Marymount University Employee Policies and Procedures Manual

Marymount University

June 12, 2017
PREAMBLE

The Marymount University’s Employee Policies and Procedures Manual (HR PP Manual) is a reference guide for ALL EMPLOYEES: staff, faculty, and administrators that is designed to provide accurate and timely information on university policies that relate to the employment relationship with the university.

The goal of this Manual is to be both current and consistent with Federal employment laws and regulations, and the best available evidence supporting the discipline of Human Resources Management.

Administrators, faculty, and staff are encouraged to use this Manual for consistent application of university policies. Most policies apply universally across employee categories; however exceptions exist and are duly noted as such. Alternative documents of the university including, but not limited to, the Full-Time Faculty Handbook, Part-Time Faculty Handbook, and Student Handbook are referenced for additional and/or appropriate policy information.

Changes to the Manual

The Manual and the policies, procedures, and benefits described herein are intended to be dynamic, that is, subject to ongoing review. The university reserves the right to amend, modify, or terminate policies, procedures, and benefits plans at any time. Consistent with the university’s practice of shared governance. Faculty and Staff Councils provide meaningful input to any proposed changes. Approved changes are communicated to all employees.
Modifications to the Manual

February 27, 2017
HR VI-3 Included reference to the Faculty Handbook regarding faculty recruiting process Page 99
HR X-4 Inserted FMLA Leave for Adoption Page 147

June 12, 2017
HR III-8 Included reference to Faculty Handbook regarding guidelines for disclosure and approval Page 35
HR VI-3 Included reference to Faculty Handbook regarding full-time faculty appointments and cut out the description of the Interview Process Page 99
HR XII-2 Included reference to Faculty Handbook regarding the grievance process applicable to full-time faculty concerning academic policies and practices Page 156
HR XIII Included reference to Faculty Handbook regarding employment action for non-award of tenure Page 160
HR XVIII Included reference to Faculty Handbook regarding faculty appointments Page 180
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HR I-1  Marymount University Vision: Building the University of Choice

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<td>Marymount University will be known as a comprehensive Catholic University and the institution of choice for students, faculty, and staff. Marymount will distinguish itself through a culture of engagement that fosters intellectual curiosity, service to others, and a global perspective.</td>
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<th>Organizational Climate</th>
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<td>• Excellence – The Marymount community consistently strives for excellence in carrying out the university’s vision and mission.</td>
<td>• Encourage a sense of caring and concern for all its members</td>
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<td>• Integrity – The Marymount community conducts all activities and interactions in an authentic, transparent, and ethical manner.</td>
<td>• Instill a feeling of commitment and responsibility to the organization</td>
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<td>• Professionalism – The members of the Marymount community exhibit professionalism in all their activities and interactions and maintain a sense of accountability.</td>
<td>• Create fluid organizational boundaries that promote collaboration and teamwork across the organization</td>
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<td>• Diversity – The Marymount community welcomes and values all individuals and recognizes diversity as a source of strength.</td>
<td>• Provide an environment where all community members feel valued and share a sense of purpose and pride</td>
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<td>• Respect – The Marymount community maintains and promotes an atmosphere of mutual respect, cooperation, and civility.</td>
<td>• Ensure that important information is broadly and accurately communicated and processes that affect the organization and the community are transparent</td>
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<td>• Faith – The members of the Marymount community share a commitment to moral and spiritual growth and, consistent with the Catholic intellectual tradition, are committed to living examined, purposeful lives</td>
<td>• Recognize and celebrate community members’ contributions and accomplishments</td>
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<td>• Service – The members of the Marymount community actively seek to serve others and advance social justice.</td>
<td>• Continually monitor its progress in maintaining a positive institutional climate and living its core values</td>
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Marymount University is a Catholic institution of higher education committed to excellence in teaching, learning, scholarship, and service. As such, the university acknowledges these specific core values that guide and govern the actions of its community.

The Marymount community is committed to exemplifying these core values through ethical conduct in all endeavors and interactions. By teaching and modeling ethical behavior, MU builds character and citizenship and prepares its graduates for lives of true personal and professional success. These values apply to all members of the Marymount community, including students, faculty, staff, administrators, board members, consultants, vendors, and others engaged in business with the university. Each member of the community is responsible for conducting him or herself in accordance with these values and other university policies and regulations.

For more information on the MU Strategic Plan: [MU Strategic Plan](#)
HR I-2 Service Quality Principles

We Are Marymount: Our Service Quality Guiding Principle

We foster positive, transparent, collaborative, and cooperative interactions with students, each other, parents, and visitors to be the institution of choice for students, staff, and faculty. We will:

- Create a welcoming atmosphere
  - Be friendly, helpful, and caring
  - Demonstrate positive behavior in public areas
  - Smile and offer a warm greeting
  - Approach each encounter with a positive and productive attitude

- Anticipate and meet needs
  - Practice active and careful listening
  - Ask questions for better understanding
  - Look for opportunities for continuous improvement

- Provide accurate and quality assistance
  - Be knowledgeable about the university’s organization and operations
  - Be consistent and provide the same quality of service to everyone
  - Attend to the details
  - Respond to all communications within two business days
  - Set and publish departmental expectations for appropriate resolutions

- Treat others as valued individuals
  - Have a respectful demeanor in all interactions
  - Provide unconditional concern for the well-being of others
  - Encourage and expect the best in everyone

- Provide service in keeping with our Catholic Identity
  - Be committed to serve others
  - Go beyond what is expected
  - Show a sincere interest in helping

- Take personal responsibility and ownership of Marymount and your individual role in it
  - Have pride in the job you perform
  - Believe that what you do matters
  - See the situation through to resolution
  - Present yourself professionally
HR II     HUMAN RESOURCE SERVICES MISSION

HR II-1   Human Resource Services Management Philosophy

MU recognizes that people are our most valuable asset, and it is our objective to design personnel programs and activities in order to plan for, acquire, organize, develop, and retain our faculty and staff. These programs and activities include the selection and development of persons with the requisite skills to effectively fill staffing needs; the provision of appropriate compensation and benefits; the development of effective employee relations; the implementation of a broad-based staff education and training program; and adherence to a system of comprehensive employee-centered administration.

HRS management takes place at every level of the organization and is subject to all elements of the management process: planning, organizing, communicating, motivating, and oversight. It is the responsibility of all MU employees to help identify management issues and bring them to the attention of the HRS. Where appropriate, such matters, with recommended solutions, shall be referred to, and be reviewed with the appropriate levels within MU and areas for discussion and decisions.

HR II-2     Human Resource Services Mission and Purpose

The policies and practices of Human Resource Services (HRS) support the university’s mission, organizational objectives, increase organization and individual productivity, are cost conscious and cost effective, promote a satisfying work environment, and comply with the applicable requirements of accreditation, governmental, and voluntary agencies.

It is our goal to have HRS be responsive to the changing values, needs, and expectations of the many constituencies served by the university, such as faculty, students, employees, community, government, and education related professional, technical, and administrative organizations.

HRS is a strategic partner of MU. As a strategic partner, the staff of HRS with the MU community works to attract and retain faculty and staff who share the Core Values of the university. To achieve this goal, HRS:

a. Provides a competitive compensation program that rewards excellence
b. Provides a performance management system that supports and reinforces excellence
c. Provides opportunities for personal and professional development
d. Advocates for behavior that supports and reinforces the university’s values and climate
e. Champions a work/life balance culture
f. Fosters a culture of diversity
HR III  GENERAL UNIVERSITY POLICIES

Applicability

General university wide policies apply to all members of the MU community including student employees, faculty, staff, administrators, board members, consultants, vendors, and others engaged in the business of the university. Student employees are also bound by the Student Employee Handbook, the Student Code of Conduct, and the Graduate Assistant Handbook.

An employee who violates these policies is subject to corrective and/or disciplinary action in accordance with the University Progressive Discipline Process.

Instances of deliberate breach of policy by agents (such as contractors and volunteers) may result in termination of contracts and/or services or dismissal of volunteer assignments. Instances of deliberate breach of policy by officers (such as the Board of Trustees) will be adjudicated in accordance with applicable disciplinary procedures set by the Board of Trustees for its members.

HR III-1  Standards of Conduct and Non-Compliance

A. Standards of Conduct

In their actions and interactions, members of the Marymount community will be guided by the highest standards of personal and professional conduct to support themselves. Specifically, the members of this community agree to:

a. Comply with all federal, state, and local laws and regulations, and conduct themselves in accordance with the university’s mission and values, policies and procedures, and Code of Ethics;

b. Strive for quality, efficiency, and effectiveness in all endeavors aimed at achieving MU’s mission and goals;

c. Act honestly and responsibly at all times, holding themselves accountable for their actions;

d. Maintain and promote an atmosphere of mutual respect, cooperation, and civility;

e. Commit to the just treatment of others, applying policies fairly and making resources and services equally available to all members of the campus community;

f. Steward the university resources carefully, ensuring that facilities, equipment, budget dollars, and personal time are used appropriately in support of Marymount’s mission and goals;

g. Refrain from making purchases, or otherwise committing university funds, in order to derive personal benefit;

h. Respect the privacy of each individual and preserve the confidentiality of university records and other information entrusted to them;
i. Avoid conflicts of interest, bribery, and coercion, and strive to avoid even the appearance of impropriety in connection with their roles and responsibilities at MU.

