions relating to the use of any equipment or chemicals that they may be required to use or any other safety requirement specific to the functions of their job, before their use of such equipment or chemicals. Employees must take responsibility for their own safety and the safety of their property. **The University is not responsible for loss or theft of personal property.**

**7.20.2.1 Motor Vehicle Policy (see Appendix B)**

**7.20.2.2 Bloodborne Pathogens Exposure Control Plan (see Appendix F)**

**7.20.2.3 Medical Assistance Policy (see Appendix G)**

**7.20.2.4 Emergency Action Plan (see Appendix H)**

**7.20.2.5 Hazard Communication Plan (see Appendix I)**

**7.20.2.6 Severe Weather Recommended Safe Areas (see Appendix J)**

**7.20.2.7 Workers' Compensation Reporting Policy (see Appendix K)**

**7.20.2.8 Pet and Stray Animal Policy (see Appendix L)**

### **7.21 Americans with Disabilities Act (ADA)**

The University is fully committed to complying with the Americans with Disabilities Act (ADA) and to ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Pre-employment inquiries may be required only regarding an applicant's ability to perform the duties of the position. Post-offer medical examinations may be required for those positions in which there is a job-related physical requirement. If required, medical examinations are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodation is available for the known disabilities of disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation). Individuals with disabilities also are entitled to receive non-discriminating treatment with regard to job assignments, classifications, organizational structures, position descriptions and lines of progression. Leave policies will be available to all employees on an equal basis.

The University will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. The University will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The University is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.

### **7.22 Public Relations and Reference Policy**

All media releases and requests must be coordinated through the Office of Communications. All reference checks or requests shall be referred to the Office of Human Resources.

To ensure that individuals who join the University are well qualified and have a strong potential to be productive and successful, it is the policy of the University to check the employment references of all applicants.

The Office of Human Resources will respond to reference-check inquiries from other employers, if reasonably possible. Responses to such inquiries will typically only confirm dates of employment, wage rates and position(s) held. Additional information will be disclosed only at the University's discretion and with written authorization and a release signed by the individual who is the subject of the inquiry.

### **7.23 Searches and Inspections**

The University may inspect all company premises and property to assure compliance with its drug free policy. Searches of lockers, desks and personal possessions may be conducted where a reasonable suspicion exists of a theft or potential theft, or unauthorized use of University property.

If a search is conducted, the search should be conducted (if feasible) in the presence of the employee's immediate supervisor or department head, and at least one additional witness. An employee may deny the University the consent to search; however, refusal shall be considered a failure to cooperate with an investigation and may result in disciplinary action, including termination of employment.

**Under no circumstances shall any employee be subjected to a physical search of their person.**

Lockers: If lockers are provided, the University reserves the right to inspect or search such lockers. Upon the employee's request, a lock shall be provided to the employee. If the employee uses his or her own lock, the employee shall provide a key or combination to his or her supervisor.

### **7.24 Weapons Policy**

Whether on duty or off duty, employees shall not carry a weapon on University property. This prohibition includes all weapons without limitation (knives, defensive sprays, clubs, hunting gear and guns) and includes those weapons for which the employee may possess a license (e.g. a concealed handgun). No weapon may be concealed in an employee's vehicle parked on University property.

Items that **may** be provided to security personnel by the University are exempt from this policy. Security officers, who also possess current police certification or status, may carry authorized weapons as allowed through state law and their commission while they are not on duty. However, they may **not** carry any weapon while on-duty in a University capacity unless authorized by the security manager.

### **7.25 Employee Information**

It is each employee's responsibility to advise human resources and their current supervisor of all emergency information, such as address, telephone number and emergency contact person.

### **7.26 Use of Bulletin Boards**

Employees must obtain approval from their supervisor before posting on a University bulletin board. The director of student life or his or her designate approves posting on for-student bulletin boards.

### **7.27 Use of University Telephones and Mail**

Employees shall not use University telephones, including cell phones or facsimile machines to make personal toll or long-distance calls unless prior arrangements are made to reimburse the University for the cost. Local personal calls should be kept to a minimum.

The use of University-paid postage for personal correspondence is not permitted.

### **7.28 Business Travel Expenses**

The University will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department head.

Employees whose travel plans have been approved should make necessary travel arrangements through the University's designated travel agency. When approved, the actual costs of travel, meals (excluding alcohol), lodging and other reasonable and minor expenses directly related to business travel will be reimbursed.

Expenses that generally will be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or mid-sized cars, if required.
- Fares for shuttle or bus service, where available; costs of public transportation for other ground travel.
- Taxi fares, only when there is no less expensive alternative.
- Mileage costs for use of personal cars, only when less expensive transportation is not available.
- Cost of standard accommodations in mid-priced hotels, motels or similar lodgings.
- Cost of meals, no more lavish than would be eaten at the employee's own expense, but no more than a daily per diem of \$40 or \$45 with receipts.
- Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare.
- Charges for telephone calls, fax and similar services required for business purposes.
- Charges for one personal telephone call each day.
- Charges for laundry and valet services, only on trips of five or more days. (Personal entertainment and personal care items are not reimbursed.)

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased or rented by the University may not be used for personal use without prior approval. Accidents involving

University vehicles must be reported to the associate vice president for administrative services and human resources within 24 hours.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

When travel is completed, employees should submit completed travel expense reports within 30 days. Receipts for all individual expenses should accompany reports.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses or any other business travel issues.

Abuse of the business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, including termination of employment.

### **7.29 Customer Service**

The student is the University's most valuable asset. Every employee represents the University to our students. The way we do our jobs presents an image of the entire University. Students judge all of us by how they are treated with each employee contact. Therefore, one of our first priorities is to assist any student or potential student. Nothing is more important than being courteous, friendly, helpful and prompt in the attention you give to our students.

Our personal contact with the public, our manners on the telephone, and the communications we send to students and to other employees are reflections not only of ourselves, but also of the professionalism of the University. Positive relations will not only enhance the perception or image of the University, but also will pay off in greater loyalty and financial well-being.

## **8.0 Benefits and Privileges**

Full-time, regular staff employees are eligible for benefits as described herein; however, in certain cases the employee may be required to apply for such benefits to effect coverage. **The Office of Human Resources will advise employees of benefits for which they must apply. The University reserves the right to amend or cancel benefits, with or without notice to affected employees, at any time.** In the event of any conflict between this handbook and an underlying benefit plan document, the latter will control.

### **8.1 Staff Vacation Policy**

The University will provide full-time, regular employees with paid vacation time based upon their years of service to the University.

#### **8.1.1 Accrual**

Vacation time shall begin accruing upon the conclusion of the first full month of employment and shall become available for use when the employee has completed six full months of employment. Vacation is accrued on a calendar month basis at the applicable rate listed below. When six months of employment is completed, vacation accrued one month may be used the next month. Eligible employees terminating before the end of a month shall be credited with a pro-rata share of the monthly accrual.

### 8.1.2 Calculation Method

The amount of vacation the employee accrues is determined by the length of employment as follows:

<u>Service Completed</u>	<u>Calculation</u>
Less than (1) year	8 hours per full month of employment
1 - 3 Years	8 hours per month (96 hours per year)
Upon completion of 3 full years of service	10 hours per month (120 hours per year)
Upon completion of 10 full years of service	14 hours per month (168 hours per year)

### 8.1.3 Accrual Maximum

Vacation may be accumulated up to one-and-one half times the annual vacation allowance.

### 8.1.4 Other Provisions – Revised Date – July 2015

1. The employee should submit a request for vacation time as soon as possible and, in any event, 14 days in advance to his or her supervisor. Final approval of the vacation request rests with the supervisor based on workplace requirements.
2. Vacation time may be taken in one-hour increments for non-exempt employees and full-day increments for exempt employees.
3. Vacation time must be reported to payroll by timecard or absence reporting forms.
4. Less than twelve-month, full-time, regular employees accrue vacation only for months worked.
5. No employee will receive pay in lieu of vacation unless his/her employment with the University is terminated. For full policy, see 7.16.1.4.
6. Employees who are rehired within twelve months of their termination will be eligible immediately for vacation/sick leave accrual at their previous rate. See 7.5.10.

### 8.1.5 President's Staff (Executive and Senior Staff) Vacation Policy

Administrators determined by the president (and including the president) to have status as the president's staff as defined in section 6.2 shall have vacation leave as follows: (1) 22 days beginning with the first full month of employment to be available for immediate use and to be taken with the approval of the president; (2) An additional 22 days June 1 of each year; (3) Unused vacation time during the fiscal year may be accrued, but shall not exceed 33 days; (4) The president may authorize additional vacation leave based on unusual or exceptional circumstances for the president's staff.

## 8.2 Holidays, Break Days and Closings

### 8.2.1 Holidays

The University observes and is typically closed on the days listed below. For those days, full-time, regular employees do not work, but are compensated at their regular hourly rate and based on their regularly scheduled number of hours for the day. Full-time employees who work less than 40 hours on a regularly scheduled basis may not exceed their normal number of hours for the week without supervisory approval, and then may exceed the normal workweek only for hours actually worked. **An employee**

**on an unpaid leave of absence or on disability leave is not eligible for holidays or break days.** An employee on a paid leave is not eligible for any additional pay or time-off. **Note:** If an employee's regularly-scheduled day off falls on a holiday or break day, the employee's next regularly scheduled workday becomes the holiday. The employee would then be eligible for holiday pay or an additional day off within the guidelines listed.

The University's holidays are as follows:

New Year's Day	Martin Luther King, Jr. Day	Easter Break Day (Thursday)
Good Friday	Memorial Day	Independence Day
Labor Day	Fall Break Day (Friday)	Thanksgiving Day
Christmas Day		

The University may at its discretion designate any or all holidays, break days or closings as paid or unpaid, or as normal business days.

### **8.2.2 Break Days**

The University also observes break days. Full-time, regular employees do not work, but are compensated at their regular hourly rate for the Friday following Thanksgiving Day and the five workdays between Christmas Day and New Year's Day. The president may designate other break days. The president also may extend selected break days to all regular part-time staff solely at his or her discretion. Student workers and temporary employees are not eligible for pay on holidays or break days.

### **8.2.3 Eligibility**

All full-time, regular employees are eligible provided they are on payroll and work their regularly-scheduled hours or have an excused **paid** absence one day immediately before and one day immediately after the holiday or break day with the exception of the Christmas break. Employees must be on payroll at least seven calendar days immediately prior to and immediately after the commencement and conclusion of Christmas break.

Employees using sick time during these time periods may be required, at the supervisor's discretion, to provide a health care provider's statement in order to be paid for the holiday.

### **8.2.4 Employees Required to Work on Holiday or Break Days**

Exempt employees who work on holiday or break days may reschedule the holiday or break day to another time during the same fiscal year. Non-exempt employees who work on a holiday or break day will be paid a holiday or break day premium equal to twice their customary hourly rate or they may reschedule their holiday or break day to another day occurring within 60 days of the actual holiday or break day.

### **8.2.5 Closings**

**Decisions regarding closing of the University for inclement weather or for any other unscheduled reason or event are made for the entire University, including the Burluson campus, and are not made for or by each unit of the University.** The president or provost or their designee generally makes the decision. This policy

includes late openings and early closings. **Late openings and early closings will not generate premium pay or additional time off for employees who may be required to stay and work.** Non-exempt employees required to work during all-day closures, such as security or maintenance, will be paid or granted additional time off in the same manner as a holiday or break day. Faculty, staff and students may listen to the following radio and television stations to receive University closure information due to inclement weather:

KXAS Channel 5	KDFW Channel 4
WFAA Channel 8	KTVT Channel 11
KVIL 103.7 FM	WBAP 820 AM
KRLD 1080 AM	KLIF 570 AM

### **8.3 Sick Leave – Revised Date – July 2015**

The University will provide time off with pay to full-time, regular employees for illness and medical appointments of the employee or the employee's immediate family members. Immediate family members include spouse, dependent children, parent or any other legal dependent.

Full-time, regular staff employees accrue sick leave at the rate of four hours for each full month of employment. Less than 12-month employees accrue only for months worked. Sick leave begins accruing after one full month of employment.

Employees are not eligible to use sick leave until six full months of service has been completed. Employees are not paid for unused sick leave upon termination. Sick leave accrual is capped at 480 hours. **It is the employee's responsibility to contact their supervisor directly, before their normal starting time, and inform them of the reason for the absence. If their supervisor is not available, the employee should contact the next person in authority to report the absence. If the University is closed, the absence must be reported within one hour of its re-opening.**

Sick leave is reported on the employee's timesheet. A physician's note stating the reason for the absence and certifying the employee's suitability to return to work may be required for an absence of three days or more.

Employees who are rehired within twelve months of their termination will be eligible immediately for vacation/sick leave accrual at their previous rate. See 7.5.10.

### **8.4 Bereavement Leave**

Full-time, regular employees are eligible for **up to three days** leave in the event of a death of an immediate family member, including the employee's spouse, children, parents, grandparents, siblings or the parents and siblings of the employee's spouse. Employees must notify their supervisor in advance of the leave and report the absence on the employee's timesheet. If the death occurs immediately before the beginning or at least three days before the conclusion of the Christmas holiday/break period, additional leave will not be granted.

### **8.5 Jury Duty**

Time off with pay is provided to all employees called for jury duty, provided the time off is during normal work hours. Employees must notify their supervisor in advance and submit a



copy of the certificate of service upon their return to work. Pay received from the court belongs to the employee. Employees released early are expected to return to work. Failure to return to work if released during normal working hours may result in the employee not being compensated for that period of time. **Employees shall not be paid for jury duty in excess of 30 workdays in any calendar year.** The University shall maintain employee medical benefits. Optional benefits are the responsibility of the employee. Vacation and sick leave shall not accrue if the jury duty exceeds 30 days.

#### **8.6 Family and Medical Leave (FMLA)- Revised Date – July 2015**

The federal Family & Medical Leave Act of 1993 (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

The University will provide up to 12 weeks of job-protected leave during any 12-month period. FMLA shall include accrued paid vacation, sick leave and unpaid leave. Vacation and sick leave do not accrue during FMLA. Holiday and break days falling during the leave are counted as part of the leave time and do not constitute additional leave time and are not paid.

To be eligible, employees must have worked at least 12 months (which do not have to be consecutive) for the University; and, the employee must have worked at least 1,250 hours during the 12 months immediately preceding the date of the commencement of FMLA leave. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the University intended to rehire the employee after the break in service.

##### **Basic FMLA Leave**

Employee who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent of the employee with a serious health condition;
4. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

In the event that a married couple is employed by the University, the two spouses together may take a combined total of 12 weeks' leave during any 12 month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

##### **Military Family Leave**

There are two types of Military Family Leave available.

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee’s spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

**For Regular Armed Forces members,** “covered active duty or call to covered active duty status” means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).

**For a member of the Reserve components** of the Armed Forces (members of the National Guard and Reserves), “covered active duty or call to covered active duty status” means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include:

- Short-notice deployment (seven or less calendar days)
- Attending certain military events and related activities
- Certain childcare or school activities
- Addressing certain financial and legal arrangement
- Periods of rest and recuperation for the military member (up to 15 calendar days or leave, dependent on orders)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered military member’s covered active duty status, and to address issues arising from the death of military member)
- Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
- Other activities arising out of the military member’s covered active duty or call to active duty and agreed upon by the University and the employee.

2. **Leave to care for a covered servicemember.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military servicemember or veteran recovering from a serious injury or illness, as defined by FMLA’s regulations.

**For a current member of the Armed Forces,** including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.

**For a covered veteran,** he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the

five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty status, but the single 12-month period may extend beyond the five-year period.

The University uses a rolling 12-month calendar to calculate available FMLA leave. Intermittent or reduced schedule leaves may be allowed under FMLA. The employee is entitled to return to the same or an equivalent position upon expiration of the leave. The employee must use all vacation and sick leave concurrently, if any, with FMLA; that is, vacation and sick leave must be used as part of the 12-week leave period. Unless a qualified disability exists, the remainder of the leave is unpaid.

In general, a serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care, continuing treatment by a health care provider involving an absence from work of more than three days, an incapacity due to pregnancy or prenatal care or an incapacity due to a chronic health condition, such as asthma, etc.

### **Employee Responsibilities When Requesting FMLA Leave**

When leave is foreseeable, an employee must complete and submit to Human Resources an FMLA Request Form at least 30 days prior to the leave start date. If the leave is not foreseeable, then notice must be given as soon as possible. When submitting a request for leave, the employee must provide sufficient information for the University to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. The request must be forwarded to the human resources office for approval. Changes in leave dates should be submitted through the same process.

### **Medical Certification**

The University may request and the employee must provide certification or documentation supporting the employee's request for leave within the time frame established by the University, but not less than 15 calendar days. Periodic reports also may be required from the employee's health care provider for a serious health condition. Certification must contain the following information:

- The date the serious health condition began;
- The probable duration of the condition;
- Medical facts about the condition;
- A statement that the leave is needed to care for a covered individual and an estimate of how long the need will continue;
- If the requested leave is for the employee's own health condition, a statement that the employee is unable to perform the functions of the job;

- If the certification is for intermittent leave for planned medical care, the dates on which the treatment is expected to be given and the probable duration of the treatment; and
- If the certification is for intermittent leave to care for a covered individual, a statement that the employee's leave is necessary to care for that individual or will assist in their recovery, setting forth the expected duration and schedule of intermittent or reduced schedule leave.

The University shall use the Department of Labor's standard form WH-380 for obtaining medical certification from health care providers. The employee shall not be required to furnish any additional information. The University may request a second opinion at the University's expense. If the second medical opinion conflicts with the first, a third opinion may be obtained from a health care provider jointly approved by the University and the employee, and at the University's expense. When an employee's FMLA leave has been caused by his or her own serious health condition, the University may require that the employee submit a fitness-for-duty report before returning to work. The University must apply this requirement uniformly, it must be limited to the scope of the health condition and the employee must be notified.

### **Employer Responsibilities**

During an FMLA leave, the University shall maintain the employee's group health benefits. However, the employee will be responsible for paying their portion of the benefits that would normally be deducted every pay period. The employee must also still pay additional premiums for optional benefits or for other eligible members. Premium payments that are late by more than 30 days will result in the termination of any insurance benefit specific to that premium. In that event, insurance benefits shall be restored when the employee returns to work. If the employee does not return to work following the 12 weeks of leave, the employee may be terminated. The University may recover any premiums it paid during the employee's leave, unless the reason for not returning is the continuation, recurrence or onset of a serious health condition. The University is not required to maintain additional benefits.

If an employee is unable to return to work following the 12 weeks of leave and requests and is approved for an extended leave of absence as outlined in policy 8.7 Other Extended Leaves of Absence, the employee will be offered COBRA the first of the month following the start of the extended leave period.

The University, at its sole discretion and based on information provided by the employee and within the requirements of the law, may designate FMLA leave. The employee shall be notified using federal form WH-381 and WH-382 within 5 business days of the request.

### **Reporting While on Leave**

If an employee takes leave because of the employee's own serious health condition or to care for a covered relative, the employee may be required to periodically contact the Human Resources Department regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

### **Intermittent and Reduced-Schedule Leave**

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a

reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary.

Exempt Employees - If leave is unpaid, the University will reduce the exempt employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the University may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.

Any substantive questions about this policy are controlled by the Family and Medical Leave Act.

### **8.7 Other Extended Leaves of Absence**

Upon the employee's written request, the University **may** provide an extended leave of absence without pay or other benefits, to full-time, regular employees for personal reasons not covered by FMLA for a maximum of three months. Subsequent three-month leaves may be granted under extenuating circumstances and with the vice president's approval. A vice president may grant leave at the recommendation of a supervisor who has considered, among other things, the employee's work record, length of service, previous leaves and reasons for the requested leave. If the leave of absence is granted, the employee may return to the same or similar position, if available, upon the expiration of the leave without loss of original hiring date.

**Neither the pay rate, nor the position is guaranteed.** Leaves are calculated from the last day of actual work.

To apply for a leave of absence, the employee shall submit a memorandum to his or her supervisor. The memorandum should be approved and signed by the supervisor, the appropriate vice president and forwarded to the human resources office.

An employee may be paid earned vacation beginning the first day of leave; however, vacation and sick leave do not accrue during a leave. Holiday and break days falling during the leave are counted as part of the leave time and do not constitute additional leave time and are not paid. Insurance benefits continue during a leave; however, the employee will be required to pay all health insurance premiums, including premiums normally paid by the University during the leave of absence. Insurance benefits normally paid by the employee also must be paid by the employee during the leave to maintain coverage. Late payments will result in cancellation. When the circumstances under which a leave of absence is granted are changed, the leave is immediately cancelled and the employee must return to work. Employees failing to return to work by the designated date shall be terminated.

**The University maintains sole discretion for granting or not granting a leave of absence under this policy.**

Employees may also be eligible for a reasonable extended leave of absence under ADA with proper documentation.

## **8.8 Military Leave**

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) establishes the rights and obligations of employees returning from uniformed service. Those rights and obligations are summarized as follows.

The employee or an appropriate military officer must give the University advanced written or verbal notice of the leave. Upon completion of military service, the employee must report to the University for reemployment not later than the beginning of the first regularly scheduled work period that starts at least eight hours following the employee's return, if the leave is less than 31 days. If the leave is more than 30 days, but less than 181 days, the employee must report for reemployment within 14 days. If the service is for more than 180 days, the employee has 90 days to report.

The University may request documentation from employees on military leave for more than 30 days to establish that the request for reemployment is timely, did not exceed five years and that the service ended under honorable circumstances. The documentation must be provided as soon as it is available.

If the service was for less than 91 days, the employee must be reinstated in his or her original position. If the leave is for more than 90 days, the University has the additional option of reemploying the person in a similar or equivalent position.

If the service was for more than 30 days, the employee has job retention rights for six months, except for cause. If the service was for more than 180 days, retention rights are for one year.

**Military leave is unpaid.** The University does not supplement military pay. However, employees may, at their discretion, use accrued vacation time. Employee benefits that are a function of seniority shall continue to accrue during the leave, but are not credited until the employee returns. If the leave is for less than 31 days, the University shall continue to pay the employee's health benefit premium. However, the employee is still responsible for any dependent or optional coverage premiums. If the leave exceeds 30 days, the employee and qualifying dependents are eligible for continuation of coverage as provided for by COBRA. Dependents of University employees on military leave will continue to be eligible for the tuition waiver benefit as if the employee remained in full service.

To be eligible for reemployment, the employee must be discharged or terminate his/her uniformed service under honorable conditions. Military leave may not exceed five years.

## **8.9 Employee Injury Policy**

The University provides all employees who are injured on the job or who contract an occupational illness while employed by the University with medical care and lost wages compensation through a workers' compensation insurance policy.

All job-related injuries, accidents and illnesses must be reported immediately to the employee's immediate supervisor, who will report all claim information to the human resources office for proper administration. If an employee requires medical attention, he or she will be sent to a health care provider or hospital for appropriate medical treatment. If necessary, the employee's designated emergency contact will be notified of the illness or injury.

Following a work-related injury or illness, the employee will receive only the benefits available through workers' compensation insurance. The only exception is that, an employee's available vacation or sick leave may be used to supplement workers' compensation payments while on a workers' compensation leave of absence for the first seven calendar days of lost time. Workers' compensation insurance does not apply until the employee is unable to work for seven calendar days, during this time-period, employees who have accrued vacation and sick leave may use the available balances. If the injured worker is out for 28 calendar days, the insurance policy will then retroactively pay the first seven calendar days. If an employee must leave work to attend a doctor's appointment for workers' compensation-related injuries, but otherwise is not losing time, the employee's sick time will not be charged and the employee will be compensated. The time should be noted on the time reporting card as "W/C."

An employee who is off work due to a work-related injury or illness is expected to return to work immediately following release by his or her health care provider. Employees may be offered modified duty if restrictions can be met.

Employees who also are eligible for FMLA will be notified. FMLA shall run concurrently with any lost time due to a workers' compensation injury or illness.

Employees who do not return to work within one year of the injury may be terminated. If, as a result of the injury, the employee suffers a qualified disability under ADA regulations, the University will make reasonable accommodation as required that will allow the employee to perform the essential functions of the job.

Neither the University nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the University or any injury or illness due to activities outside of the scope of employment.

### **Notice to Employees Concerning Workers' Compensation in Texas**

#### **1. Coverage**

Texas Wesleyan University has workers' compensation insurance coverage from Travelers Insurance to protect you in the event of work-related injury or illness. Travelers Insurance will handle any injuries or illnesses, which occur during the policy period. An employee or a person acting on the employee's behalf must notify the employer of an injury or illness not later than the 30<sup>th</sup> day after the date on which the injury occurs, or the date the employee knew or should have known of an illness, unless the commission determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

#### **2. Employee Assistance**

The Commission provides free information about how to file a workers' compensation claim. Commission staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting your local Commission field office or by calling 1-800-252-7031.

3. **Safety Hotline**

The Commission has established a 24-hour, toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division of Workers' Health & Safety at 1-800-452-9595.

4. **Right to Elect Non-coverage**

You may elect to retain your common law right of action, if no later than five days after you begin employment or within five days after receiving written notice from the employer that the employer has obtained coverage, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain workers' compensation income or medical benefits if you are injured.

**8.10 Insurance – Revised Date – July 2015**

**8.10.1 Life Insurance – Revised Date – July 2015**

The University provides full-time, regular employees with a group life insurance policy. Full-time, regular employees become eligible for life insurance the first day of the month following their first day of employment. The Office of Human Resources will provide online enrollment instructions to new employees on which he or she may designate a beneficiary. In the event of a claim, the Office of Human Resources should be contacted to begin the necessary administrative process. Any questions concerning the group life insurance policy should be referred to human resources.

**8.10.2 Medical Insurance – Revised Date – July 2015**

The University provides health insurance benefits to full-time, regular employees as described in the schedule of benefits for the plan. Full-time, regular employees become eligible for group health insurance on the first day of the month following 30 days of employment. The University may pay a portion or all of the premium for the employee's coverage; however, in the event the University offers more than one health care plan, the University may pay the premium of the lowest cost provider. The employee is responsible for monthly premiums for any eligible dependents enrolled in the program.

Eligible dependents include the lawful spouse of an insured employee; a child under the limiting age; a child of any age who is medically certified as disabled and dependent on the parent; a child of your child who is your Dependent for federal income tax purposes at the time application for coverage of the child is made; any other child included as an eligible Dependent under the health plan contract. Child means a natural child, a stepchild, an eligible foster child, an adopted child, under twenty-six (26) years of age, regardless of presence or absence of a child's financial dependency, residency, student status, employment status, marital status, eligibility for other coverage, or any combinations of those factors.

The Office of Human Resources will provide instructions for online enrollment to new employees. Online enrollment must be completed before coverage can begin. Human resources also will provide information that describes the details of the plan. Employees will receive a group health insurance card from the provider. Employees



should contact the health plan representative (member services) or the Office of Human Resources with any questions concerning the policy.

Terminating employees are covered until the last day of the month in which they terminate.

#### **8.10.2.1 COBRA/HIPAA (Consolidated Omnibus Budget Reconciliation Act and Health Insurance Portability and Accountability Act)**

The University complies with all regulations with respect to continued health insurance for eligible employees. Upon being hired by the University, employees shall be advised in writing of their COBRA benefits in the event that their employment is terminated. Terminating employees shall be sent notification of their COBRA rights and HIPAA certification within 14 days. It is the employee's responsibility to keep the University and the Office of Human Resources informed of the current addresses for all qualified beneficiaries.

The University may deny COBRA coverage for termination due to gross misconduct. Gross misconduct includes any act constituting violence or the threat of violence in the workplace, misappropriation of University funds or assets, the deliberate destruction or abuse of University property, reporting for work under the influence of alcohol or illegal drugs or the possession of illegal drugs in the workplace, and sexual harassment. For additional information, contact the Office of Human Resources.