B. Non-Compliance

Commitment to the MU Values and Standard of Conduct includes the responsibility to bring suspected non-compliance to the attention of appropriate university authorities. Members of the Marymount community should contact their immediate manager, the vice president responsible for a specific area or Human Resource Services to report concerns about possible non-compliance. To the extent possible, the identity of the individual making such a report shall be kept confidential; any retaliation for such good-faith reports is a violation of university policy and will result in disciplinary action. There is an online alternative for reporting possible non-compliance that is totally anonymous. The anonymous online reporting alternative is provided through the university’s partnership with Ethics Point. For more information, follow this link: Ethics Point

Ethics Point reports are sent to HRS for review and determination of the most appropriate avenue for investigation and response.

All reports of possible non-compliance with the Standards of Conduct, with the rules and regulations of the university or external regulatory bodies will be investigated and, if the facts warrant, corrective and/or disciplinary action will be taken in accordance with applicable laws and university policies.

HR III-2 Employer-Employee Employment Relationship

Virginia is a “right to work state” and therefore a non-faculty employee’s employment relationship with MU is “employment-at-will” unless superseded by State law where applicable. By accepting an offer of employment, each employee voluntarily enters into an employment relationship with MU, and agrees that the employee is free to resign at any time, with or without cause or reason. Similarly, the employee agrees that MU may terminate this employment at any time, with or without cause or reason. The status of the ‘at will’ relationship can only be changed by written agreement signed by MU’s President. The employee should not rely on verbal comments made by anyone in MU as a guarantee for specific privileges, working conditions, or future or continued employment. A full-time faculty’s employment relationship with the university is specified in Full-Time Faculty Handbook. A part-time faculty’s employment relationship with the university is specified in the Part-Time Faculty Handbook.

HR III-3 Equal Employment Opportunity

In accordance with the resolution of the Board of Trustees of MU, it is the policy and practice of the university to recruit, hire, and train persons in all job classifications without regard to race, creed, color, religion, sex, age, national origin, sexual orientation, marital status, citizenship, or disability. Objective employment measures are the sole criteria used in hiring decisions.
MU shall ensure that all promotions and transfers are in accord with the principles of Equal Employment Opportunity and shall impose valid requirements in these employment actions. MU shall also ensure that all personnel actions such as compensation, benefits, tuition remission, and social and recreational programs are administered without regard to race, creed, color, religion, sex, age, national origin, sexual orientation, marital status, citizenship, or disability.

It is the responsibility of all employees to ensure that employment related decisions are based upon objective employment criteria.

a. The Equal Employment Opportunity Policy statement is to be posted in HRS and communicated to all employees.

b. If an employee feels that an employment decision is made in violation of the above stated policy, he/she shall discuss the issue with his/her department head.

c. If the employee is not satisfied with the response, then he/she shall submit the complaint in writing to HRS who shall respond directly to the employee and determine an appropriate response.

HRS shall ensure that the above policy is complied with in all employment decisions. All employee members are required to comply with the Equal Employment Policy.

**HR III-4 Harassment, Discrimination, and Retaliation**

MU seeks to provide an environment built upon respect that emphasizes the worth of each individual and values diversity. The university is committed to providing an environment in which students, faculty, and staff are able to learn and work without any form of verbal or physical harassment. Harassment in any form is an insult to human dignity and fundamentally at odds with the values and mission of MU. The university will not condone or tolerate any verbal or physical conduct that would constitute harassment, including sexual harassment of any member of the university community. All forms of harassment, not only violate university policy, but also violate federal laws and those of the Commonwealth of Virginia and Arlington County. Therefore, all members of the MU community have a responsibility to maintain an environment free from harassment. Allegations of sexual harassment and misconduct are referred to the Title IX Coordinator for assessment and determination of action. The process for the assessment and determination of action is outlined in Section HR IV-6.

**A. Who is Covered**

This policy applies to all full-time, part-time, and temporary faculty members, administrators and staff, agents of MU, as well as students at all times and places in any connection with this institution. Student responsibilities are further detailed in the MU Community Conduct Manual.

**B. Prohibited Conduct**

It is the policy of MU that all employees and students are free from harassment addressed to individuals or groups because of race, religion, ethnicity, national origin, gender, sexual orientation, age, disability, marital status or veteran’s status, or other categories protected by
applicable law. The policy also applies to complaints of harassment or discrimination involving applicants for admission or employment, or persons aggrieved by third parties such as contractors, vendors, or sponsors of internships.

C. Retaliation Prohibited

MU policy prohibits any form of reprisal or retaliation against any person who has filed a harassment complaint (informal or formal). Reprisals or retaliation against anyone who has participated in an investigation of harassment is prohibited. Faculty and staff or students engaging in reprisals or retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly. Complaints made in bad faith, malicious accusations or stating false charges will also be subject to disciplinary action.

Some examples of retaliation may include but are not limited to:

a. Separating or threatening to separate an employee;

b. Disciplining, suspending, or threatening to discipline or suspend an employee;

c. Imposing any penalty upon an employee;

d. Intimidating or coercing an employee;

e. Discriminating against an employee; or

f. Discouraging or dissuading an employee from reporting, testifying, or otherwise taking part in the investigation

D. Investigation Process

a) Reporting an Incident of Harassment, Discrimination, or Retaliation

MU requires the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender’s identity or position. Any member of the university community who believes that she or he has been subjected to unlawful harassment, discrimination, or retaliation of any kind has the responsibility to report it immediately to her or his manager, or HRS. If the individual is uncomfortable reporting to her or his immediate manager (whether because the manager has committed the harassment or for any other reason), the employee must report the incident to the next higher level of management above the immediate manager or, if the employee prefers, to HRS.

The university is committed to taking all reasonable steps to prevent harassment, discrimination, and retaliation, and will make every reasonable effort to promptly and completely to address and take corrective action. The university cannot take prompt and effective corrective or remedial action unless each individual assumes the responsibility of reporting any incident of immediately to an appropriate managerial employee in accordance with this policy.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination, or retaliation. Therefore, while no fixed reporting period has been established, MU strongly requires the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.
The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued. While it is desirable for an employee who experiences discrimination or harassment to make it clear to the perpetrator or their manager that the behavior is offensive, such notification is not required.

Any reported allegations of harassment, discrimination, or retaliation shall be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality shall be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

The following are the steps to be taken in regards to reporting an incident of harassment, discrimination, or retaliation:

(a) Step 1: The complainant will contact and meet with their manager or HRS to explain the complaint. The complainant will also provide a written summary of the complaint. Upon receipt of a written complaint, the manager will review the complaint and may obtain such further information concerning the complaint as necessary. The manager will contact HRS.

(b) Step 2: After the manager contacts HRS, HRS will work in concert with the appropriate MU officials to determine if an investigation is warranted. If an investigation is not warranted, HRS will notify the complainant.

If an investigation is warranted, HRS will conduct an investigation consisting of interviews of the complainant and the respondent. The complainant and respondent can provide a list of witnesses who may have relevant information. The witnesses must have observed the incident(s) or have relevant information regarding the incident(s). The investigators may interview witnesses who may have relevant information and gather relevant information to inform the investigation.

In addition, when appropriate, HRS can review relevant personnel and other files for information relevant to the complaint. The respondent shall be informed of the allegations and be provided an opportunity to respond in the interview process.

Participants in the investigation or proceedings may not audiotape, videotape, film, photograph, or make any type of digital recording of the investigation meetings or proceedings.

(c) Step 3: At the conclusion of the investigation, the investigative team will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the investigative team will review all facts gathered to determine whether the information is relevant and
material to the determination of responsibility given the nature of the allegation.

Before the final report is finalized, the complainant and respondent will be given an opportunity to review their own statement and, a summary of other information collected during the investigation, including the statements of the other party and any witnesses.

A complainant and respondent may submit any additional comment or evidence to the investigative team within five (5) business days of the opportunity to review the relevant portions of the report.

Upon receipt of any additional information by the complainant or respondent, or after the five (5) day comment period has lapsed without comment, the investigative team will make a finding as to whether there is sufficient information alleged to suggest that a policy violation may have occurred.

If the investigative team determines that there is insufficient information alleged to suggest that a policy violation may have occurred, the complainant and respondent will be notified in writing.

(d) Step 4: After completion of the investigation, HRS will prepare a report to the Executive Director of HRS of findings, an analysis of the merit of the allegations and a recommendation for action. HRS will submit the report 60 working days after the written complaint has been registered, unless the time period is extended for good cause.

(e) Step 5: Within 15 working days, the Executive Director of HRS, or designee, shall render a decision regarding the complaint, apprising the complainant of:

i. HRS findings regarding the validity of the complaint;

ii. Relief granted;

iii. Notification to the manager that the matter has been addressed and appropriate action taken;

iv. Notification to all parties of the matter, appropriate review, and action taken.

The complainant will sign the report and indicate agreement or disagreement with the decision within 10 working days. Failure to sign the report will be considered acceptance of the findings.

(f) Step 6: If there is no foundation for the allegations, HRS will notify the complainant and the respondent. In this event, the complaint will not be made a part of the personnel record of the respondent.