#### **8.10.2.2 HIPAA Medical Privacy Policy**

The Office of Human Resources will maintain employee/dependent medical information that may be used or disclosed in any form including electronic, paper, or oral, and that may contain individually identifiable health information. This Protected Health Information (PHI) is defined as: health information that can be created or received by the University that identifies or can be used to identify a specific individual, and relates to the past, present, or future physical or mental condition of the individual; health care provided to the individual; or, the past, present, or future payment for the individual's health care. PHI will be retained in separate confidential files. Disclosure of PHI will be limited to the minimum amount necessary for specified purposes, and non-medical disclosures will be permitted only with the written authorization of the individual who is the subject of the information. Disclosures of PHI for law enforcement purposes will be permitted when required or as permitted by law.

To ensure protection of PHI, the Office of Human Resources will adhere to the following safeguards:

- A. establishment of written policies and procedures to protect the privacy of PHI;
- B. establishment of sanctions and ability to impose sanctions for violations;
- C. establishment of an internal complaint process;

- D. designation of a privacy officer - concerns regarding HIPAA compliance should be referred to the director, Office of Human Resources; and,
- E. provide training to University employees.

**Rights of Individuals** - Employees and/or their dependents have the following rights:

- A. to receive notice of the University's privacy practices;
- B. to request that disclosures of PHI be restricted, for example only to certain individuals;
- C. to request that alternative methods be used to release an individual's PHI;
- D. to inspect and obtain a copy of all PHI relating to the individual; to request amendments to an individual's PHI; and,
- E. to receive information about the disclosures of an individual's PHI.

### **8.10.3 Disability Insurance**

Eligibility for coverage for full-time, regular employees commences after ninety (90) days of continuous employment. The University will provide 100% compensation to full-time regular employees the first thirty (30) calendar days of continuous disability after notification and documentation by a physician that the employee is disabled. Compensation for the first thirty (30) days of continuous disability includes utilization of all accrued sick days and vacation days, if any.

If an employee has more than 30 days of vacation and sick leave benefits available, he or she may utilize the remainder of those benefits at a rate of 40% per day (3.2 hours per day) in addition to receiving 60% disability income benefits through the University's disability insurance policy. The University pays all premiums for employee disability insurance. Except as stated above, disability insurance will provide 60% of the employee's customary salary beginning on the 31st day of continuous disability. The employee may remain on disability until either the disability is resolved or the employee reaches age 65, whichever occurs first. Employees wishing to take advantage of the disability benefit must submit the appropriate claim forms, including their doctor's verification form, to the Office of Human Resources. Submission of these forms should be done within two weeks of the last day worked, if the employee anticipates being unable to return to work full-time before day 30. The employee also will receive written materials that describe the group disability plan.

The University shall pay the premiums for the employee's group health benefits. However, the employee still must pay additional premiums for optional benefits or for other eligible members. Premium payments that are late by more than 30 days will result in the termination of any insurance benefit specific to that premium. In that event, insurance benefits shall be restored when the employee returns to work. No other benefits shall accrue.

In the event of a claim, the employee should contact the Office of Human Resources as soon as possible in order to process the claim. Records of disability will be maintained in the employee's confidential file in the Office of Human Resources.

Employees approved for salary continuation of short-term or long-term benefits are required to provide updates (verified by physician) as requested. Failure to do so in a timely manner may result in loss of benefits. Employees with questions regarding claims or benefits should contact the Office of Human Resources.

#### **8.10.4 Optional Benefits**

The University may, at its sole discretion, provide optional benefits that full-time employees may enroll in, at their expense. These may include dental, flex spending, etc., and are subject to the same open enrollment periods as other benefits.

#### **8.10.5 Employee Assistance Program**

Texas Wesleyan University has established an Employee Assistance Program (EAP) to provide professional, confidential assistance for personal problems, such as emotional stress, workplace conflict, parenting concerns, marital and family distress, and alcohol- and drug-related problems. The program is designed to encourage early awareness of such problems and to offer assistance at the earliest opportunity.

Texas Wesleyan University believes that employees with a personal problem affecting job performance and/or attendance should receive the same careful consideration and offer of professional and confidential assistance that is presently extended to employees having health problems. Employees are responsible for their performance and for taking constructive action to resolve any personal problem that affects or threatens to affect their on-the-job behavior. The EAP provides a confidential, professional resource for assistance in resolving personal problems. Employees are encouraged to seek assistance through the EAP on their own, before performance is negatively affected.

This confidential program is administered by Magellan Healthcare (Magellan), an independent consulting and service firm.

### **I. ELIGIBILITY**

1. All full-time employees
2. Household members of eligible employees
3. Benefit-eligible dependents of eligible employees

### **II. PROCEDURES**

1. All records pertaining to the EAP kept by Magellan will remain the property of Magellan at all times. The EAP will not reveal information about any individual's use of the EAP (including information that the individual discloses) to persons outside the EAP except in the following circumstances: (1) the individual consents in writing; (2) the law requires disclosure; or (3) EAP staff or counselors believe that disclosure is necessary to avoid a threat to life or safety.

2. The decision to seek or accept assistance through the EAP will not adversely affect an employee's job security or advancement opportunities. Because of the EAP's confidentiality rules, Texas Wesleyan University will not know of an employee's use of the EAP unless an exception to confidentiality applies or the employee signs consent for disclosure.
3. Texas Wesleyan University encourages employees with personal problems to take early advantage of the professional services provided through the EAP. Magellan staff members are available 24 hours/ day, 7 days/week to answer any questions about the EAP and the scope of available services.
4. Supervisors are responsible for implementation of this policy by remaining alert to all instances of substandard work performance that may be caused by personal problems and bringing these to the attention of the employee along with an offer of assistance at the earliest indication of a recurrent problem.
5. Employees are responsible for deciding to seek assistance through the EAP or to accept referral to the EAP.
6. Time off and coverage of necessary treatment expenses will be provided to eligible employees and dependents consistent with current policy and applicable benefits coverage.
7. The EAP is also available to household members and benefit-eligible dependents of Texas Wesleyan University employees because employee work performance and attendance can be affected by the problems of an employee's spouse, children, and/or household members.
8. There is no out-of-pocket cost for a covered member to use the EAP (up to 3 visits), however any costs incurred as a result of a referral made by the EAP for ongoing assistance to mitigate a presenting concern is the responsibility of the employee.

### **III. REFERRAL GUIDELINES**

Employees may obtain professional assistance through the EAP in one of the following ways:

- Self-referral;
- Supervisor recommendation;
- Medical referral;
- Family member assistance

Self-referrals and supervisor recommendations to use the EAP are fully funded (up to 3 visits) by Texas Wesleyan University through premiums paid on eligible employees.

#### **A. Self-Referral**

1. An employee who desires confidential assistance for a personal problem should call 800-327-1393 and ask to speak to an EAP representative.
2. The EAP representative will either provide the necessary assistance on the telephone or will arrange for a referral to a counselor in the employee's community.
3. There is no out-of-pocket cost for an employee who self-refers to the EAP. It is fully funded by Texas Wesleyan University (up to 3 visits).

#### B. Supervisor Recommendation

1. When an employee brings a personal problem to the attention of the supervisor, but work performance and attendance are within acceptable standards, the supervisor should encourage the employee to use the EAP. The supervisor should explain to the employee how the program works and, when appropriate, offer assistance in contacting the EAP.
2. The EAP does not provide confirmation to the supervisor that the employee is using the EAP or otherwise communicate with the supervisor.
3. There is no out-of-pocket cost for an employee to use the EAP. It is fully funded by Texas Wesleyan University (up to 3 visits).

#### C. Medical Referral ("Formal Referral")

1. A medical referral is a formal referral made by authorized internal medical/health services personnel on behalf of the organization and remains voluntary on part of the employee.

The basis of the referral should be:

- a. The identification of a medical symptom or disorder which is commonly associated with a personal problem; or
  - b. A request from the employee for advice or assistance regarding a personal problem.
2. Health Services staff should call the EAP via the 800# to arrange an appointment between an EAP counselor and the employee.
  3. The employee should be advised that the appointment with the EAP counselor constitutes part of the recommended treatment plan and that the referral will be documented in the employee's medical record. The decision to accept assistance through the EAP should be left up to the employee.

#### D. Dependent or Household Member Assistance

1. An eligible dependent or household member who desires confidential assistance for a personal problem may call 800-327-1393 and ask to speak to an EAP representative.
2. The EAP representative will either provide the necessary assistance on the telephone or will arrange for a referral to a counselor office in the caller's community.

## **8.11 Educational Assistance/Tuition Waiver Policy**

### **8.11.1 Eligibility**

All full-time, regular employees of the University, their spouses and children are eligible for a tuition waiver. Children are defined as natural, adoptive or stepchildren, or individuals under legal guardianship. Eligibility for the tuition waiver benefit occurs on the first day of the semester following one-year of employment in a regular employment status (non-student) for the employee, spouse or children. No waiver eligibility will be retroactive to any semester enrolled prior to the eligibility date.

If an eligible regular employee dies or becomes disabled while in service to the University or retires with at least 15 years of service and being over the age of 55, the employee, his or her spouse and children will be eligible for the Employee Tuition Waiver as if the employee had remained in full service. This benefit will be extended to employees, spouses and children wishing to enroll in undergraduate and some graduate courses, with no restriction to age.

### **8.11.2 Procedures for Obtaining Waiver Benefit**

All eligible candidates wishing to take advantage of the waiver benefit must complete the following requirements:

- A. Complete and submit an application for admission and all other paperwork required by the Office of Admission and/or Financial Aid, in a timely manner. The candidate must qualify for acceptance.
- B. Complete the Texas Wesleyan Employee Tuition Waiver Application Request Form (with appropriate signatures) and submit it to the Office of Human Resources. A new waiver will be required each new term.
- C. Complete and submit the Free Application for Federal Student Aid to the Federal Processor (FAFSA). Forms and information on time lines are available in the Office of Financial Aid. The director of financial aid may waive this requirement.

### **8.11.3 Additional Requirements**

- A. Continuance of the tuition waiver benefit requires compliance to the same academic standards as outlined under "Financial Aid Eligibility" in the current catalog.
- B. Tuition waiver applicants who qualify and receive state, institutional or other outside awards, unless otherwise stipulated, shall have those awards applied to tuition costs. Students eligible to receive the Federal Pell Grant may use this form of aid for costs beyond tuition.

- C. Students on waiver are required to pay for all fees associated with admission and enrollment and any other fees not considered as "tuition."
- D. The University shall not incur any expenses on behalf of the employee, spouse or child, including tuition payments made to a third-party. The student must pay all third-party charges.
- E. Graduate tuition waiver benefits may be limited and are taxable to the employee.
- F. Any delinquencies in paying amounts due the University will result in the revocation of the tuition waiver benefit for that employee and eligible family members until the balance is paid in-full. Disciplinary action may be taken against employees who have outstanding balances associated with tuition waivers for themselves and/or their eligible family members.

#### **8.11.4 Policies, Procedures and Restrictions**

Supervisory approval is required for tuition waiver applications and must be accompanied by the class schedule. All tuition waiver approval forms for employees and their dependents must be fully completed & submitted to the Office of Human Resources at least two full weeks (14 calendar days) prior to the beginning of each semester. Waiver forms that are received by human resources after the deadline may not be processed and no waiver granted for that semester. The Office of Human Resources has final approval on waiver eligibility.

Regular part-time employees (faculty or staff) are eligible for the tuition waiver. The amount of the waiver will be pro-rated to the number of regular hours they work each week. Thirty or more hours per week is considered full-time employment. Part-time employee's children and/or spouses are not eligible for the tuition waiver. Part-time employees may only take classes during non-scheduled working hours. In other words, they may **not** take classes during regularly scheduled shifts.

Eligible employees may take only one course, no exceptions, regardless of work schedule between the hours of 8:00 am and 4:30 pm, Monday through Friday. For non-exempt employees, any time spent in class must be made up during the same pay period. Hourly employees may not use vacation time in increments of less than a full day to attend class.

Eligible employees are limited to six (6) credit hours per semester with supervisory approval. Other eligible family members may attend full-time.

Approval of the employee's total semester credit hours, including classes taken during the employee's off time, is at the supervisor's discretion. The waiver is not applicable for hours taken that exceed six (6). Based on the needs of the department, supervisors may deny requests to attend class during normal working hours.

**Employee Benefit:** 100% waiver for undergraduate and graduate courses up to six (6) hours per semester.

**Spouse's Benefit:** 100% waiver for undergraduate and master's level courses.

**Children's Benefit:** 100% waiver for undergraduate and master's level courses.

**Tuition for nurse anesthesia, law and doctoral programs are waived at 50% for employees and 25% for eligible family members. Employees who enroll in these programs are allowed to meet the minimum number of credit hours per semester as required by the program.**

#### **8.11.5 Loss of Waiver**

In the event an eligible employee or employee family member is registered and using the tuition waiver and the employee is terminated for misconduct or poor performance, the waiver shall be immediately revoked and the employee will have the option of paying all tuition and fees in order to complete the semester or may withdraw from the University by following normal withdrawal procedures.

If an employee resigns, with or without notice, or is terminated for any reason (other than misconduct or poor performance) prior to 45 calendar days from the day classes began for the spring and fall semesters as listed in the current University catalog, the tuition waiver is revoked and the employee or employee family member must follow the same procedure as previously stated. If the termination occurs following that date, the employee or employee family member shall be allowed to complete the semester without revocation of the tuition waiver. If summer classes have begun before the resignation, the tuition waiver shall not be revoked for that summer session.

If an employee resigns and does not provide a two (2) week notice or an employment contract is breached, the benefit is revoked immediately regardless of the previous paragraph.

Employees are responsible for payment of all other fees for themselves, their spouse and children. The tuition waiver will be revoked for delinquent accounts.

**Failure to comply with tuition waiver policies and procedures may result in the revocation of this benefit for the employee and eligible family members.**

#### **8.11.6 Revision or Termination of Benefit**

Revisions to this policy are effective January 2, 2012. Eligible employees, spouses and children who were enrolled before January 1, 2012 will continue under the previous provisions until completion of their degree, if they remain continuously enrolled.

Members of the Board of Trustees shall be treated as employees under this policy with the same benefits. Application for benefits will be made in the same manner as an employee.

This benefit may be revised or discontinued at the end of any semester at the University's sole discretion. Under no circumstance shall it constitute a continuing obligation of the University.



## **8.12 Retirement**

### **8.12.1 University Sponsored Retirement Plans**

The University's retirement plan has two components, The Texas Wesleyan University Retirement Plan and Trust, which is a 401(a) plan, and the Texas Wesleyan University 403(b) plan. Eligible employees may choose to participate in the 403(b) plan immediately upon employment. In this plan, employees may designate a pre-tax deduction amount from each paycheck and designate their investment choices.

Eligible employees may participate in the 401(a) plan once they have completed one full year of service. In this plan, the University may contribute a percentage of gross earnings on the employee's behalf and may contribute matching funds up to six-percent of the employee's contribution to the 403(b) plan. University contributions are not guaranteed and amounts are subject to approval by the board of trustees. Effective June 1, 2012, the University's discretionary match is suspended until further notice.

The University previously sponsored a defined benefits plan called the Rebecca Estes Gray Retirement Plan. This plan was frozen May 31, 1996. Employees eligible at the time the plan was frozen are entitled to accrued benefits as provided for in the plan. Summary plan descriptions are available in the Office of Human Resources.

### **8.12.2 Social Security**

All employees are covered by Old Age and Survivor's Insurance (Social Security). Under the Social Security program, employee contributions are deducted from paychecks and the University matches the contribution.

## **8.13 Services**

The University may provide additional benefits, services or privileges for full-time, regular employees, as listed below:

### **8.13.1 Bookstore**

Subject to approval from the bookstore contractor and within the limits of any contractual agreement, a discount is available to all full-time employees.

### **8.13.2 Check Cashing**

The business office (cashier) will cash personal checks of \$25 or less per day without authorization; checks written for amounts over \$25 must be authorized by the controller or his or her designate. The business office may, at its discretion, refuse to cash third party or out-of-area checks. Check cashing privileges may be suspended or terminated, and any losses subject to collection, for any employee cashing a check on a closed account or with insufficient funds.

### **8.13.3 Credit Union**

Employees are eligible to participate in the Educational Employees Credit Union. For further information, please contact the credit union directly.

### **8.13.4 Direct Deposit**

Employees may arrange for direct deposit of their payroll check to most financial institutions. Forms are available in the Office of Human Resources or Business Office.

### **8.13.5 Food Service**

The dining hall, located in Dora Roberts Hall, provides meals at reasonable rates and is open at designated meal times. The University also has a snack bar located in the campus center that offers sandwiches and short-order foods and beverages. Both dining facilities operate on a cash basis, or a meal punch card may be purchased from the director of food services.

### **8.13.6 The University Club**

The University provides a lounge with full kitchen facilities that is available for all employees to use during break and meal times.

It is located on the first floor of the administration building. The club is reserved for use by faculty and staff employees, but may be used by students and community organizations as necessary.

### **8.13.7 Library**

Employees are eligible to use the library with their University employee identification card. Hours of operation are posted in the library.

### **8.13.8 Special Programs and Activities**

The University sponsors many programs, such as concerts, theatre productions, art shows and athletic events. All employees are welcome and encouraged to attend programs that are of interest to them. Unless otherwise noted, admission to these events is free to the employee and his or her immediate family members.

### **8.13.9 Recreation**

The University's athletic facilities are available for employee use when not occupied by organized groups or classes. Facilities include the swimming pool, the basketball court (gymnasium), volleyball and badminton facilities, tennis courts and gymnastic equipment. For further information and available times, contact the Department of Athletics. **The swimming pool is not to be used unless a certified lifeguard is on duty.**

### **8.13.10 Parking**

Full-time regular employees are assigned a parking space on the main campus, which is reserved between 7 a.m. and 6 p.m., Monday through Friday. All employees must register their vehicle(s) and obtain a parking sticker from the Campus Security Department. The parking sticker should be placed in a location visible from outside the vehicle.

Employees shall not park illegally or in another employee's parking space without permission. Employees who continually violate parking policies may be required to pay citations, may lose parking privileges or may be subject to disciplinary action.

### **8.13.11 Campus Security**

The University provides 24-hour security patrols. All employees share in the responsibility to ensure the safety and protection of everyone on campus and the safekeeping of University and personal property.

Campus security may be reached by calling extension 4911. Fire, police or medical emergencies should be reported by calling 9-911 before notifying security.

Any suspicion of violence, theft, breaking and entering, other illegal or suspicious activity or breach of law should be reported immediately to campus security or the police. A University identification card must be carried at all times while on University property and must be presented to campus security or the police upon request. Employees are responsible for securing their own work areas and possessions. The University is not responsible for damage, loss or theft of personal property.

#### **8.13.12 Communications**

The Office of Communications publishes *Wesleyan Flame* via e-mail and a quarterly magazine.

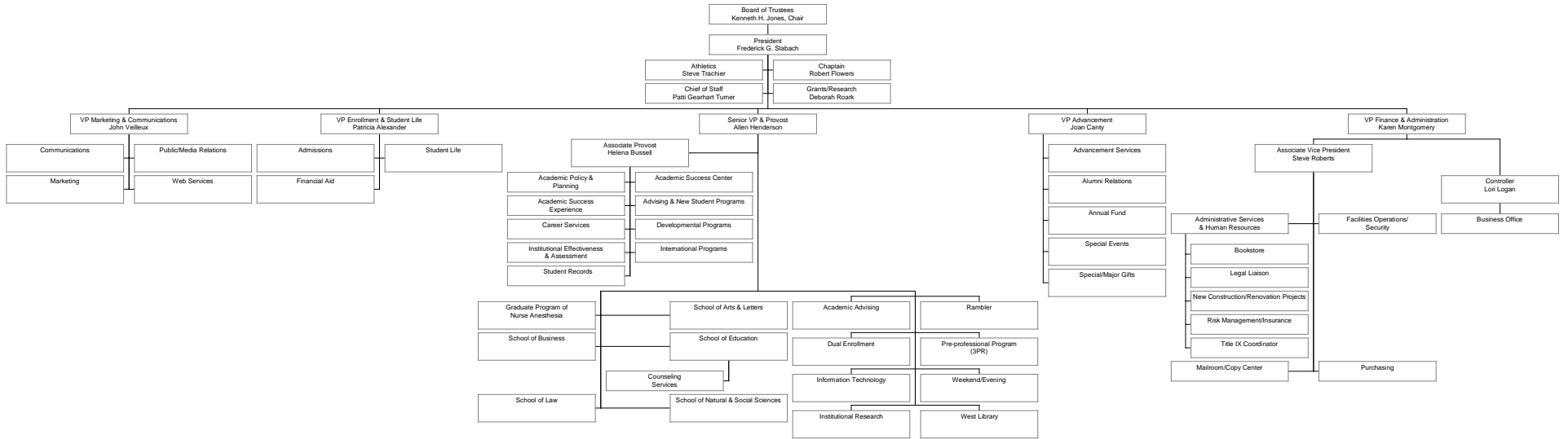
Services and privileges may be cancelled, suspended, modified or revoked by the University at any time.

### **9.0 Committees**

Committees may be established as necessary (e.g. committees on retirement, benefits and safety). The president typically appoints committees.

# Appendix A

## University Organizational Chart



## **Appendix B**

### **Texas Wesleyan University Motor Vehicle and Authorized Driver Policy**

The following policy regarding the use of University vehicles, leased vehicles, and privately-owned vehicles shall be followed in all University-related activities, events and work.

To ensure University employees are in compliance with state and local motor vehicle laws, staff and faculty members whose essential job duties and responsibilities require them to operate a University vehicle, are required to submit a copy of their driver's license to the human resources office on an annual basis. No employee will be permitted to drive University-owned or University-leased vehicles unless a current copy of their driver's license is on file each year.

For all new hires whose job duties and responsibilities require them to operate a University vehicle as an essential function of their job, the University will acquire a copy of their motor vehicle report at the University's expense. Further, the University will request new employees to submit a copy of their driver's license prior to operating a University-owned or University-leased vehicle. No new staff or faculty member will be permitted to drive University-owned vehicles unless their driver's license and motor vehicle report is on file.

Employees must comply with the following qualifications and obligations:

#### **Driver Qualifications**

Every driver must:

- Have a valid driver's license in effect for at least two years.
- Have driven at least 2,000 miles within the last two years.
- Have fewer than two moving violations within the 18 months preceding the occasion of the driver's use of the University's vehicle.
- Have no arrest or conviction for drunk driving, driving under the influence of drugs or for reckless driving within two years of the occasion of the driver's use of the University's vehicle.
- Have fewer than two accidents (whether single or multiple vehicle accidents) in which the driver was at fault (whole or in part) or for which the driver received a traffic citation within the 18 months preceding the occasion of the driver's use of the University's vehicle.
- Agree not to drink and then drive any University vehicle.
- Be at least 18 years of age.
- Meet all qualifications and requirements for the vehicle that they are driving, including licensing requirements.

#### **Driver Obligations**

Each driver agrees that he or she will:

- Provide a copy of his or her driver's license, upon request.
- Provide all consents and approvals necessary for the University to obtain a report or other document describing the driver's driving record from any states in which the driver has been licensed.
- Use University vehicles only for official business.

- Not permit any unauthorized person to drive the vehicle.
- Use seat belts and all other available occupant restraints and require all passengers to do likewise in accordance with state laws. The number of passengers should not exceed the number of seat belts.
- Operate the vehicle in accordance with University regulations. Know and strictly observe all traffic laws, ordinances and regulations.
- Assume responsibility for any and all fines or traffic violations attributable to the driver.
- Never drive under the influence of drugs or alcohol.
- Not transport unauthorized passengers such as hitchhikers, family members or friends.
- Obtain necessary authorization from appropriate source for use of University or privately owned or leased vehicles.
- Use safe driving practices at all times.
- Turn off the vehicle, remove the keys and lock the vehicle when it is left unattended.
- Drive the vehicle at speeds appropriate for road conditions, even if that appropriate speed is below the legal posted speed limit.
- Refrain from driving the vehicle "off road" unless it is made for that use.
- Inspect the vehicle for safety and mechanical concerns, including checking tires, wipers, lights and other safety equipment for observable defects. Report any suspected defects immediately to the appropriate person.
- Immediately report all accidents or violations to the prescribed authority. Accidents must be reported promptly to the immediate supervisor and the associate vice president for administrative services and human resources.
- Make no modifications to any vehicle without approval.
- Sign a risk acknowledgement form and ensure that all passengers complete the form when using privately owned vehicles.
- Ensure that insurance coverage as required by state law is in effect on any privately-owned vehicle used for University business.
- Be subject to applicable University disciplinary procedures for violations of University policy or rules.

### **Management/Department Head Obligations**

- Ensure employees adhere to the Motor Vehicle and Authorized Driver Policy.
- Maintain a list of authorized drivers' in their department and ensure only authorized drivers are allowed to use University vehicles.
- Ensure that University-owned vehicles are properly and adequately insured and maintained for their intended use.

Vehicles are defined as motorized equipment, cars, trucks, tractors, pick-ups, vans, golf carts, construction equipment and other moving equipment. This policy may be applied to students.



**Appendix D**

**Texas Wesleyan University  
Employee Counseling/Decision Day Agreement**

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Choice # 1: Resignation

Reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I resign effective: \_\_\_\_\_ (Date)

Employee's Signature: \_\_\_\_\_

Choice # 2: I promise to make the following improvements in my performance.

Problem/s: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Improvement Commitment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I voluntarily agree to make the stated improvements in my behavior on an ongoing basis and understand that if I fail to do so, my employment will be terminated.

Date: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_

Director's Signature: \_\_\_\_\_



## **Appendix E**

### **Texas Wesleyan University Smoking Policy**

All buildings on all campuses are smoke-free. This policy applies to all members of the campus community - students, faculty, staff and visitors.

Smoking will be permitted in outside designated areas.

This policy includes smokeless tobacco products and electronic cigarettes.

**Per city ordinance, there is no smoking within 20 feet of any entrance to a building.**

Signs designating smoking areas outside of buildings will be posted. Smokers are asked to dispose of used smoking materials in designated containers.

## Appendix F

### Texas Wesleyan University Bloodborne Pathogens Exposure Control Plan

#### **Policy Statement**

The purpose of this plan is to eliminate or minimize employee exposure to bloodborne pathogens and other potentially infectious material.

The plan will identify job classifications in which some employees may have potential occupational exposure. In those cases, specific tasks are delineated and procedures are established to eliminate or minimize occupational exposure.

The plan is established by the associate vice president for administrative services and human resources and communicated to applicable personnel and departments. Department heads or their designates are responsible for implementation and enforcement of the policy.

#### **Definitions**

*Blood:* Human blood, human blood components and products made from human blood.

*Bloodborne Pathogens:* Pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

*Contaminated:* The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

*Contaminated Sharps:* Any contaminated object that can penetrate the skin, including, but not limited to, needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wires.

*Decontamination:* The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

*Exposure Incident:* A specific eye, mouth, other mucous membrane; non intact skin; or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

*Occupational Exposure:* Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

*Other Potentially Infectious Materials:* The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in

situations where it is difficult or impossible to differentiate between body fluids, any unfixed tissue or organ from a human, or any human cultures.

*Personal Protective Equipment:* Specialized clothing or equipment worn by an employee for protection against a hazard.

*Universal Precautions:* An approach to infection control where all human blood and certain human body fluids are treated as if known to be infectious.

### **Accessibility**

The plan shall be accessible to all employees. The associate vice president for administrative services and human resources and affected department heads will maintain a copy of the plan. The plan will be reviewed annually by the associate vice president for administrative services and human resources.

### **Training**

Training will be provided to job classifications with affected personnel at the time of initial assignment. The University nurse, supervisors and/or the associate vice president for administrative services and human resources will provide or assist in providing training. Department heads will ensure that affected personnel in their respective departments are trained. Training shall be documented.