(g) Step 7: If there is a foundation for the allegations, appropriate responsive or disciplinary action will be taken by the VP of Finance and Administration in accordance with MU’s Progressive Discipline Procedure.
(h) Step 8: Either party may appeal the outcome. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeals are as follows:

i. New information that could affect the finding that was not reasonably available through the exercise of due diligence at the time of the investigation; and

ii. Material deviation(s) from written procedures that resulted in an unfair outcome.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The written appeal must include the grounds for the appeal and be provided to the HRS within five (5) business days of the date of the outcome letter.

Upon receipt of the appeal, HRS will provide the other party notice of the appeal and the opportunity to respond within three (3) business days from receipt of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party’s appeal.

An appeal is not a new review of the underlying matter. The VP of Finance and Administration shall serve as the Appellate Authority and shall consider the merits of an appeal only on the basis of the two grounds for appeal. Except as required to explain the basis of new information unavailable at the time of an investigation, review of an investigation will be limited to the written Investigation Report and all supporting documents.

The Appellate Authority can affirm the original findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based procedures not having been followed in a material manner, the Appellate Authority can ask that a new investigation and/or adjudication occur. In the case of new and relevant information, the Appellate Authority can recommend that the case be returned to the Adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appellate Authority will communicate the result of the appeal to the complainant and respondent and HRS within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

b) Responsive Action

Misconduct constituting harassment, discrimination, or retaliation shall be dealt with appropriately. Responsive action may include training, referral to counseling and/or disciplinary action such as reassignment, temporary suspension without pay, or termination, as MU believes appropriate based on the circumstances of the incident.
In addition to any complaint pursued under this administrative process, the complainant may file a complaint of harassment, discrimination, or retaliation with the Equal Opportunity Commission (EEOC), County, or State Human Rights Commission. It is the complainant’s responsibility to adhere to the filing requirements and time limits of the EEOC, state, and local entities.

**HR III-5 Harassment via Electronic Messaging and Information Systems**

Employees are cautioned that the misuse of email, voicemail, or other electronic messaging systems, may give rise to claims of harassment. Faculty and staff may not generate, should not receive, and must not forward any message or graphic that might be taken as offensive based on race, religion, ethnicity, national origin, gender, sexual orientation, age, disability, marital status or veteran’s status, or other categories protected by applicable law. This includes the generation or forwarding of offensive “humor” which contains sexually offensive terms, or terms that are offensive to any race, religion, national origin group, or protected class.

Employees receiving offensive or other unlawfully offensive messages or graphics over MU’s technology resources (e.g. MU Gmail, mobile devices, wired and wireless network, computers, and software) should report those messages to their manager or the VP of their area.

MU technology resources and the data generated on, stored in, or transmitted to or from the university remain the property of the university for all purposes. No one is authorized to use any MU technology resource for the preparation, transmission, or receipt of sexually or racially offensive messages or graphics, or for other messages or graphics which might be taken as offensive based on race, religion, ethnicity, national origin, gender, sexual orientation, age, disability, marital status or veteran’s status, or other categories protected by applicable law. The complete University Use of Technology Resources Policy is in Section §HR III-19.

**HR III-6 Sexual Harassment & Interpersonal Misconduct**

**Purpose and Statement of Intent**

MU is a Catholic institution of higher education committed to excellence in teaching, learning, scholarship, and service. As such, the university acknowledges specific core values that guide and govern the actions of its community. Sexual harassment, sexual violence, stalking, and intimate partner violence of any form are an affront to the human dignity and fundamentally at odds with the values and mission of Marymount University. Ultimately, each member of the Marymount University community is expected to assume responsibility for his/her conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent or stop acts of sexual harassment, sexual violence, stalking, or intimate partner violence.

This policy prohibits a broad continuum of behaviors, all of which constitutes a form of sexual or gender-based harassment or discrimination, sexual violence or intimate partner violence. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. In general, intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has
been involved in, a sexual, dating, domestic, or other intimate relationship with that person. Prohibited conduct that may violate this policy includes: sexual assault, sexual exploitation, physical assault, bullying, intimidation and retaliation, and stalking.

The university will not condone or tolerate any verbal or physical conduct that would constitute sexual harassment, sexual violence, or intimate partner violence from any member of the University community. MU will respond according to the severity or pervasiveness of the offense and the threat it poses to the community. Individuals who are found responsible under this policy may face disciplinary sanctions up to and including termination of employment.

The MU community has a responsibility to maintain an environment free from harassment. The university is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence, and address its effects. MU is committed to fostering a climate free from sexual harassment, sexual violence, stalking, and intimate partner violence through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints that are accessible to all. MU encourages all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus.

The university will not tolerate retaliation against an individual who makes a report or participates in an investigation. Retaliation, whether actual or threatened, destroys the sense of community and trust that is central to a quality environment. MU policy prohibits any form of reprisals or retaliation and community members engaging in reprisals or retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

The university will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate.

This policy provides community members with the structure, tools, and guidance to assist those who have experienced or been affected by sexual harassment, sexual violence, or intimate partner violence whether as a Complainant, a Respondent, or a third party. The policy has dual purposes: 1) it serves as a guide for all community members on the expectations Marymount has, preventatively, for sexual communication, responsibility and respect; and, 2) it serves as a measure to determine, after-the-fact, if behaviors trespassed on community values. This policy is not a contract. Rather, it presents the policies in effect at the time of publication and is subject to change by the university at any time.

Sexual harassment, sexual violence, stalking, and intimate partner violence can be committed by any member of the MU community. The university has jurisdiction to take disciplinary action against a Respondent who is a current student or employee.

The university will review the Sexual Harassment & Interpersonal Misconduct Policy on an annual basis in order to capture evolving legal requirements and improve the delivery of services based on a review of each year’s experience by the Title IX Coordinator and Title IX assessment team.
A. Scope of Policy

The Sexual Harassment & Interpersonal Misconduct Policy applies to all members of the MU community, including students, faculty, staff, administrators, board members, consultants, vendors, and others visiting or engaged in business with the university. Each member of the community is responsible for conducting him or herself in accordance with this Policy and other university policies and procedures.

Vendors, visitors to, and guests of MU are both protected by this Policy and subject to the restrictions herein. Visitors and guests may initiate grievances for violations of this policy committed against them by members of the MU community. Visitors and guests may also be permanently trespassed from the university.

All MU community members have a responsibility to adhere to the university policies and federal, state, and local law. Because this policy is based on shared values, it sets a range of expectations for MU students and employees no matter where or when their conduct takes place. Therefore, this policy applies to behaviors that take place on the campus, at university-sponsored events, and may also apply off campus, including study abroad and internship programs, when the administration determines in its discretion that the off-campus conduct affects a substantial university interest. A substantial university interest is defined to include:

a. Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b. Any situation where it appears that the employee may present a danger or threat to the health or safety of him/herself or others;

c. Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or

d. Any situation that is detrimental to the educational interests of the university.

This policy may be applied to conduct that takes place from the time a person accepts employment and continues until the employee ceases employment, including periods during semester breaks and between semesters. Further, this Policy applies to guests of community whose hosts may be held accountable for the misconduct of their guests.

This policy also applies to behavior conducted online, including via email. Blogs, web page entries on sites such as MySpace, Facebook, and Twitter, and other similar online postings are in the public sphere and are not private. These postings can subject a community member to allegations of conduct violations. The university does not regularly search for this information, but may take action if and when such information is brought to the attention of university officials. Below is a summary of the Sexual Harassment & Interpersonal Misconduct Policy definitions, policy, and investigative process. The policy can be accessed at: Sexual Harassment and Interpersonal Misconduct
B. Sexual Harassment

Sexual Harassment is a form of sex discrimination and is prohibited under Sec. 703 of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. *Unwelcome* sexual advances, requests for quid pro quo sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment *when one or more of the following conditions are present*:

a. Submission to, or rejection of, such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or any aspect of a university program or activity; or

b. Submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting the individual; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent so as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective (a reasonable person’s view) and subjective (the Complainant’s view) standard.

A single, isolated incident of sexual harassment alone may create a hostile environment, if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is “hostile” must be based on all the circumstances. The circumstances could include, but are not limited to:

a. The frequency of the speech or conduct;

b. The nature and severity of the speech or conduct;

c. Whether the conduct was physically threatening;

d. Whether the speech or conduct was humiliating;

e. The effect of the speech or conduct on the Complainant’s mental and/or emotional state;

f. Whether the speech or conduct was directed at more than one person;

g. Whether the speech or conduct arose in the context of other discriminatory conduct;

h. Whether the speech or conduct unreasonably interfered with the Complainant’s educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;

i. Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or

j. Whether the speech or conduct deserves the protections of academic freedom.

Sexual harassment can take many forms. Sexual harassment:
a. May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;

b. Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;

c. May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context;

d. May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship;

e. May be committed by or against an individual or may be a result of the actions of an organization or group;

f. May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;

g. May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting;

h. May be a one-time event or part of a pattern of behavior

i. May be committed in the presence of others or when the parties are alone; and

j. May affect the Complainant and/or third parties who witness or observe harassment.

Sexually harassing behaviors differ in type and severity and can range from subtle verbal harassment to unwelcome physical contact. There is a wide range of behaviors that fall within the general definition of sexual harassment and many differing notions about what behaviors are and are not acceptable. Key determinative factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

**Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or nonverbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, submission to rejection (Section V-F).

C. **Harassment, Bullying, or Cyberbullying**

Harassment, bullying, or cyberbullying, are defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally and includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; and/or spreading rumors with malicious intent. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under this Policy.
D. Stalking

Stalking occurs when a person engages in a pattern of repeated unwanted attention, harassment, contact, or course of contact toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

a. Placing the person in reasonable fear of bodily injury; or
b. Reasonably causing substantial emotional distress to the person.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

a. Unwelcome and repeated visual or physical proximity to a person;
b. Repeated oral or written threats;
c. Extortion of money or valuables;
d. Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
e. Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
f. Sending/posting unwelcome and/or unsolicited messages with another username;
g. Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

E. Retaliation

Retaliation is any act or attempt to retaliate against, or seek retribution from, any individual or group of individuals involved in the investigation and/or resolution of a report of Prohibited Conduct under this Policy. Retaliation can take many forms, including, continued abuse or violence, threats, and intimidation. Any individual or group of individuals, including a Complainant or Respondent, can engage in retaliation and will be held accountable under this policy.

Actions are considered retaliatory if they are in response to a good faith disclosure of real or perceived Prohibited Conduct and the actions have a materially adverse effect on the working, academic or university-controlled living environment of an employee or student; or if the faculty, employee, or student can no longer effectively carry out his or her university responsibilities.
F. Complicity

Complicity is any act taken with the purpose of aiding, facilitating, promoting, or encouraging the commission of an act of Prohibited Conduct by another person.

G. Title IX Assessment

The university will conduct an initial Title IX assessment of the Prohibited Conduct. In the course of this initial assessment, the university will consider the interest of the Complainant and the Complainant’s expressed preference for the manner of resolution. Where possible, and as warranted by an assessment of the facts and circumstances, the university will seek action consistent with the Complainant’s expressed preference.

As part of the initial assessment of Prohibited Conduct, the university will:

a. Assess the nature and circumstances of the allegation;

b. Address immediate physical safety and emotional well-being;

c. Notify the Complainant of the right to contact law enforcement and seek medical treatment;

d. Notify the Complainant of the importance of preservation of evidence;

e. Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective service agency; and

f. Enter the report into the university’s daily crime log;

g. Assess the reported conduct for the need for a timely warning under the Clery Act;

h. Provide the Complainant with information about on- and off-campus resources;

i. Notify the Complainant of the range of interim accommodations and remedies;

j. Provide the Complainant with an explanation of the procedural options, including remedies-based resolution and judicial resolution;

k. Identify a Support Advisor for the Complainant and Respondent;

l. Assess for pattern evidence or other similar conduct by Respondent;

m. Discuss the Complainant’s expressed preference for the manner of resolution and any barriers to proceeding; and

n. Explain the university’s policy prohibiting retaliation.

Under the Virginia Reporting Statute, the university is required to report information about certain allegations of Prohibited Conduct to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.
The initial assessment will proceed to the point where a reasonable evaluation of the safety of the individual and of the campus community can be made, and the university has sufficient information to determine the best course of action.

At the conclusion of the initial assessment, the Title IX Coordinator will determine the appropriate manner of resolution, which may include remedies-based actions or the initiation of an investigation to determine whether judicial action is warranted. The Title IX Coordinator has the sole discretion to determine which method of resolution is appropriate. Any individual wishing to explore alternative dispute resolution methods is encouraged to discuss these options with the Title IX Coordinator.

All university proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, the Campus SaVE Act, FERPA, state and local law, and university policy. Links to these laws are provided in Section III of this Policy.

The Title IX Coordinator’s determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified if the university decides to seek action that would impact the Respondent, such as protective measures that restrict the Respondent’s movement on campus, the initiation of an investigation, or the decision to involve the Respondent in remedies-based resolution.

The Title IX Coordinator will maintain records of all reports of Prohibited Conduct referred for remedies-based resolution, which will typically be completed within thirty (30) calendar days of the initial report.

a) Complainant Agency and Autonomy to Not Proceed with a Report of Prohibited Conduct

The university will seek action consistent with the Complainant’s expressed preference, request where possible. If a Complainant makes a report of Prohibited Conduct but requests that a name or other identifiable information not be shared with the Respondent, or that no formal action be taken, the university will balance this request with its dual obligation to provide a safe and nondiscriminatory environment for all university community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent.

In the event that a Complainant does not wish to proceed with an investigation or judicial resolution of the Prohibited Conduct, the Title IX Coordinator will determine, based on the available information, including any investigative report, whether the investigation or judicial resolution proceedings should nonetheless go forward.

In making this determination, the university will consider, among other factors:

a. Whether the Complainant has requested confidentiality;

b. Whether the Complainant wants to participate in an investigation or judicial hearing;

c. The severity and impact of the conduct;

d. The respective ages of the parties;
e. Whether the Complainant is a minor under the age of 18;
f. Whether the Respondent has admitted to the conduct;
g. Whether the Respondent has a pattern of similar conduct;
h. The existence of independently verifiable evidence; and,
i. The extent of prior remedial methods taken with the Respondent.

The university will take all reasonable steps to investigate and respond to a report of Prohibited Conduct consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. The university will assess any potential barriers to proceeding, including retaliation, and will inform the Complainant that Title IX prohibits retaliation and that the university will take strong responsive action to protect the Complainant. Where the university is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or designee will communicate with the Complainant about the university’s chosen course of action, which may include a decision to pursue action against a Respondent on its own behalf. Alternatively, the course of action may also include steps to limit the effects of the alleged Prohibited Conduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

b) Remedies-Based Resolution

The remedies-based resolution process is a non-judicial approach designed to eliminate Prohibited Conduct, without taking disciplinary action against a Respondent. Where the Title IX Coordinator concludes that remedies-based resolution may be appropriate, the university will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant’s access to educational, extracurricular and employment activities at the university and to eliminate Prohibited Conduct. Examples of protective remedies are provided in Section X of this Policy. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the university. Depending on form of remedies-based resolution used, it may be possible to maintain anonymity.

The university will offer mediation in appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of remedies-based resolution. Mediation may not be used in cases involving sexual assault. The decision to pursue remedies-based resolution will be made when the university has sufficient information about the nature and scope of the Prohibited Conduct, which may occur at any time in the process. Participation in remedies-based resolution is voluntary, and a Complainant can request to end remedies-based resolution at any time.

H. Title IX Investigation and Resolution

When the Title IX Coordinator concludes that disciplinary action may be appropriate, the university will initiate an investigation. The university will designate an investigative team
that has specific training and experience investigating allegations of Prohibited Conduct. The investigative team may consist of employees of the university or external investigators engaged to assist the university in its fact gathering. The university will typically use a team of two investigators. Any investigator chosen to conduct the investigation must be impartial and free of any actual conflict of interest.

The investigative team will conduct the investigation in a manner appropriate to the circumstances of the case. The investigative team will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the investigation. The investigative team will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. In gathering the facts, the investigative team may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent, to the extent such information is relevant to the investigation. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident. Witnesses cannot participate solely to speak about an individual’s character.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair. All individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

a) Review of Investigation Report

At the conclusion of the investigation of Prohibited Conduct, the investigative team will prepare a draft written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the draft written report, the investigative team will review all facts gathered to determine whether the information is relevant and material to a determination of responsibility, given the nature of the allegation. The investigative team may redact information that is irrelevant, more prejudicial than probative, or immaterial to a determination of responsibility. The investigative team may also redact statements that are personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty. The draft investigation report will not include any findings.

Before the written report is finalized, the Complainant and Respondent will be given the opportunity to review their own statement and, as permitted by FERPA, a summary of other information collected during the investigation, including statements of the other party and any witnesses. A Complainant and Respondent may submit any additional comment or evidence to the investigative team within five (5) business days of the opportunity to review the relevant portions of the report.

Upon receipt of any additional information by the Complainant or Respondent, or after the five (5) day comment period has lapsed without comment, the investigative team will
make a written finding as to whether there is sufficient information alleged to suggest that a policy violation may have occurred by a preponderance of the evidence.

Preponderance of the Evidence means a party has shown that its version of facts is more likely to be true than not true. The Preponderance of the Evidence standard is satisfied if there is a greater than fifty percent chance that the proposition is true.

b) Reconsideration of the Determination Not to Proceed to Judicial Action

If the investigative team determines that there is insufficient information alleged to suggest by a preponderance of the evidence that Prohibited Conduct may have occurred, the Complainant and Respondent will be notified in writing. The Complainant will have the opportunity to seek review by the Title IX team by submitting a written request for review within five (5) business days. The Respondent will be notified and have the opportunity to respond within five (5) business days. The Title IX team may agree with the finding of the investigative team, reverse the finding and refer the case for judicial action, or request that additional investigative steps be taken. The Title IX team will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Title IX Team is final.

c) Determination to Proceed to Judicial Action

If the investigative team determines that there is sufficient information alleged to suggest by a preponderance of the evidence that Prohibited Conduct may have occurred, the Title IX Coordinator or designee will issue a Notice of Charge to the Complainant and the Respondent and refer the report for judicial action by the Adjudicator. The Adjudicator will make a finding, by a preponderance of the evidence, as to whether the Respondent is responsible for conduct in violation of this Policy.

University-issued email is the primary means of communication used by the university. The Title IX Coordinator may deliver notice by one or more of the following methods:

a. In person by the Title IX Coordinator or designated University administrator;

b. Mailed to the local or permanent address of the individual, as indicated in official university records; or

c. Emailed to the individual’s university-issued email account.