### **Personal Protective Equipment**

Texas Wesleyan University will provide required personal protective equipment to affected employees at no cost to the employee. Department heads or their designates will ensure that personal protective equipment is available and utilized, as necessary. Personal protective equipment includes, but is not limited to, gloves, gowns, face shields, eye protection, mouthpieces or other ventilation devices. Hand washing facilities will be provided to all employees.

### **Exposure Determination by Job Classification**

#### **Housekeeping Department**

Housekeepers and First Level Supervisors

#### **Security Department**

Security Officers and Supervisors

#### **Facilities Operations Department**

Field Maintenance Employees

#### **Student Life**

University Nurse, Athletic Trainers, Coaches and Resident Directors

The job classifications listed above have some employees with occupational exposure. Tasks include clean up of potentially infectious material, disposal of contaminated sharps, treatment of injured employees, students and athletes. In order to minimize potential exposure to employees, the following *methods of compliance* shall be followed:

1. Universal precautions shall be followed. All body fluids shall be considered potentially infectious.
2. Sharps containers shall be used for disposal of contaminated sharps.
3. Employees shall immediately wash their hands after removal of gloves or other personal protective equipment.
4. Contaminated needles and other contaminated sharps shall not be bent or recapped.
5. Eating, drinking, smoking, applying cosmetics or balms, and handling contact lenses are prohibited in work areas where there is reasonable likelihood of occupational exposure.
6. Food and drink shall not be kept in areas where potentially infectious materials are present.
7. Always wear protective gloves when cleaning bathrooms and handling soiled linen. Examine gloves for damage, prior to use. Do not reuse disposable gloves.
8. Wear face shields, eye protection and aprons when performing clean up of quantities where splashing or spattering could occur.
9. Always check areas for discarded needles and syringes. Never reach into a wastebasket.
10. If a needle or syringe is found, do not handle. Call your supervisor. Housekeeping supervisors, if available, will remove the item.
11. Housekeeping supervisors will have sharps containers, gloves and tongs available. Supervisors will place the item in the sharps container using gloves and tongs.
12. If a supervisor is not available, contact security. The security shift supervisor will remove the item in the same manner. Sharps containers, gloves and tongs will be available in security vehicles.
13. Once a sharps container is full, it should be returned to the University nurse and a new container obtained.
14. The University nurse will dispose of the container in the appropriate/approved manner.
15. Contaminated waste will be placed in leak-proof containers or bags labeled with the biohazard symbol. Potentially contaminated linen can be laundered in the normal manner. Heavily soiled items, which will not be reused, will be disposed of in an approved manner. Contact the University nurse for disposal instructions.
16. Surface areas and equipment used in clean up, such as mop pails, will be disinfected using an approved disinfectant.
17. For clean up of urine, blood, vomitus, etc. in public areas, housekeeping will use an appropriate absorbent product. When fully absorbed, the now dry/solid waste must be scooped and placed in a biohazard bag. The areas will then be disinfected. Proper personal protective equipment must be worn. After clean up, hands will be washed immediately.
18. Maintenance employees will use protective gloves when working in the area of human waste disposal systems that have been contaminated. Eye protection and aprons may be necessary.
19. Any employee providing first aid to an injured person must wear appropriate personal protective equipment. It should be noted that first aid is given on a Good Samaritan basis. No University employee is required to render first aid.

### **Hepatitis B Vaccination**

The hepatitis B vaccination series will be offered to all University employees with reasonably anticipated occupational exposure. The University will provide the series by the University nurse or at a licensed health care facility of their choosing, at no cost to the employee. The series will be offered following the required training and within ten (10) working days of an initial assignment with occupational exposure.

Employees who have previously had the series will not be offered the vaccinations unless a routine booster is recommended by a health care professional. Employees may decline the vaccination. However, employees will be required to sign the attached statement.

### **Post Exposure Evaluation**

If an exposure incident occurs, the University will make available to the exposed employee a confidential medical evaluation and follow up, at no cost to the employee.

The evaluation shall include the following:

1. The identification and documentation of the source individual, unless prohibited by law
2. Collection and testing of blood
3. Post exposure treatment
4. Counseling
5. Evaluation of reported illnesses

The University shall obtain and provide to the employee a written copy of the evaluating health care professional's opinion within fifteen (15) days of the completion of the evaluation. Records for employees having occupational exposure shall be maintained and kept confidential.

**APPROVED BY THE PRESIDENT'S STAFF JULY 15, 1996**

**Texas Wesleyan University  
Hepatitis B Vaccine Declination Form**

I understand that due to my potential occupational exposure to human blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine at no charge to me. However, I decline hepatitis B vaccine at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease.

If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I may receive the vaccination at no charge and at any time.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Supervisor

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

## Appendix G

### Texas Wesleyan University Medical Assistance Policy

#### **Objective:**

The objective of this policy is to provide medical assistance information and a University policy in the event of injury or illness to faculty, staff, student or guest.

#### **Scope:**

This policy applies to all faculty, staff, students and visitors.

#### **Procedure:**

Any person or department receiving notification of an injury or illness on campus should follow this procedure:

- If emergency response is requested by faculty or staff on the scene or by the injured/ill person, summon emergency services immediately (9-911), notify the University nurse (4948) and security (4911).
- If emergency response is not requested, the injured/ill person is conscious and does not appear to need emergency assistance, notify the University nurse (4948) and security (4911). The person attending the injured/ill person must use good judgment. When in doubt, summon emergency services. If the University nurse is available, the nurse's decision will prevail unless the injured/ill person disagrees.
- If the situation involves an injury, the associate vice president for administrative services and human resources (4286) must also be notified.
- If the situation involves an injury or work-related illness to an employee of the University and non-emergency medical assistance is required, Concentra Medical Centers provides service for the University. Please see location and hours under general information. An authorization for treatment form needs to accompany the employee and workers' compensation reporting procedures must be followed.
- Persons making notification need to provide the exact location, an assessment of the problem and what type of assistance is needed.
- If any criminal activity contributed to an injury, the police should also be summoned by calling 9-911.

#### **General Information:**

- **Emergency telephone contacts:**  
9-911, if calling from the campus telephone system. Otherwise, 911.  
Nurse: 531-4948  
Security: 531-4911  
Associate Vice President for Administrative Services and Human Resources: 531-4286

- Health Center Hours: Monday through Friday: 8 a.m. to 5 p.m.  
The Health Center is located at 1100 S. Collard St. in the Sid W. Richardson Center, room 111.
- Concentra Health Centers: 2500 West Freeway (I-30), Fort Worth, (817) 882-8700.  
Hours: Monday through Friday, 8 a.m. to 9 p.m. Saturday, 8 a.m. to 3 p.m. A physician is on call 24 hours a day, 7 days a week. The on-call physician can be reached by calling any of the above numbers.
- All-Saints Hospital: 1400 8th Ave., Fort Worth  
(817) 926-2544
- Harris Methodist Hospital: 1301 Pennsylvania Ave., Fort Worth (817) 882-2000 or (817) 882-3333
- John Peter Smith Hospital: 1500 S. Main Street, Fort Worth  
(817) 921-3431
- Poison Control: 1-800-764-7661
- Rape Crisis: (817) 927-2737, Notify dean of students, 4872 and student counseling, 4859.



## Appendix H

### Texas Wesleyan University Main Campus Emergency Action Plan

#### Scope

Occupational safety and health standards, 29 C.F.R. 1910.38, requires employers to provide a written emergency action plan to ensure the safety of its employees from fire or other emergencies.

#### Elements

The following elements are included: emergency escape procedures and escape routes, procedures to be followed by employees who remain to operate critical operations before they evacuate, procedures to account for all employees following emergency evacuation, the preferred means of reporting fires and other emergencies, and the job titles of persons or departments who can be contacted for further information or an explanation of duties under the plan.

#### Emergency Escape Procedures and Routes

**Emergency services shall be requested immediately by calling 9-911.**

All employees shall be familiar with exits in their work area. In the event of a fire or other emergency situation, employees shall evacuate the building by the nearest exit, in an orderly manner. **Elevators shall not be used.**

In the event security or facilities operations receives information regarding a fire or other emergency, notification shall be made by security and facilities operations, and they will assist in the evacuation of the affected building. Security and facilities operations shall ensure that all areas and/or persons are notified. The highest-ranking member of management on-duty shall supervise the evacuation.

The building shall not be reoccupied until the appropriate authority, usually the fire department, approves.

#### Procedures for Employees Who Remain for Critical Operations

**No employee shall remain in any evacuated building.**

#### University Policy on Employees Extinguishing Fires

**Employees shall not attempt to fight a fire, with one exception.** Employees who have been trained on the use of fire extinguishers may extinguish small incipient fires, such as fires in wastebaskets. However, the University does not require or expect any employee to fight and/or extinguish a fire. Untrained employees should not use fire extinguishers.

#### Procedures to Account for Employees

Department heads shall designate a meeting place outside the building. Employees shall report to the designated place and the department head or designate shall account for all employees who were in the building at the time of the emergency.

#### Reporting Fires and Other Emergencies

Any person or employee who becomes aware of a fire or other emergency, shall report the emergency via 9-911 immediately. In addition, the situation must be reported to campus security,

extension 4911. Security shall ensure that additional notifications are made as described in the University's emergency on-call policy.

### **Fire Alarm Systems**

The following buildings are equipped with local audible fire alarms: Law Sone Fine Arts, Armstrong-Mabee Business Center, Brown-Lupton Campus Center, Dan Waggoner Hall, Eunice and James L. West Library, the Baker-Martin House, residence halls, the Ella C. McFadden Science Center and the School of Law. Additional facilities are not equipped with alarm systems. Facilities operations must be notified when an alarm is activated, to reset and test the system.

### **Residence Halls**

Residence halls shall be evacuated if an alarm sounds. Residence hall staff will conduct the evacuation with the assistance of security and/or facilities operations. Residence hall staff shall establish their own policies, meeting places and accountability procedures. Drills will be conducted each semester by residence hall staff.

### **Training**

New employees will be trained on this plan as part of their new employee orientation.

### **Plan Administration**

The associate vice president for administrative services and human resources shall develop and maintain an emergency action plan. For additional information, contact 531-4286.



## Appendix I

### Texas Wesleyan University Hazard Communication Program

#### Introduction

In 1985, the 69th Texas Legislature enacted the "Texas Hazard Communication Act" to reduce the incidence of chemically-related occupational illnesses and injuries. This coverage now has been expanded by the addition of the federal laws promulgated by the Occupational Safety and Health Administration (OSHA) "Hazard Communication Standard." These regulations are commonly referred to as the "right-to-know" laws.

As defined by these "right-to-know" laws, *Texas Wesleyan University* falls under the jurisdiction of these laws as a non-manufacturing, private employer. These laws set minimum requirements to which we must adhere for the communication of chemical hazards to employees, students and the community.

This program outlines the implementation of hazard communication for all departments using hazardous chemicals at *Texas Wesleyan University*. Each department is responsible for ensuring implementation and following specific procedures as part of the Hazard Communication Program.

In accordance with the "right-to-know" laws, this program fulfills the requirement of a written hazard communication program. It is the responsibility of each department to assist in the following areas as it pertains to that department:

1. Compiling and maintaining chemical inventory lists
2. Labeling all containers of hazardous chemicals
3. Maintaining Material Safety Data Sheet(s) (MSDS) on each hazardous chemical currently in use and those used over the last five years
4. Making available to all employees information contained within this program and all MSDS
5. Training employees who are engaged in operations where hazardous chemicals are used

These "right-to-know" laws apply to normal operating conditions, non-routine tasks and foreseeable emergencies.

#### Statement of Policy

The State's Right to Know Law and the Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1910.1200) have been implemented to provide information to the management of *Texas Wesleyan University* and to employees about possible hazardous chemicals used in our operations. It is our goal to provide a safe and healthy environment for our workers and we will strive to be in compliance with these regulations.

In order to comply with these regulations, the following Hazard Communication Program has been established and will include all operations of our University. Copies of this program, along with a copy of the OSHA standard, is available for review by any interested party in specified locations, including the risk management office or human resources.

All personnel affected by this Program are required to comply with instructions contained in this program and to be familiar with the location of material safety data sheets (MSDS) and the safety precautions provided in them.

### **Operating Procedures**

As part of our Hazard Communication Program, the responsibility for monitoring the program rests with the risk manager who relies on first-level supervision for program implementation.

The following procedures and responsibilities are assigned to each department and will be performed under the direction of the department head or first-level supervisor:

#### *Container Labeling*

1. All containers of hazardous chemicals will be labeled, tagged or marked with the following information:
  - a. Identity of the chemical contained within (as it is listed on the MSDS)
  - b. Appropriate hazard warnings (as listed on the original label or the MSDS)
2. Signs, placards, process sheets, batch sheets, operating procedures or other similar written materials may be used in place of labels on individual stationary process containers (bags, barrels, drums, storage tanks, etc.) provided the following is applicable:
  - a. These containers can be readily identified
  - b. The information involved meets the criteria above
  - c. The written material is available to employees in the work area at all times
3. Existing labels on containers from the manufacturer or distributor will not be removed or defaced on any hazardous chemical container until the container is emptied.
4. Laboratories will ensure that containers of incoming chemicals are properly labeled and the labels are maintained in a readable fashion or are replaced, if needed.
5. A synthesized chemical produced and stored in a laboratory will be labeled with the names of those chemicals that are used in the make-up of that product.
6. All labels will be written in English. A second language is optional.
7. The law provides the following exceptions to labeling requirements:
  - a. Portable containers, into which hazardous chemicals are transferred, provided that the contents are for the *immediate* use by the employee making the transfer. The container will be emptied and cleaned before being placed back in storage. The contents may be used by only one employee within a normal eight-hour shift.

- b. Containers of hazardous chemicals, provided the original labels already convey the required information listed above.