Notice sent via email will be presumed to have been received by the Parties. In all other circumstances, the Respondent must make confirmation of receipt of the Notice of Charge to the Title IX Coordinator within three (3) business days. If a Respondent fails to confirm receipt of the Notice of Charge, the Title IX Coordinator may initiate a complaint against the Respondent under the Student Community Conduct Code for failure to comply with the directive of a university official.

I. Judicial Resolution

Judicial Resolution is the process by which an Adjudicator designated by the university determines responsibility and, if warranted, administers sanctions and/or discipline against a Respondent. Because the relationships of students, staff, and faculty to the university differ in nature, the procedures that apply when seeking disciplinary action necessarily differ in
some respects. Each of the judicial resolution procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

a) The Adjudicator

Following the issuance of a Notice of Charge, the Title IX Coordinator will designate an Adjudicator to review all relevant information in order to make a finding, by a preponderance of the evidence (see Section XII-1), as to whether the Respondent is responsible for Prohibited Conduct.

The Adjudicator may be an internal member of the university’s administration or an external member of the community. Any individual designated by the university must have sufficient training or experience to serve as an Adjudicator. The Adjudicator may also consult with a panel of individuals from the university or surrounding community in considering additional relevant factors.

For a complaint against a student, the Adjudicator is typically the Dean for Student Life, Dean for Student Success, Student Affairs Administrator, Academic Associate Dean, or Faculty member.

For complaints against a staff member, the Adjudicator is typically the Executive Director of Human Resources or her designee.

For complaints against a faculty member, the Adjudicator is typically a senior, tenured member of the faculty, as assigned by the Provost in consultation with the Title IX Coordinator. Either party may challenge the designation of the Adjudicator.

For a complaint against a student employee who was acting within the scope of his/her employment at the time of the incident, the University may designate an Adjudicator related to the student’s employment in addition to or in lieu of the Adjudicator typically assigned for complaints against students.

The Adjudicator must be a neutral and impartial decision-maker. The Complainant and the Respondent may submit a written request to the Title IX Coordinator to remove the designated Adjudicator, if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Charge. A designated Adjudicator will only be removed if the Title IX Coordinator concludes that the Adjudicator’s bias precludes an impartial hearing of the report. Additionally, any Adjudicator who has reason to believe she/he cannot make an objective determination must recuse oneself from the process.

b) Finding of Responsibility by the Adjudicator

In reaching a determination of responsibility, the Adjudicator may consult with the Complainant, the Respondent, the Title IX Coordinator, and other affected parties, as may be appropriate in the Adjudicator’s view, to ensure a full assessment of the relevant facts. Each party may also submit a written impact statement to the Adjudicator for
consideration. If a Complainant or Respondent meets with the Adjudicator, they may be accompanied by a Support Advisor (Section XIV-[3]).

At any time, the Respondent may choose to agree to a finding of responsibility for some or all of the charged conduct. After consideration of all of the relevant information, the Adjudicator will make a written determination by a preponderance of the evidence, as to whether the Respondent is responsible for conduct in violation of this Policy.

c) Imposition of Sanction

If the Respondent is found responsible, the Adjudicator will consider the imposition of sanctions designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the university’s educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter individuals from similar future behavior. The Adjudicator may also consult with the Title IX Coordinator or designee.

Both parties may submit an impact or mitigation statement to the Title IX Coordinator, who will forward the statement to the Adjudicator for consideration in assessing appropriate sanctions. In those instances where there is a finding of responsibility by the Adjudicator, the Complainant may typically submit a written statement describing the impact of the Prohibited Conduct and any preference regarding possible sanctions. The Respondent will usually submit a written statement explaining any reasons the Respondent believes should mitigate potential sanctions or should be considered by the Adjudicator in determining the sanctions imposed. The Title IX Coordinator will provide each of the parties with an opportunity to review a statement submitted by the other party.

The Adjudicator may impose any sanction deemed appropriate, after a consideration of all relevant information. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

**Imposition of Sanctions for students:** Sanctions may include removal from specific courses or activities, removal from university housing, suspension from the university, or expulsion from the university. A full list of the range of sanctions for students is contained in the Student Community Conduct Code. If the sanction imposed is a suspension from the university, refunds of tuition will be given according to the schedule in the appropriate university catalog and/or the housing license agreement. For the purposes of a tuition refund, the university will base the refund on the date the suspension is imposed.

**Imposition of Sanctions for employees:** Sanctions may include any form of responsive action or progressive discipline as set forth in the Employee Handbook, including training, referral to counseling, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

**Imposition of Sanctions for a student employee acting within the scope of his/her employment at the time of the Prohibited Conduct:** Sanctions may include any permissible sanction from the Student Community Conduct Code or the Employee Handbook.
**Imposition of Sanctions for tenured faculty or faculty whose stated period of appointment has not expired:** Sanctions involving a recommendation of termination will implicate Section 1.8.1 Involuntary Termination of Full-Time Faculty Appointments as set forth in the Faculty Handbook. Under these circumstances, additional procedural steps may occur as set forth in 1.8.1.1 Description of Due Process.

d) **Notice of Outcome**

The Adjudicator’s written determination will be provided simultaneously to the Complainant and the Respondent. The university neither encourages nor discourages the subsequent disclosure or sharing of the Notice of Outcome by either party.

The Respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

The Complainant will be informed of any sanctions that directly relate to the Complainant. The outcome letter will also provide each party with their appeal options.

The university may also notify appropriate university officials, including a direct supervisor of an employee Respondent, as necessary to implement the outcome and/or sanctions.

**J. Title IX Appeal**

Either party may appeal the Notice of Outcome. An appellate review of the Notice of Outcome will be prompt and narrowly tailored to the stated appeal grounds. The Complainant and/or Respondent may appeal only the parts of the Adjudicator’s determination of responsibility or sanctions that directly relates to him/her. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeal are as follows:

a. New information that was not reasonably available through the exercise of due diligence at the time of the investigation that could materially affect the finding of the Adjudicator; and

b. Material deviation(s) from Policy procedures that resulted in an unfair outcome.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The appeal must be submitted to the Title IX Coordinator within five (5) business days of the date of the appeal determination.

Upon receipt of an appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted in writing within three (3) business days from receipt of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party’s appeal.

Upon receipt of an appeal and any response, the Title IX Coordinator will notify the designated Appellate Authority. For an appeal involving a student Respondent, the Appellate Authority is typically the provost and Vice President for Academic Affairs or the Vice
President for Development. For an appeal involving a Respondent who is an employee, the Appellate Authority is typically a vice president or senior level administrator.

**The appeal process outlined in this Policy supersedes the grievance procedures contained in the Employee Handbook and in the Faculty Handbook.**

The appeal will be conducted in an impartial manner by the Appellate Authority. In any request for an appeal, the burden of proof lies with the party requesting the appeal; the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appellate Authority shall consider the merits of an appeal only on the basis of the two grounds for appeal set forth in this Section. Except as required to explain the basis of new information unavailable at the time of an investigation, the Appellate Authority’s review of an investigation will be limited to the written investigation Report and all supporting documents.

The Appellate Authority can affirm the Adjudicator’s original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on material deviation from policy procedures that resulted in an unfair outcome, the Appellate Authority can ask that a new investigation and/or adjudication occur. In an appeal based on newly discovered information that could affect the finding of the Adjudicator, the Appellate Authority can recommend that the case be returned to the Adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appellate Authority will communicate the result of the appeal to the Complainant and Respondent in writing, within ten (10) business days from the date of the submission of all appeal documents by both parties. An appeal decision is a final decision of the university.

**K. Additional Considerations**

a) **Time Frames for Resolution**

The university will make every effort to resolve all reports of sexual harassment within sixty (60) calendar days. All time frames expressed in this Policy are intended to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including an extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In the event that the investigation and resolution are anticipated to exceed the sixty (60) calendar day time frame, the university will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint investigation and any subsequent appeals.
b) Group Infractions

When members of a student group, organization, or team, or individuals acting collusively, act in concert in violation of the Policy, they may be charged as a group, or as individuals, and an investigation may proceed against the group as joint Respondents, or against one or more involved individuals, as appropriate, given the available information and circumstances.

Both officers and members of a student group, organization, or team may be held collectively and individually responsible when violations of this Policy by the organization or its members take place at an organization sponsored event, have received the consent or encouragement of the organization or of the organization’s leaders or officers, or was known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made. Sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

c) Support Advisors

Support Advisor: Throughout the process, the Complainant and Respondent have the right to be assisted by a Support Advisor. The Support Advisor may accompany the Complainant or Respondent to any meeting with an investigator or a university employee.

For faculty and staff: The Support Advisor may not be a witness, legal counsel, and/or a parent or guardian of the Complainant or Respondent. The Support Advisor can assist the party without conflict, should not be related to anyone involved in the complaint, or have another role in the process that could impair his or her role as Support Advisor. Any person who serves as a Support Advisor should plan to make themselves available for meetings throughout the process.

For students: Pursuant to the 2013 Reauthorization of the Violence Against Women Act, students have the right to be accompanied by a Support Advisor of her/his choice. The Support Advisor may be anyone of the students’ choosing including a friend, mentor, family member, attorney, or any other supporter. A Support Advisor is someone who is not otherwise a party or witness involved in the investigation. The Support Advisor must be able to assist the party without conflict and cannot have another role in the process that could impair his or her role as Support Advisor. Any person who serves as a Support Advisor should plan to make themselves available for meetings throughout the process.

The Support Advisor may be present at any meeting or hearing related to the resolution of a report under the Policy. However, the Support Advisor may not speak or otherwise participate in the meetings and must comport himself/herself in a manner that is not disruptive to the meetings. Disruptive behaviors include intervening in meetings or hearings, addressing the investigator or hearing panel, questioning witnesses, or making objections. The Title IX Coordinator has the discretion at all times to determine what constitute appropriate behavior on the part of the Support Advisor.
d) **Role of the Attorney/Outside Agreements**

A Complainant or Respondent may choose to seek the advice and assistance of an attorney at her/his own expense, but the attorney may not participate in investigatory interviews, mediation or adjudication. Similarly, the university will not recognize or enforce agreements between the parties reached outside of these procedures.

e) **Prior Sexual History**

In general, a Complainant’s prior sexual history is not relevant to the resolution of a report under this Policy and will not be accepted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As set forth in Section VI-A of this Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute affirmative consent. Any prior sexual history of the Complainant with individuals is typically not relevant and will not be permitted.

f) **Pattern Evidence**

Where there is evidence of a pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to a determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether:

a. The previous incident was substantially similar to the present allegation;

b. The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent; or

c. The Respondent was subject to a previous credible allegation and/or previously found responsible for a policy violation.

Any party seeking to introduce information about pattern evidence should bring this information to the attention of the investigative team at the earliest opportunity. The university, through the investigative team, may choose to consider this information, with appropriate notice to the parties.

Where a sufficient informational foundation exists, the investigative team, in consultation with the Title IX Coordinator, will assess the relevance, form, and reliability of the information (hearsay may be excluded) and determine if it is appropriate for inclusion in the written investigation report.

g) **Consolidation of Investigation**

The Title IX Coordinator has the discretion to consolidate multiple reports against a Respondent into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.
h) Records

The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution, or judicial resolution. Complaints resolved by Title IX assessment or remedies based resolutions do not become a part of a student’s conduct file or academic record.

Affirmative findings of responsibility in matters resolved through judicial resolution become a part of a student’s conduct record or an employee’s personnel file. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student’s conduct record or employee’s personnel records. In general, records will be maintained for the duration of the Respondent’s relationship with the university, and may be retained for no less than seven years following the Respondent’s departure from the university. In allegations involving child abuse or misconduct by employees warranting termination, the records may be kept indefinitely.

L. Education and Prevention Programs

The university is committed to the prevention of Prohibited Conduct through education and awareness programs. The university is also committed to the protection of minors and the prevention of child abuse. Throughout the year, the university offers educational programs to promote awareness of Prohibited Conduct. Programs are held throughout the year, as announced. Prevention programs include an overview of the university’s policies and procedures, relevant definitions, including Prohibited Conduct, discussion of the impact of alcohol and illegal drug use, affirmative consent, safe and positive options for bystander intervention, and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation. The university’s Title IX Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty, and staff.

HR III-7 Protection of Minors and Mandatory Reporting of Suspected Child Abuse

Under Virginia law, any persons employed by a private institution of higher education who, in their professional or official capacity, having reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to child protective services. The university also requires that the information be immediately shared with the Title IX Coordinator and the Director of Campus Safety and Emergency Management so that the university can ensure timely compliance with this law and enhance the protection of children.

The university is required to report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Virginia Department of Human Services toll-free child abuse and neglect hotline at 1 (800) 522-7096.

A report should be made as follows:
a. If a child is in immediate danger, call the police (911)

If there is no immediate danger, call:

a. Marymount University Office of Campus Safety: (703) 284-1600
b. Marymount University Title IX Coordinator: (703) 526-6940

*This policy is included in MU’s Sexual Harassment and Misconduct Policy (see §HR III-6).

HR III-8 Conflict of Interest

Purpose

This policy applies to all university employees. MU’s goal is to avoid not only conflicts of interest, but also any situation that might give rise to questions about MU’s integrity. It is critical that MU employees not engage in conduct that constitutes an actual conflict of interest or commitment, or gives the appearance of a conflict of interest or commitment.

Applicability

An employee who violates the conflict of interest policy is subject to corrective and/or disciplinary action in accordance with the University Progressive Discipline Process. Instances of deliberate breach of this policy by agents (such as contractors and volunteers) will result in termination of contracts and/or services or dismissal of volunteer assignments. Instances of deliberate breach of policy by officers (such as the Board of Trustees) will be adjudicated in accordance with applicable disciplinary procedures set by the Board of Trustees for its members.

A. Outside Employment

MU strives to provide the best service to our community, and we require the full attention and effort of our talented employees. To this end, MU focuses on shared values, purpose, and vision and neither endorses nor precludes employees’ seeking employment outside their positions with MU.

Prior to an offer of employment, all employees must disclose, in writing, outside employment or engagement in consulting for others and receive approval to continue that employment. During the course of employment and prior to the commencement of outside employment or consulting, employees must first seek approval from the university to ensure that the employment would not present a conflict of interest or commitment, potential conflict of interest or commitment, or the appearance of a conflict of interest or commitment. Employees are required to periodically update outside employment interests when requested by the university. Full-time faculty who are engaged in outside employment will follow the guidelines for disclosure and approval in Section 8.3 of the Faculty Handbook.

a. Staff will update the conflict of interest form in conjunction with the annual evaluation process.

b. Faculty will update the conflict of interest form in conjunction with the annual contract renewal process.
Any employee holding a position with another organization must demonstrate satisfactory performance in his or her job responsibilities with MU at all times. All employees are expected to meet the job performance standards established by the university and will be subject to MU’s work and scheduling demands, regardless of any other outside work requirements. Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

If determined that an employee’s outside work interferes with his/her job performance or the ability to meet the requirements of MU at any time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with MU. A refusal to comply with MU’s reasonable request to terminate outside employment may result in immediate termination of employment with MU.

B. Employment of Relatives

A relative of a current MU employee may be hired for a MU position if the employment of the relative does not present a conflict of interest or the appearance of a conflict of interest. For purposes of this policy, a current employee’s relatives include his/her spouse, parents, parents-in-law, children, children-in-law, siblings, uncles, aunts, first cousins, step-relations, grandparents, nieces, and nephews, or any other person residing in the same household as the employee.

A relative of a current MU employee may not be hired for a position in the following situations:

a. If there would be a reporting relationship between the related employees.

b. If one of the related employees would be in a position to control, approve, and/or review financial transactions prepared or performed by the other.

c. If one of the related employees would have supervisory authority over the other.

d. If the related employees would be in the same department.

A relative of a current MU employee may be hired for a position if the individuals who are related by blood, marriage, or reside in the same household have no direct reporting or supervisor to subordinate relationships exist.

If two employees marry, become related, or develop any other personal relationship where the potential problems noted above may arise, only one of the employees will be permitted to remain in the department unless the potential or actual conflict of interest can be eliminated or managed.

C. Fiduciary

The members of the university’s Board of Trustees and its officers including the president
and all vice presidents, deans, the heads of academic and administrative departments, and certain other designated personnel, are considered representatives of the university and shall report personal activities and interests which create, or which appear to create, a fiduciary conflict with the interests of the university. A conflict of interest shall be deemed to exist when any of the representatives (1) is an officer, director, trustee, general manager, or other key management employee of any partnership, corporation, trust, organization, or other enterprise which (a) conducts or seeks to conduct business with the university, or (b) may receive, directly or indirectly, material financial or other benefit from knowledge or information which is either confidential or proprietary to the university; (2) owns, directly or indirectly, an interest in more than five percent (5%) of the stock, equity or profits of any entity referred to in (1) above; (3) is in partnership with or has another significant business relationship with any other person covered by (1) and (2) above; or (4) otherwise has an existing or potential financial or other interest which impairs, may impair, or appears to impair the independent, unbiased judgment of such representative in the discharge of his or her duties to the university.

For the purpose of a fiduciary conflict of interest, the interests of the representative shall include an interest of their respective family members who are spouses, ancestors, lineal descendants (including adoptive descendants), spouses of lineal descendants, and other relatives living in and a part of the same household of the representative.

According to the Board of Trustees’ Conflict of Interest Policy, each year the representatives are required to disclose in writing any interest, which is or may appear to be in conflict with the interests of the university.

D. Gratuities/Gifts and Solicitations

The officers, employees, and agents of the university shall neither solicit nor accept gifts or gratuities, favors, or anything of monetary value from students, student’s relatives, visitors, or vendors, contractors doing business with, or seeking to do business with MU, or parties to sub-agreements.

Unless specifically excepted by this policy, university employees shall not accept non-cash gifts of any type, including materials, services, travel, and attendance at a charitable or similar event as a guest and entertainment at no cost or at unreasonably discounted prices from persons or entities doing (or proposing to do) business with the university. Excepted from this policy are usual and customary:

a. celebratory business gifts of a value of not more than $75 for the shared use of department personnel;

b. occasional meals in connection with university business meetings and events and university sponsored or pre-approved charitable, in connection with attendance at professional meetings and similarly sponsored events by industrial, technical, professional, or educational associations, or at public ceremonies in an official capacity or similar events;

c. review copies of vendor provided textbooks and other teaching related materials or informational material such as books, reports, pamphlets, calendars, periodicals, or other unsolicited promotional material; and
d. ceremonial gifts received by university employees in the course of official business. Such ceremonial gifts are the property of the university.