*Material Safety Data Sheets (MSDS) Requirements:*

1. Obtaining an MSDS for all hazardous chemicals currently in stock and for new hazardous chemicals before they are introduced in the workplace. Instruct the chemical distributor or manufacturer to send the MSDS to the person ordering the chemical or to another designated individual. If the manufacturer fails to provide the MSDS, the supervisor must be notified and they must communicate this need to the risk manager.
2. Maintaining MSDS so that employees have easy access to them at all times. The following means of communication are allowed:
  - a. Keeping actual MSDS on file in the work area (such as in a notebook, file cabinet, etc.)
  - b. Providing computer terminals in work areas that allow access by typing in the chemical name or cross reference number (such as the CAS number)
  - c. Providing a microfiche, with microfiche readers, for each work area
3. Locating the MSDS in the work area associated with the use of the hazardous chemicals.
4. Providing a copy of the MSDS to the Security Department when new chemicals are introduced and to OSHA or other government agency or their representative, upon request.

Under the law, laboratories have to obtain an MSDS only on incoming chemicals. This relieves the laboratory instructor from having to generate an MSDS on every mixture that is produced during an experiment.

Contractors that bring hazardous chemicals on campus are required to provide an MSDS if there is an exposure to a Texas Wesleyan University employee. MSDS are to be provided to the director of facilities operations.

*Employee Training & Information*

Basic training will be provided to new employees by personnel responsible for hiring before employees are assigned to their work area. Additional training will be performed as dictated by conditions by the immediate supervisor of the work area where the employee is assigned.

Training will be documented on the forms provided in the FORMS section of this program. Upon request, employees will have access to the Hazard Communication Program for Texas Wesleyan University, the hazardous chemical list for their work area, an MSDS for each hazardous chemical used in their work area and a copy of the OSHA Hazard Communication standard. This information will be provided and maintained in a visible binder located conspicuously in the work area.

*Chemical Disposal*

All hazardous chemicals must be disposed of in accordance with the instructions given on the MSDS for that chemical. In situations where a hazardous chemical must be disposed of in a hazardous waste disposal site, or if there is uncertainty as to how to dispose of the hazardous chemical, contact the University's chemical hygiene officer or the risk manager.

### *Hazardous Non-routine Tasks*

Periodically, employees may be required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by their immediate supervisor for that department about hazardous chemicals to which they may be exposed during such activity.

This information will include the following:

- Specific chemical hazards
- Protective/safety measures the employee can take and
- Measures that Texas Wesleyan University has taken to lessen the hazards, including ventilation, respirators, presence of another employee and emergency procedures

### *Chemical Lists*

There are two (2) types of lists that must be maintained as a part of this program. These will be referred to as the work area list and the bulk hazardous chemical list.

1. A work area list will be developed and maintained for all the hazardous chemicals in that area. This list will be located with the MSDS for that area. Examples of work areas include the following:

Security	Science Building
Art Building	Mail/Copy Center
Media Center	Maintenance

Department heads of affected areas are responsible for ensuring the updating and maintenance of these work area lists.

2. A master hazardous chemicals list and MSDS file will be maintained in the security office.
3. These chemical lists will be maintained for a period of 30 years.

### *Contract Workers*

The director of facilities operations and first-level supervisors of affected employees are responsible for reviewing and enforcing all components of the Hazard Communication Program for all contract workers used on the premises of the University whose operations could expose an employee of the University to hazardous chemicals.

### *Security Responsibilities*

Upon request, the security manager will be responsible for providing the hazardous chemical list to the appropriate state/federal agencies and the local emergency planning committee (Fort Worth Fire Department). A master copy of MSDS for all work areas of the University will be maintained and located in the security office and be accessible to emergency personnel at all times.

### *Program Review*

The Hazard Communication Program will be reviewed and updated as needed by the risk manager.

## **Training**

Training will consist of two parts, basic training and workplace training.

1. Basic training concentrates on topics common to all employees regardless of where they work. This training will be given to new employees as they are hired and will not be needed as new chemicals are introduced into the workplace. The elements of this phase of training are as follows:
  - a. Employees' rights under the "right-to-know" laws
  - b. How to read and understand an MSDS
  - c. Aspects of the written hazard communication program
  - d. Labels, the labeling system and the interpretation of labels for hazardous chemicals
  - e. Location and availability of the written Hazard Communication Program
  
2. Work place training will be done by the immediate supervisor of the work area for that department with documentation maintained on the forms provided in the FORMS section of this program. This training will concentrate on the specifics of hazards present at that location. It will be required for the following:
  - a. existing employees
  - b. new employees
  - c. transferred employees, and
  - d. subcontractor employee

As new chemicals are introduced into the workplace, this training will be required for current employees using those products. Topics to be included are as follows:

1. Operations or tasks, both routine and non-routine, where potential exposure exists
2. First aid procedures as listed on the MSDS
3. Location and availability of MSDS and the related list of hazardous chemicals for that work area
4. The physical and health hazards associated with the hazardous chemicals for that work area, including specific training in the appropriate protection measures needed for the handling of each hazardous chemical
5. Methods and observations to detect the release of a hazardous chemical in the work area and to protect employees from exposure to such chemicals
6. Hazardous chemicals associated with unlabeled pipes located within the work area and other non-routine tasks



**Forms**  
**Hazard Communication**

**Note:** The attached or **similar** forms may be used to document training.

**TRAINING CERTIFICATION**

I have received Hazard Communication Training as described in the Hazard Communication Program. Training information was provided on the following:

- Purpose and requirements of the Hazard Communication Standard
- Overview of the Texas Wesleyan University Hazard Communication Program
- A list of hazardous chemicals used in the workplace and the location of where MSDS can be found for these chemicals
- Information and use of a MSDS; information on labels and how to use this information
- How to properly handle equipment and materials
- Procedures for reviewing and updating a MSDS
- Proper use and selection of personal protection equipment
- Safety precautions and first aid procedures

The training was conducted on \_\_\_\_\_ and I was given the opportunity during training to assess my understanding of the Hazard Communication Standard and to ask questions.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Staff ID Number

\_\_\_\_\_  
Work Area

I hereby certify that the above-named employee has been provided with Hazard Communication Training on \_\_\_\_\_.

\_\_\_\_\_  
Instructor's Signature



## Appendix J

### Texas Wesleyan University Severe Weather Notification and Recommended Safe Area

The following table represents **recommended** safe areas in the event of severe weather. Employees and students should use good judgment, depending on the type and severity of weather involved. It is generally recommended that you do not go outside and that you remain clear of windows. If a tornado warning is issued, campus security will attempt notification of all departments. **If civil defense sirens sound, appropriate precautions should be taken immediately. Do not wait for security notification. Note: Sirens are tested on the first Wednesday of each month at 1 p.m.**

<b>Building</b>	<b>Recommended Area</b>
Oneal-Sells Administration	Basement Hallway
Eunice & James L. West Library	Basement Computer Labs
Armstrong-Mabee Business Center	Interior Hallway (1st floor)
Sid W. Richardson Center	Locker Rooms
Brown-Lupton Campus Center	Locker Rooms
Ella C. McFadden Science Center	Interior Hallway/Stairwell (1st floor)
Fine Arts Building	Far South End of Hallway (1st floor)*Evacuate to Science/Admin.
Dan Waggoner Hall	Interior (1st floor)*Evacuate to Law Sone Fine Arts Center
Art Complex	Interior Rooms*Evacuate to Law Sone Fine Arts Center
Dora Roberts Dining Hall	Basement
Baker-Martin House	First floor interior hallway, away from doors/windows
Law Sone Fine Arts	Basement Hallway
Stella Russell Hall	Basement
Wesleyan Village	Bathrooms in apartment units/1 <sup>st</sup> floor breezeways if outside
Carter, Schollmaier and GPNA Buildings	Interior arear/hallway away from windows
Baker Martin Pavilion	Restrooms
Other, including Polytechnic United Methodist Church	Interior Area/Hallway, away from windows

**\*Time and conditions permitting.**

## **Appendix K**

### **Texas Wesleyan University Workers Compensation Reporting Policy**

Arrangements have been made with Concentra Health Centers for treatment of employees injured on the job. This is primarily intended for minor injuries not requiring 911 assistance. An authorization form is required, and should be completed and sent with the employee. The closest facility is 2500 West Freeway, Fort Worth.

Although employees are free to choose their own physician, Concentra Health Centers is available for those who have no preference. If possible, supervisors should accompany injured employees to the clinic. If possible, the supervisor should determine the employee's limitations for returning to work.

Please report any injuries promptly to the associate vice president for administrative services and human resources, (817) 531-4286.

## Appendix L

### Texas Wesleyan University Pet and Stray Animal Policy

#### BACKGROUND

The University is experiencing a significant number of stray animals on its property. In some instances, University employees have taken possession of these animals and provided shelter within University facilities or property. Although intentions are good, harboring stray animals or pets on University property could expose the University and its employees to significant risk and liability. Issues such as disease, infestation or injury could result. In addition, the *Residential Hall Handbook* currently prohibits students from having pets in residence halls.

#### POLICY

Pets or stray animals are not allowed within University buildings at any time. This policy extends to all varieties of animals or pets, with the exceptions listed below. The policy applies to all University buildings, including, but not limited to, office space, classrooms, residential living halls, libraries, athletics, administration and storage areas.

Exceptions: This policy does not apply to animals or other living organisms used for educational purposes. Please reference established policies regarding laboratory animal research. Seeing-eye dogs for the sight-impaired, police dogs and household fish in properly maintained aquariums are also exempt from this policy.

Due to safety and health considerations, employees should not approach stray animals observed on campus. The City of Fort Worth Animal Control should be notified directly by calling (817) 871-8877, extension 4230. If the situation requires immediate attention, please call security at extension 4911.

## Appendix M

### Policy for the Acceptable Use of Information Technology Resources

As with nearly all other corporations and educational institutions, the rapid emergence of the Internet, the growth of the World Wide Web, the incorporation of electronic mail in various curricula, and the availability of distributed information resources across a common network has caused Texas Wesleyan University to examine the many issues involved in the responsible use of information technology using institutional resources. This policy is the product of that study, and adherence by all Texas Wesleyan University students and staff is necessary. Adherence to this policy will ensure a computing environment that will perpetuate Texas Wesleyan University's academic and service mission. It is imperative that the campus community accepts that technological resources require responsible behavior from all its users. Simply stated, the continued and efficient accessibility of computer resources is the responsibility of the entire campus community.

This policy, in conjunction with the *Policy for the Acceptable Use of Network Resources*, will govern the use of information technology resources at Texas Wesleyan University.

**Purpose:** Information technology, including systems, software and data, plays an increasingly important role in education and administration at Texas Wesleyan University. This policy is designed to define the appropriate and responsible use of the campus computing and network facilities by students and staff. (Faculty council will draft a faculty acceptable use policy.) Further, it is the intent of this policy to allow the greatest access of campus computing resources consistent with generally accepted principles of ethics that govern the Texas Wesleyan University community. In support of its mission of education and public service, Texas Wesleyan University seeks to provide access to its information technology for students, faculty and staff within institutional priorities and financial capabilities.

**Scope:** Access to Texas Wesleyan University-owned computer facilities, equipment, hardware, software, printing services and information technology staff-provided user support is a privilege, not a right. This privilege is extended to all students, faculty and staff. Accepting access to this technology carries an associated expectation of responsible and acceptable use.

Since technology now serves as a major source of information and interaction for research and education, this policy applies to all students and staff at Texas Wesleyan University who utilize any University information resource.

**Definitions:** The following terms are defined to add clarity to this policy:

Chief Information Officer-The administrator responsible for the administration and support of the University's information technology resources

Computer-An electronic device that performs logical, arithmetic and memory functions by manipulating electronic or magnetic impulses, and that includes all input, output, processing, storage, software and communication facilities that are connected or related to an electronic system or communication network.

Computer hardware-Any and all-tangible or physical devices attached to or used in conjunction with a computer system.

Computer network-The interconnection of communication lines with a computer through remote terminals or a complex consisting of two or more interconnected computers.

Computer program-An ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

Computer resources-Any and all computerized institutional data, computer hardware and computer software owned by or operated at Texas Wesleyan University.

Computer software-A set of computer programs, procedures or associated documentation used in the operation of a computer system.

Computer supplies-Paper tape, magnetic tape, tape cartridges, diskettes, floppy diskettes, compact discs and computer output, including paper and magnetic media.

Computer system-A set of related computer equipment, hardware or software.

Data-A representation of information, knowledge, facts, concepts or instructions that have been prepared or are being prepared in a formalized manner and have been processed, are being processed or are intended to be processed in a computer system or computer network. Data may be in any form, including computer printouts, magnetic storage media and compact discs, and stored in the memory of Texas Wesleyan University computers. Data are property of Texas Wesleyan University.

Information technology-Any and all computer or electronic resources that are utilized in the search, access, acquisition, transmission, storage, retrieval or dissemination of data.

Property-Anything of value, including but not limited to, financial instruments, information, electronically produced data, computer software and computer programs.

Responsible use-Any action or behavior of an individual that does not cause accidental or unauthorized destruction, disclosure, misuse or modification of or access to the information technology or computer resources owned or operated by Texas Wesleyan University.

User-Any person authorized to access and utilize the information technology resources at Texas Wesleyan University.

User account-Any physical area of any Texas Wesleyan University computer system that has been specifically established and set-aside for any user.

**Compliance:** All student and staff users of Texas Wesleyan University information technology resources are required to comply with and, by using any such resources, agree to comply and be subject to this *Policy for the Acceptable Use of Information Technology Resources* (hereafter referred to as “policy”). Texas Wesleyan University, through an appropriate review and amendment process, reserves the right to amend this policy at any time and without prior notice, in order to better provide information technology access to students, faculty and staff. Texas Wesleyan University reserves the right to limit, restrict or extend computing privileges and access to its information technology resources.

**Limitations:** Texas Wesleyan University computing resources and associated user accounts are only to be used for Texas Wesleyan University activities for which they are assigned, intended or approved by a University official.