All unpermitted gifts must be immediately declined, returned, or discarded. If any individual or organization dealing with the university offers an employee a gratuity or gift, outside the exceptions listed above, that person or representative should be informed of university policy and any such gratuity or gift should be returned.

This policy does not apply to the acceptance of gifts related to fundraising by officers or agents of the university.

No employee may solicit another employee for any purpose while either employee is on working time. The distribution of handbills or other literature during working time or in working areas is forbidden. Persons who are not employed by the university are prohibited from soliciting any employee or distributing literature on university jobsites, premises, or at employee work locations at any time.

**HR III-9 Consensual Relationships**

MU’s policy and its commitment to a climate free from sexual and other forms of unlawful harassment is that it is both unwise and inappropriate for MU managerial personnel to have romantic relationships with any subordinate MU employee.

Such relationships have the potential for adverse consequences, including the filing of sexual harassment complaints. Given the unbalance of power in a relationship where one person awards grades or makes promotion or salary decisions, the consensual nature of the relationship is inherently suspect. It is incumbent upon those with authority not to abuse or appear to abuse the power with which they have been entrusted. Should a charge of sexual harassment be brought by a person in a subordinate position, “consent to the relationship” shall not be deemed a sufficient defense or justification for conduct which otherwise would be deemed sexual harassment under the policy of the university.

A romantic relationship in the work place may raise perceptions of bias and favoritism; deterioration of the relationship may give rise to perceptions of harassment or retaliation. Prudence and the best interests of the participants in the relationship and others working with them dictate that if a romantic relationship develops between a MU manager and a subordinate MU employee, the managerial relationship cannot be permitted to continue.

In the event of such a relationship, it is the responsibility of the manager to take the initiative to work with HRS to ensure a resolution that is consistent with this policy. The resolution may require reassignment or employment termination of one of the employees.

**HR III-10 Employee-Student Dating**

As a university dedicated to fostering the dignity of each person, Marymount University strives to encourage academic excellence, professionalism, respect, integrity, diversity, faith, and
service. The university seeks to create an environment that is free of exploitation and unlawful harassment or discrimination that undermines the integrity of the institution.

Marymount University prohibits consensual relationships of a dating, intimate, and/or sexual nature between faculty or staff and any student with whom the faculty or staff member is in a direct/power relationship. Furthermore, the university strongly discourages these consensual relationships even when no power relationship exists. This policy is rooted in the recognition that faculty– or staff–student relationships may be inherently unequal and contain an element of superiority or power. Consensual relationships between faculty or staff and students may give rise to the perception by others that there is favoritism or bias in educational decisions affecting students. These perceptions undermine the spirit of trust and mutual respect that is important to the university environment. This policy further strives to provide an environment that is free from Sexual Harassment and Interpersonal Misconduct.

Reporting of possible violations of the policy may be made to Campus Safety, the Title IX Office, or through Ethics Point.

HR III-11 Drug-Free Work Place

Federal law obligates MU to make a good faith effort to maintain a drug-free work place. The university prohibits the illegal manufacture, distribution, possession, or use of a controlled substance in the work place. Individuals who willfully violate this policy shall be subject to disciplinary action, which shall include the notification of appropriate federal and state agencies as required by law.

It is the university’s intent to assist in the rehabilitation of those individuals who suffer from drug and alcohol abuse since such abuse can result in accidents; periods of bad judgment; increased absenteeism and lateness; unsatisfactory position performance; and strained work relationships. Employees who seek advice and treatment or who are referred to the Employee Assistance Provider for substance abuse counseling shall be treated the same as employees having other illnesses and disabilities and covered under the Americans with Disability Act. Confidentiality shall be strictly observed.

If a manager, in their judgment, believes the employee may be unfit for work due to substance abuse action will be taken by following these steps:

(a) Step 1: The manager shall observe and document the employee’s behavior, attendance, and position performance, taking note of common observable manifestations of substance abuse, alcoholism, or other behavioral problems. Such manifestations can include slurred speech, unstable gait, bloodshot or watery eyes, and mood swings. Another manager should also observe the employee to confirm the observations. HRS will be contacted and a written summary will document the incident.

(b) Step 2: If the manager and observer conclude that the employee is incapable of performing his/her position duties, the manager will consult with HRS and the VP of Financial Affairs and Administration, and the employee’s VP to place the employee on administrative leave with pay, until an impartial analysis of the
degree of the problem can be determined. It should be noted that blood/urinalysis testing may be required as part of the evaluation as indicated in: §HR III-12, Section B. b.

(c) Step 3: If the employee is found to be in violation with the Drug and Alcohol Usage and Testing Policy (§HR III-12), the employee will be subject to appropriate disciplinary action, up to and including termination, or will be required to participate satisfactorily in an approved drug assistance or rehabilitation program, or both. Additionally, the employee will be referred to the University Employee Assistance Provider.

(d) Step 4: If the employee is required to participate in an approved drug assistance or rehabilitation program, documentation of satisfactory participation in the program shall be required. Prior to the employee return to work, clearance must be obtained from program physician/administrator. No details of the employee's condition shall be divulged without the employee's consent.

(e) Step 5: As a condition of return, the employee agrees to have periodic blood and/or urinalysis tests for a specified time. Employee's failure to comply with the instructions of his/her conditional return shall result in disciplinary action up to and including termination.

**HR III-12  Drug and Alcohol Usage and Testing**

MU is committed to providing an environment that ensures the well-being and safety of the university's employees, students, and campus visitors. The university is committed to the protection of employee and student property and the prohibition of any influences that might have a damaging effect upon the orderly, safe, and efficient operations of the university. This Drug and Alcohol Usage and Testing policy is also intended to comply with the Department of Education’s Drug-Free School and Campus Regulation. The intent of this Policy is to be proactive and, as far as possible, prevent the hiring and/or continued employment of persons who, due to the use of alcohol or illegal drugs, may harm themselves, others, or cause damage to property.

**A. Application of Policy**

- a) This Policy applies to all officers, agents, administrators, staff, faculty, employees, and applicants for employment, and on-call employment, including on-call employment in safety sensitive positions.

- b) An employee who violates this Policy is subject to university sanctions, as well as criminal sanctions provided by federal, state, and local laws.

- c) If an employee does not comply with this Policy, the employee may be suspended without pay pending completion of an investigation. During this course of investigation, the employee will have the opportunity to offer an explanation for his or her behavior. HRS will decide the course of action in consultation with the employee’s department and the appropriate VP.
d) An employee who performs a safety sensitive function, as defined in HR-XVIII Definitions, shall not:

a. Drive a university-owned or leased vehicle within four (4) hours of using alcohol;

b. Use alcohol for eight (8) hours following an accident or until the employee has undergone post-incident alcohol/illegal and controlled substances test, whichever is first;

c. Operate or continue to operate a vehicle if he/she is found to have a blood alcohol concentration of 0.02 percent or greater;

d. Refuse to submit to an alcohol test a controlled substance or illegal drug test as required by the post-accident, random, reasonable suspicion, return-to-duty or follow-up testing requirements of this Policy;

e. Report for duty or remain on duty requiring the performance of a safety sensitive function when the employee has used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate the vehicle safely;

f. Drive or perform other duties under the influence of prescription or over the counter drugs that could impair their ability to perform their duties safely (CDL holders are required to complete and submit Record of Prescribed (Therapeutic) Drugs Usage Form to their supervisors prior to performing safety sensitive duties while on medication).

g. Report for duty, remain on duty, or drive a university vehicle if the employee tests positive for controlled substances.

e) If an employee who is not on an official on-call roster is asked to come to work outside of his or her normal duty hours to perform emergency or unscheduled work and reports off-duty consumption of alcohol or medication that may affect the employee’s ability to perform safety functions, the supervisor shall not require the employee to report to work.