Texas Wesleyan University computing systems are not to be used for any non-University-related commercially public or private purpose, either for profit or non-profit. When accessing any remote resources utilizing Texas Wesleyan University information technology, users are required to comply with both the policies set forth in this document and all applicable policies governing the use and access of the remote computer system.

**User Accounts:** User accounts are designed only 1) to establish a system control mechanism for user identification, and 2) to afford users a physical location where they can store relevant academic and administrative data.

At no time should user accounts be used to execute any computer software or computer programs other than those programs specifically granted and offered for user execution by Texas Wesleyan University. Physical storage in user accounts of any information, data or programs not congruent with the mission of Texas Wesleyan University is prohibited.

All users are responsible for both the protection of their user account password and the data stored in their user account. Users are prohibited from sharing their user account password with anyone at anytime, thereby granting unauthorized access to Texas Wesleyan University computer systems. It is required that users change their user account password periodically to help prevent compromise and unauthorized access of their user account. Any suspected unauthorized access of a user account should be reported immediately to the chief information officer or other University authority. User accounts are deactivated and removed from further access and use when the user's affiliation (e.g., employment, matriculation, current enrollment, etc.) is terminated. All data, files or messages are removed from user accounts when account deactivation occurs.

**Ownership:** Texas Wesleyan University owns and operates the computers, computer networks, software, data files, messages, connections to external computer networks and subscriptions to external computer services. Users cannot claim ownership of any data stored in Texas Wesleyan University computer systems.

These information technology resources are provided for the use of Texas Wesleyan faculty, staff and students in support of its programs and are to be used for education, research, academic development, administrative functions and public service. Use of these resources is a privilege, not a right. When using these resources, individuals agree to abide by the applicable policies of the University, as well as federal, state and local laws.

**Privacy:** User privacy is not guaranteed. When University information systems are functioning properly, a user can expect the files and data he or she generates and stores in his or her user account to be private information, unless the creator of the file or data takes action to reveal it to others. Users should be aware, however, that no information system is completely secure. Persons both within and outside of the University may find ways to access files. Accordingly, the University cannot and does not guarantee user privacy and users should be continuously aware of this fact.



Texas Wesleyan University firmly supports all users' privacy as long as the user adheres to this policy defining the responsible use of information technology resources.

Authorized information technology personnel have the right to examine stored information and communications when investigating cases of abuse of this policy, dealing with misaddressed e-mail and when troubleshooting technical problems with the system.

The University will not routinely monitor the content of electronic communications or personal WWW home pages, but will investigate properly identified allegations of misuse and will comply with applicable University regulations and state and federal laws.

The University reserves the right to access and disclose the contents of the electronic communications of its employees and other authorized users, but will do so only when it has a legitimate business need and after authorization from the senior vice president and provost or his designee. The contents of electronic communications, properly obtained for legitimate business purposes, may be disclosed without permission of the employee.

Authorized information technology personnel may routinely log usage data for system management purposes.

The University does not archive contents of shared system disks or e-mail communications. However, disks on system computers are regularly backed up with "snapshot captures" for the purpose of being able to recover from crashes. These backups are only retained for a brief period. Note that this means that the University does not guarantee the integrity or permanence of material stored on system disks.

**Data Security:** Texas Wesleyan University provides reasonable security against unauthorized intrusion and damage to data, information, files and messages stored on its computer systems within institutional priorities and financial capabilities. The University maintains facilities for archiving and retrieving data stored in user accounts. If a user needs to recover data after an accidental loss, information technology personnel should be contacted. Every reasonable attempt will be made to recover the lost or corrupted data. Due to variables associated with the magnetic storage of data, however, the University cannot guarantee full restoration in every instance. Further, other users can hold neither Texas Wesleyan University nor any information technology personnel accountable for unauthorized access, nor can they guarantee data protection in the event of media failure, fire, criminal acts or natural disaster.

**Copying Software:** Respect for the intellectual work and property of others has traditionally been essential to the mission of academic institutions.

As members of the university community, Texas Wesleyan University values the free exchange of ideas. Just as Texas Wesleyan University does not tolerate plagiarism, it does not condone the unauthorized copying of software, including programs, applications, operating systems and databases. Software should not be copied. This refers to any and all software found on Texas Wesleyan University computer systems, encompassing all network servers, personal computers (to include all campus computer lab systems) and computer networks operating on campus. To copy software without the permission of its owner is illegal and a criminal offense.

**Copyright Laws–Software:** Unless placed in public domain by its owners, software programs are protected by Section 117 of the 1976 Copyright Act. Educational institutions and their constituencies are not exempt from the law. Software is also protected by the license agreement between the owner and purchaser. It is illegal to duplicate, copy or distribute software or its documentation without the permission of the copyright owner. Violations of authorial integrity, including plagiarism and copyright violations, may be grounds for sanctions against members of the University community.

**Liability for Errors:** Texas Wesleyan University makes every effort to maintain an error-free hardware and software environment for its authorized users. Nevertheless, it is impossible to ensure that hardware or system software errors will not occur or that staff will always give the most correct advice. Texas Wesleyan University presents no warranty, either expressly stated or implied, for the services or access provided to its authorized users. Damages resulting directly or indirectly from the use of Texas Wesleyan University information technology resources are the responsibility of the authorized user.

**Right to Monitor:** Texas Wesleyan University owns the campus computer systems networked together on a common fiber-optic network. Every computer attached to the campus network for any reason (e.g., Internet connectivity, e-mail accessibility, etc.) is subject to monitoring by information technology personnel. Due to the exponential growth of the number of data packets transmitted through the Texas Wesleyan University network, this monitoring is required in order to detect and correct network problems as they occur, thereby ensuring the continued stability of the campus-wide computing environment. Even with the right to monitor, users should continue to expect that their data, files and e-mail will remain private. System monitoring is a mechanism for monitoring computer system or user activities, not a method for accessing private information. Texas Wesleyan University reserves the right to monitor any computer action or any system record of any action that a user performs while utilizing the campus network.

**Campus Computing Facilities:** Computer labs on the Texas Wesleyan University campus are not available for general use during the periods when the rooms have been reserved for teaching purposes, unless otherwise specified by the professor. It is the responsibility of every user to utilize these facilities in a responsible manner and in accordance with posted computer lab rules and policies. Accidental damage or damage caused by other parties should be reported as soon as possible so that corrective action can be taken.

**Specific Issues of Responsible Use:** In addition to the issues of responsible user behavior already described in this policy, more specific practices applicable to all Texas Wesleyan University computer systems/network users are *prohibited*, including the following:

- Access, use, inspection or modification of data or functions that are neither allotted nor authorized as a part of the user’s account or specified as public domain information
- Access, use, inspection or modification of data that refers to computer utilization, computer access authorization or security
- Abuse or improper use of computer hardware, software or network resources, whether located on the Texas Wesleyan University campus or elsewhere on the Internet
- Installing or executing unauthorized hardware or software on any computer resource
- Any activity that might inject a computer virus on to the computer or network systems

- Causing noise, displaying abusive or inappropriate behavior towards other users or creating other disturbances in any campus computing area
- To cause or purposefully allow a computer malfunction or interruption of operation
- Sending, printing or storing obscene, pornographic, fraudulent, harassing, threatening, abusive, racist or discriminatory images, files or messages for non-educational purposes
- Displaying or printing sexually explicit, graphically disturbing, discriminating, racist or sexual harassing images or text for non-educational purposes in any campus computing facility or any campus location that can potentially be in view of other individuals
- Access or use of another user's account and the data contained in that account
- Theft, destruction or removal of data or University-owned computer resources
- Physical or electronic interference with other computer systems users
- Dissemination or distribution of a user account password to any other person
- Unauthorized use, access, duplication, disclosure, alteration, damage or destruction of data contained in any electronic file or program, or on any computer, network or library resource
- Use of University information technology resources and associated user accounts that are not assigned, intended or approved by a University official
- Any other practice or user activity that, in the opinion of the chief information officer or the senior vice president and provost, constitutes irresponsible behavior, promotes illegal activities, results in the misuse of computer resources or jeopardizes the operation of computer or network systems

**Violations:** This policy applies to all units of Texas Wesleyan University. It is expected that enforcement will require cooperation between such departments as ITS, Human Resources and Student Services. Prior to any prolonged denial of access or other disciplinary action, a user shall be provided with such appeal rights as may be recommended by University Legal Counsel.

In accordance with established University practices, policies and procedures, confirmation of inappropriate use of University technology resources may result in termination of access, disciplinary review, suspension, expulsion, termination of employment, legal action or other disciplinary action. If disciplinary action is deemed necessary, the case will be handled as follows:

1. Policy violations by a student will be referred to the associate vice president of student life and will be handled as outlined in the *Student Handbook*
2. Policy violations by a staff member will be referred to the appropriate staff supervisor and/or vice president and will be handled as outlined in the *Staff/Employee Handbook*
3. It is understood that University policy does not preclude enforcement under the laws and regulations of the United States of America or the state of Texas

Information technology personnel will, when necessary, work with other University offices such as the Judiciary Board (in cases involving students), Campus Security, directors/department heads, deans of the schools, the University legal counsel and others in the resolution of problems. Anyone who breaks the law may face criminal and/or civil legal action.

**Summary:** Computer and network resources are of significant value, and their abuse can have a negative impact on other users and the mission of the University as a whole.

Each authorized user of information technology resources at Texas Wesleyan University must assume responsibility for his or her own behavior while utilizing these resources. Users of information technology at Texas Wesleyan University should accept that the same morality and ethical behavior that serve as guides in our non-computing environments should also serve as guides in our computing and networking environment as well.

Texas Wesleyan University gratefully acknowledges the model and selected text from “Policy for the Responsible Use of Information Technology,” Nichols College (CAUSE Information Resources Library document number CSD1182).

## **Policy for the Acceptable Use of Network Resources**

Texas Wesleyan University is responsible for securing its network and computing systems in a reasonable and economically feasible degree against unauthorized access and/or abuse, while making them accessible for authorized and legitimate users. This responsibility includes informing users of expected standards of conduct and the punitive measures for not adhering to them. Any attempt to violate the provisions of this policy may result in disciplinary action in the form of temporary revocation of user accounts, regardless of the success or failure of the attempt. Permanent revocations can result from continued abuse.

The users of the network are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the use of the network may result in litigation against the offender by the proper authorities. If such an event should occur, Texas Wesleyan will fully cooperate with the appropriate authorities to provide any information necessary for the litigation process.

This policy, in conjunction with the *Policy for the Acceptable Use of Information Technology Resources*, will govern the use of information technology resources at Texas Wesleyan University.

### **Network Computing Policy**

Once a user receives a user ID to be used to access the network and computer systems on that network, he or she is solely responsible for all actions taken while using that user ID. Therefore:

1. Applying for a user ID under false pretenses is a punishable disciplinary offense.
2. Sharing your user ID with any other person is prohibited. In the result that you do share your user ID with another person, you will be solely responsible for the actions that other person appropriated.
3. Deletion, examination, copying or modification of files and/or data belonging to other users without their prior consent is prohibited.
4. Installation of illegal or unauthorized hardware or software is prohibited. Unless there is record of clear ownership and legal licensure for the software in question, it should not be installed on any University equipment. Installation of hardware or software on a network resource is strictly prohibited. The shared file space on network servers is for the storage of data pertaining to University business only. ITS reserves the right to remove unapproved applications/data from network resources at any time without warning.
5. Attempts to evade or change resource quotas are prohibited. Most users are provided private space on a network resource for storing business-related data. Many users will also have access to other network resources such as access to a departmental/school shared disk space. This space is intended for intradepartmental/school file sharing. This shared space shall not be used for private data storage.
6. Continued impedance of other users through mass consumption of system resources (i.e. misuse of shared disk space, e-mail resources, Internet resources, etc.), after receipt of a request to cease such activity, may result in temporary and/or permanent revocation of the user account.
7. Use of facilities and/or services for commercial purposes is prohibited.

8. Any unauthorized, deliberate action that damages or disrupts a computing system, alters its normal performance or causes it to malfunction is a violation regardless of system location or time duration.

### **Network Security Policy**

As a user of the network, you may be allowed to access other networks (and/or the computer systems attached to those networks). Therefore:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited.
2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote/local system, is prohibited.
3. Decryption of system or user passwords is prohibited.
4. The copying of system or user passwords is prohibited.
5. The copying of copyrighted materials, such as third party software without the express written permission of the owner or the proper license, is prohibited.
6. Intentional attempts to “crash” network systems or programs are punishable disciplinary offenses.
7. Any attempts to secure a higher level of privilege on network systems are punishable disciplinary offenses.
8. The willful introduction of computer “viruses” or other disruptive/destructive programs into the campus network or into external networks is prohibited.

### **Electronic Mail Policy**

Whenever you send electronic mail, your name and user ID are included in each mail message. You are responsible for all electronic mail originating from your user ID. Therefore:

1. Forgery (or attempted forgery) of electronic mail messages is prohibited.
2. Attempts to read, delete, copy or modify the electronic mail of other users is prohibited.
3. Attempts at sending harassing, obscene and/or other threatening e-mail are prohibited.
4. Attempts at sending unsolicited junk mail, “for-profit” messages or chain letters is prohibited.

**I understand that failure to adhere to this policy constitutes a breach of policy/security and may result in the temporary and/or permanent revocation of all network/computer system rights.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
User ID

## Appendix N

### Texas Wesleyan University Alcohol Policy

Generally, the University prohibits the possession, use or distribution of alcohol on the University's campuses. However, alcohol may be served at University sponsored, student and third-party events **with approval**. Upon approval, the President's Suite, Trustee Board Room, the Baker Martin House, the Louella Baker Martin Pavilion, and other areas and at such times as deemed appropriate and approved by the president or his or her designee. Approval is required for all events serving alcohol on campus and for all student events whether on or off campus. Typically, the president or vice president for advancement approves University sponsored events. The dean of students or the vice president for enrollment and student life approves student events. The associate vice president for administrative services and human resources approves third-party facility use events.

The *Alcohol Permit Form* must be completed and approved for all events on campus and all student events serving alcohol off campus.

#### **Basic Requirements for All Events Serving Alcohol**

1. A third-party vendor (licensed bartender covered by site liability) sells and/or distributes the alcoholic beverages.
2. Neither the sale nor use of alcoholic beverages shall in any way violate state or local laws.
3. Alcoholic beverages are not the focus of the activity.
4. Advertisements of the event may not use alcohol as a draw.
5. An off-duty Fort Worth Police Officer is mandatory for **all** student and third-party events. The cost is assumed by the event sponsor.

#### **Procedures for Student Off-Campus Events Serving Alcohol**

All off-campus student events that are sponsored by the University and serve alcohol must have proper authorization. An *Alcohol Permit Form* must be completed and approved by the dean of student life or the vice president for enrollment and student life. For approval, the following federal guidelines must be met:

1. A variety of non-alcoholic beverages will be conveniently and readily available.
2. Adequate food (non-salty preferred) must be provided.
3. A carding and labeling procedure must be enforced.
4. Alternate transportation arrangements must be available.
5. A designated person responsible for compliance, monitoring of the event, and enforcing University, local, state and federal policies or laws.
6. All alcoholic beverages must be kept in a secure area.
7. An off-duty Fort Worth Police Officer is mandatory for student and third-party events. The cost is assumed by the event sponsor.

Student organizations that violate these policies may be subject to the following sanctions:

1. The loss of on or off-campus alcoholic privileges for up to one year.
2. The loss of campus reservation privileges for up to three months.
3. The student organization or group may be fined \$100.
4. The organization or group's president may be fined \$50.

At its sole discretion, the University may disapprove the use of alcohol at any event for any reason.

**Appendix O**

**Texas Wesleyan University  
Current Employee Application for Vacant Position**

I certify that (circle one):

1. I have been in my current position for at least six months, have not received a written warning in the last six months, and am currently not on suspension; or,
2. I am currently not on a leave of absence; or,
3. My supervisor has waived the six-month requirement; or,
4. My current position is temporary.

Please consider the attached resume for the open/posted position of:

\_\_\_\_\_ Department

\_\_\_\_\_ Current Department

\_\_\_\_\_ Current Supervisor

Education and/or skills acquired since employed with Texas Wesleyan University that are relevant to the open position? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employee's Signature                      Date

\_\_\_\_\_  
Current Supervisor's Signature                      Date

**Please attach current resume.**



## Appendix P

### Texas Wesleyan University Notice to Employees Concerning Workers' Compensation in Texas

**COVERAGE:** Texas Wesleyan University has workers' compensation insurance coverage from Travelers Insurance to protect you in the event of work-related injury or illness. This coverage is effective from 7/1/99. Any injuries or illnesses, which occur on or after that date, will be handled by Travelers Insurance. An employee or a person acting on the employee's behalf must notify the employer of an injury or illness not later than the 30<sup>th</sup> day after the date on which the injury occurs, or the date the employee knew or should have known of an illness, unless the commission determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

**EMPLOYEE ASSISTANCE:** The Commission provides free information about how to file a workers' compensation claim. Commission staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting your local Commission field office or by calling 1-800-252-7031.

**SAFETY HOTLINE:** The Commission has established a 24-hour, toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division of Workers' Health & Safety at 1-800-452-9595.

**RIGHT TO ELECT NON-COVERAGE:** You may elect to retain your common law right of action, if no later than five days after you begin employment or within five days after receiving written notice from the employer that the employer has obtained coverage, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain workers' compensation income or medical benefits if you are injured.

## Appendix Q

### Texas Wesleyan University Employee\* Authorization for Payroll Deduction

I agree that \_\_\_\_\_ (Specific description of reason for which debt incurred, e.g. salary advance, failure to return equipment or property, etc.) owed by me (the “Debt”) to Texas Wesleyan University (the “University”) shall be immediately due and owing by me to the University and shall be repaid to the University. I have had an opportunity to review the record for accuracy.

I hereby expressly authorize the University to deduct and withhold any and all of the Debt (up to 25% of the original amount of the Debt) from each paycheck I receive from the University until the Debt is repaid, provided, however that in no event shall the portion of the Debt withheld from any payment cause my regular hourly wage to fall below the federal or state minimum wage. If I should separate from employment with the University prior to full payment by me of all Debt, the remaining balance of Debt shall be due and payable by me immediately upon demand by the University.

\_\_\_\_\_  
Total Amount Due\*\*

\_\_\_\_\_  
Nature of Debt\*\*

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\* Not for use with student workers on a federal or state work-study program.

\*\* This agreement shall not be executed without the prior knowledge of the employee.

## Appendix R

### Texas Wesleyan University Disclosure Statement and Authorization

Under federal law, the University may obtain consumer reports on any or all of its officers, employees or applicants for employment, either at the time of application for employment or at any time during the period of employment with the University, provided the consumer report is used for employment purposes.

A consumer report is a report relating to an individual's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living. This report may include but is not limited to a credit report, an employment record check, a criminal background investigation, and an investigation of any claim of wrongdoing, including, but not limited to any claim of sexual harassment. The undersigned hereby acknowledges that he or she has received this Statement and Authorization and that he or she authorizes the University to obtain such reports.

\_\_\_\_\_  
\_\_\_\_\_  
Name Social Security Number

\_\_\_\_\_  
Address State Zip

\_\_\_\_\_  
\_\_\_\_\_  
Signature Date

## **Appendix S**

### **Texas Wesleyan University Children in the Workplace Policy**

This policy has been developed to inform staff members of their responsibilities and the University's expectations when children are brought onto University premises. This policy is in support of the University's Undergraduate and Graduate Catalogs which prohibit children from attending classes with their parents without prior approval of the instructor teaching the class. Guardians should recognize the importance of this policy and the associated guidelines.

The University understands that although a range of child care options are available to employees throughout the community, there are circumstances where a guardian may wish to bring their child(ren) onto the University's premises. Texas Wesleyan wants to ensure the safety of your children, to provide a workplace that is conducive to productivity and creativity, and to limit the University's liability and insurance risks. To that end, the presence of children in the workplace should be kept to a minimum. Further, consultation and approval from the immediate supervisor is required in advance of each visitation. Permission for a child to be on University property may be withdrawn should the child be disruptive in the workplace.

In circumstances that are either unforeseen or difficult to avoid, and where the employee is unable to make alternative arrangements, guardians should:

- Know that bringing a child to the workplace should be the exception, not the standard. It is, therefore, done only on a temporary and exceptional basis.
- Ensure that their colleagues are not inconvenienced by their child(ren)'s presence.
- Supervise their child(ren) at work at all times.
- Refrain from asking other University staff members to care for their children.
- Keep sick children away from the workplace area at all times.

## Appendix T

### Texas Wesleyan University Facilities Operations Policy Statement

#### **Mission**

Facilities Operations has responsibility for ensuring that University facilities and grounds are clean, safe and in good repair. It is essential that University facilities and assets are protected not only to ensure day-to-day operating readiness, but also the long-term capability of the institution to provide a quality educational environment for its students, faculty and staff.

#### **Scope**

This policy statement is applicable to **All** University departments and employees.

#### **Essential Functions**

The Facilities Operations Department is responsible for any and all acquisitions, maintenance, repair, alteration, construction, renovation, modification or any other action that alters the basic facilities, equipment or installations of the University.

**No** department or person may unilaterally take any action that materially alters University facilities, equipment or installations without the prior approval of the vice president for administration or his or her designate, usually the director of facilities operations or the associate vice president for administrative services and human resources.

The Facilities Operations Department shall make every effort to accommodate facility design or routine maintenance requests from affected departments. However, facilities operations shall make **final** determination of any action taken based on cost, structural limitations or other pertinent information.

**Exception:** The information technology department has sole responsibility for any technology related installation, maintenance or repair.

#### **Facility Planning**

Long or short-term facility planning is the responsibility of the vice president for administration or his or her designate. Although facility planning is a community endeavor involving departments and trustees, the responsibility and authority for developing and implementing facility improvements or new construction resides with the vice president for administration. Other administrators must ensure that any project involving the alteration or construction of facilities has been approved by the vice president for administration or his or her designate.

The vice president for finance and administration shall initiate and take responsibility for the University's long-term facilities planning process. That process shall remain consistent with established University policies and practices, and shall be inclusive.

#### **Administrator**

The vice president for finance and administration or his or her designate has the authority for implementation of this policy.

## **Appendix U**

### **Wage and Salary Policies**

#### **Employment-at-Will**

The University is an employment-at-will employer, which means that just as any employee may conclude the employment relationship at any time for any or no reason, the University maintains the same right; the employment relationship continues at-the-will of either party. Since employment is not guaranteed for any definite period of time, no provision in the staff classification system should be construed as a contract or legal obligation of either the University or the employee. The president has the day-to-day responsibility and authority to hire and discharge employees within budgeting and staffing guidelines established by the board of trustees. The president may delegate certain aspects of the employment responsibility to staff.

#### **Equal Employment Opportunity**

Texas Wesleyan University is an equal opportunity employer.

The University upholds its commitment to provide equal opportunity to all employees and applicants for employment in all phases of employment, including, but not limited to, recruiting, hiring, placement, compensation, benefits, promotion, demotion, discipline, transfer and termination. The University shall not discriminate in the employment context against any individual because of race, color, religion, creed, national or ethnic origin, gender, age, disability, veteran's status, nor any other reason prohibited by applicable federal, state or local laws.

The University shall make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship for the University. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Discrimination should be reported to the employee's supervisor, appropriate divisional vice president, associate vice president for administration and human resources or the director of human resources immediately. If the employee's complaint is not adequately addressed, the employee should follow the staff grievance policy as contained in the staff/employee handbook.

#### **Employment Eligibility**

Under the Immigration Reform and Control Act of 1986 (IRCA), the University may hire only persons who may legally work in the United States (U.S.): citizens and nationals of the U.S. and aliens authorized to work in the U.S. The University must verify the identity and employment eligibility of anyone to be hired, which includes completing and retaining the Employment Eligibility Verification Form (I-9). **New employees must provide the information necessary to complete the I-9 on their first day, but no later than their third day of employment.** Failure to provide required information by the third day shall automatically result in the withdrawal of the offer of employment.

#### **Employment Categories**

Pursuant to the Fair Labor Standards Act (FLSA), all University employees are classified as follows:

**Non-exempt Employee:** Any salaried or hourly employee who is not exempt from the minimum wage, overtime and record keeping provisions of the FLSA. Employees are presumed to be non-exempt unless their job duties exempt them from the FLSA.

**Exempt Employee:** Any salaried employee exempt from the minimum wage, overtime and record keeping provisions of the FLSA. Exempt employees typically are in an executive, administrative or professional position. The exempt status of an employee is determined by exemption criteria established by the U.S. Department of Labor, Wage and Hour Division. The Office of Human Resources and the appropriate vice president has the final responsibility in determining the exempt/non-exempt status of employees under the FLSA.

### **Senior Staff, Faculty and Student Workers**

Employees who are employed as a result of a faculty contract issued by the University or who are classified as senior staff or student workers are not subject to the staff classification system. Part-time staff positions are included.

### **Merit Increases**

Merit increases are based on the results of performance appraisals. The amount of the merit increase, **if any**, is based principally upon the individual's overall performance, the individual's current salary level and available budgeted funds, as determined by the president and the board of trustees. Merit increases and cost of living increases should not exceed the maximum rate of pay for that position.

### **Promotion or Demotion/Salary Increases or Decreases**

Increases or decreases in responsibility and authority may or may not result in a compensation change at the time of transfer, promotion or demotion, and any increase or decrease is subject to the same approval process as any other salary adjustment and must fall within the classification system for the affected position.

### **Hiring Rates**

Newly hired employees may be hired based on experience and qualifications up to the budgeted amount for the position, but should not exceed the maximum rate of pay for the position. It is recommended that employees not be hired above the mid-level rate of pay.

### **Federal Regulations**

#### **Fair Labor Standards Act (FLSA)**

The FLSA determines if a position is exempt or non-exempt and contains other salary provisions such as minimum wage. Exempt or non-exempt status affects overtime. Exempt is often referred to as salaried and non-exempt is typically referred to as hourly. Determination of exempt or non-exempt status may not be arbitrary, but must be established in strict compliance with provisions of the FLSA. The Office of Human Resources will assist the appropriate vice president in determining the legal status of an employee.

#### **The Equal Pay Act**

The Equal Pay Act stipulates that employees performing substantially the same work, requiring the same skill, effort and responsibility, and performing under similar working conditions, must be paid the same rate of pay, regardless of gender.

**Age Discrimination In Employment Act (ADEA)**

The ADEA specifically protects employees and applicants over the age of 40 by prohibiting employers from refusing or failing to hire, discharging, or otherwise discriminating against them solely because of their age.

**Americans with Disabilities Act (ADA)**

The ADA requires that individuals with disabilities be given the same consideration for employment as an individual without a disability. If necessary, employers are required to make reasonable accommodations to enable a disabled person to perform the essential functions of a job.

**Human Resources Contact Information**

The Office of Human Resources is located in the lower level of the Oneal Sells Administration Building.

Main telephone number: (817) 531-4403

- Wilton Hollins, Associate Vice President of Human Resources
- Dexter Dews, Assistant Director of Human Resources & Risk Management
- Kim Stergio, Human Resources Manager
- Eli Cuellar – Human Resources Analyst
- Christi Tallent – Human Resources Assistant



## Appendix V

### Texas Wesleyan University Staff/Employee Handbook Acknowledgement

I have received, read and understand the Staff/Employee Handbook and will abide by the policies stated therein. I further understand that the handbook is a guide and is not intended to establish a contractual agreement between the University and its employees. I understand that the University may change the contents, benefits, privileges, practices, policies and procedures of this handbook at its sole discretion, with or without notice.

Finally, I understand that the University is an employment-at-will-employer, that my employment is not for a fixed or definite term, and that either the University or I may terminate my employment relationship at any time with or without notice and for any or no reason.

Employee's Signature: \_\_\_\_\_

Employee's Name (Print): \_\_\_\_\_

Date: \_\_\_\_\_

Witness' Signature: \_\_\_\_\_