B. Types of Testing

a. Random Test

The university may require a drug test on a random basis if:

a. The employee serves in a safety-sensitive position or is required to hold a CDL. The university is required to conduct testing under Department of Transportation regulations. An employee selected for random drug testing may obtain a deferral of testing if the employee's supervisor and HRS concur that there is a compelling business need to defer the testing. An employee whose random test is deferred will be subject to an unannounced test at a later date.

b. A designated percentage of current employees who are CDL holders and employees in safety sensitive positions will be subject to random alcohol and controlled substances testing each year; (25 percent for alcohol testing and 50
percent for controlled substances testing). Selection of CDL holders and employees in safety sensitive positions to be tested shall be done by a scientifically validated random method. This ensures that each CDL holder and employees in safety sensitive positions have an equal chance of being selected each time that selections are made. Random tests will be conducted periodically on an unannounced basis throughout the calendar year.

c. The employee has received a mandatory referral to the Employee Assistance Program (“EAP”) sponsored by the university for addiction assessment and is referred for treatment pursuant to that assessment.

b) Reasonable Suspicion Testing

d. Reasonable suspicion testing is based upon indicators of drug or alcohol usage and results in treatment for the employee in most cases. With this in mind, the University may request that an employee, as a condition of his or her continued employment, undergo drug and/or alcohol testing, if the university has a reasonable belief that the employee may have violated this Policy. The observation must be made while the employee is on duty. The university recommends that a witness (another manager or university representative) should be found before confronting the impaired employee. The witness should make independent notes on the employee’s condition and the effect of the impairment on job performance. Such reasonable belief may be based on, but is not limited to, the following factors:

e. The employee exhibits physical signs of alcohol, illegal drug use, and/or misuse of prescribed drugs;

f. The manager or other university representative reasonably believes that an employee’s unsatisfactory job performance, misconduct, or poor attendance may be related to drug or alcohol use;

g. The employee has a work-related accident that (i) results in damage to university property or physical injury to another person, (ii) is the second or more work-related accident the employee has had within any 12-month period, or (iii) if the employee seeks medical treatment, the examining physician reasonably believes the accident was related to drug or alcohol use;

a. The university obtains reliable information that the employee has or may have violated this Policy.

c) Confirmatory Testing

If any employee tests positive for use of illegal drugs, a confirming test will automatically be conducted on the employee’s original specimen. The employee must pay for the confirmatory test before it is performed. If the confirmatory test indicates the employee has not used illegal drugs in violation of this policy, any subsequent action will be based on the results of the confirmatory test. In addition, the university will reimburse the employee for the costs of confirmatory testing, and will purge the employee’s record of the results of the initial test.
If the confirmatory test indicates the employee has used illegal drugs in violation of this Policy, the results of the initial test will control for the purposes of any subsequent action. If the second test confirms the initial positive result, a physician at the facility doing the testing will review the test results to determine if a legitimate medical reason exists for the positive result. Any subsequent action will be based on the physician’s findings.

The employee may elect to provide, in writing, information to rebut and/or explain the results of the test. This information will be evaluated by a physician at the facility that performed the testing, and a determination as to the appropriate subsequent action will be made by the physician at the facility that performed the testing.

d) Post-Accident Testing

Employees who are in an accident involving a university-owned or leased vehicle operating on a public road or on campus property that results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives a medical treatment away from the scene of the accident; (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle; or (4) any CDL driver involved in an accident are subject to Post-Accident Testing.

Applicants offered employment as well as current employees must provide advance written consent for post-accident testing and release of test results to the university. Written procedures to be followed by the employee following an accident shall be maintained at all times in the glove compartment of the university commercial or owned vehicles.

a. Applicants offered employment as well as current employees must provide advance written consent for post-accident testing and release of test results to the university.

b. If an employee is injured in an accident and is unable to provide a breath sample or urine specimen, the university will obtain hospital reports, if available, that would indicate alcohol or controlled substance use.

c. As soon as possible following an accident, as defined in §HR III Definitions, involving a university owned vehicle, the driver(s) involved in the accident must be tested for alcohol and controlled substances.

d. An alcohol test under this section should be administered within two (2) hours following the accident, but in no case more than eight (8) hours after the accident.

e. A controlled and illegal substances test under this section must be administered within thirty-two (32) hours following the accident.

f. An employee who is subject to post-accident testing shall remain readily available for such testing. If the employee is not available for any reason, except temporarily leaving the accident scene to obtain assistance in responding to the accident or obtaining necessary emergency medical care, he/she will be deemed to have refused to submit to testing. An employee may not ingest food or drink
during the period prior to testing unless the employee must eat or drink based on a medical condition or medical orders.

g. Supervisors are responsible for providing written documentation to include the amount of time taken between accident and testing and the reason for the delay any time alcohol testing is not performed within two (2) hour and drug testing is not performed within thirty-two (32) hours and forward the information to the HRS.

h. Written procedures to be followed by the employee following an accident, as defined by this policy, shall be maintained at all times in the glove compartment of the university commercial or owned vehicles.

C. Information and Training for Alcohol and Drug Policy and Testing

a) Information Dissemination

a. Each employee covered by this Policy shall be provided a copy of the university’s Alcohol and Controlled Substances Testing Program Summary Sheet and shall be required to sign a receipt confirming that they received these materials.

b. Each employee is expected to be aware of this Policy and its requirements and to abide by the requirements. Managers have the responsibility to ensure that all employees are made aware of this Policy. In addition, program managers should schedule a meeting with their respective staffs on an annual basis to review the provisions and requirements of this Policy.

c. Once a year all employees will receive notification in writing regarding the university’s Policy and the health risks associated with alcohol and other drug usage.

b) Training

All supervisors of employees covered in this Policy shall receive training on alcohol misuse and controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

D. Commercial Driver’s License Drivers

Employees who are required to possess a commercial driver’s license (“CDL”) shall be subject to pre-employment, random, reasonable suspicion, post-accident, return-to-duty and follow-up testing for alcohol and controlled substances. This requirement includes employees who are required to possess a CDL in order to perform their duties, employees who drive a commercial vehicle only occasionally, or CDL licensed employees who repair, inspect, or maintain commercial vehicles. An employee who is not required to possess a CDL in order to perform his/her duties, yet nevertheless does possess a CDL, shall not be required to be drug and alcohol tested, and shall not operate a university commercial vehicle.

a) Pre-Employment Testing

Employees who are required to possess a CDL shall be subject to pre-employment testing for alcohol and controlled substances. All test results must be in compliance with
Section F of this Policy (Testing Procedures). Pre-employment testing will be conducted under the following circumstances:

a. The top applicant(s) for jobs where possession of a CDL is required must undergo testing for controlled substances and the results evaluated prior to hire or prior to first day in a duty status in a safety sensitive function.

b. The job advertisement prepared by the hiring department staff shall inform applicants about controlled substances in advance.

c. Results of controlled substances testing will be made available to applicants, if requested in writing to HRS. Requests must be made within 60 days of an applicant being informed of the disposition of their employment application.

d. If the applicant is a current employee seeking promotion, demotion, or transfer to a position or assignment requiring a CDL, testing must occur before the employee assumes the new position or assignment.

e. An applicant offered a position requiring a CDL must give written consent to permit contact to all previous employers over the last two years. This consent form shall also provide for post-accident testing and release of the test results to HRS. An applicant shall be rejected if he/she refuses to give written consent. The inquiry to previous employers asks questions in order to:

   i. Determine if the applicant has participated in alcohol and/or controlled substance testing programs that meet DOT guidelines;

   ii. Obtain the date the applicant last tested;

   iii. Verify that the applicant has not refused to submit to an alcohol or controlled substance test; an applicant shall not be employed if he/she refused to be tested with a previous employer.

   iv. Obtain the results of any controlled substances or alcohol tests administered in the previous six months; and

   v. Obtain the record of any violation of the alcohol or controlled substance rules.

     Agencies will obtain the applicant's signature on the release form and send the form to any employer the applicant has worked for in the last two years. The forms will be returned to HRS in the self-addressed envelope provided. HRS will notify agencies of the results and maintain the electronic record from previous employers.

f. Offers of employment for positions requiring possession of CDLs are contingent upon:

   i. The applicant demonstrating a verified negative controlled substances test; and
ii. Receipt of reports from previous employers (in Section 5 above) that indicate the applicant’s compliance with testing programs and DOT regulations.

Applicants who have met the requirement of (6i) above, may perform safety sensitive functions prior to receipt of reports from previous employers for a period of fourteen (14) days. After fourteen (14) days, the employee must be removed from safety sensitive duties until the information is received. If, after exercising due diligence, the reports have not yet been acquired by (6ii) above, HRS may waive the (6ii) requirement.

b) Post-Accident Testing

a. Applicants offered positions requiring a CDL as well as current employees in positions requiring a CDL must provide advance written consent for post-accident testing and release of test results and hospital reports to the university.

b. If a CDL employee is injured in an accident and is unable to provide a breath sample or urine specimen, the university will obtain hospital reports, if available, that would indicate alcohol or controlled substance use.

c. As soon as possible following an accident involving a commercial vehicle or university-owned or leased vehicle, the driver(s) involved in the accident must be tested for alcohol and controlled substances.

d. An alcohol test under this section should be administered within two (2) hours following the incident, but in no case more than eight (8) hours after the accident.

e. A controlled substances test under this section must be administered within thirty-two (32) hours following the accident.

f. An employee who is subject to post-accident testing shall remain readily available for such testing. If the employee is not available for any reason, except temporarily leaving the accident scene to obtain assistance in responding to the accident or obtaining necessary emergency medical care, he/she will be deemed to have refused to submit to testing. An employee may not ingest food or drink during the period prior to testing unless the employee must eat or drink based on a medical condition or medical orders.

g. Supervisors are responsible for providing written documentation to include the amount of time taken between accident and testing and the reason for the delay any time alcohol testing is not performed within two (2) hours and drug testing is not performed within thirty-two (32) hours and forward the information to the HRS Director.

h. Written procedures to be followed by the employees following an accident as defined by this policy shall be maintained at all times in the glove compartment of all university commercial or owned vehicles.
c) Random Testing

A designated percentage of current employees who are CDL holders will be subject to random alcohol and controlled substances testing each year (25 percent for alcohol testing and 50 percent for controlled substances testing). Selection of CDL holders to be tested shall be done by a scientifically validated random method which ensures that each CDL holder has an equal chance of being selected each time that selections are made. Random tests will be conducted periodically on an unannounced basis throughout the calendar year.

a. A CDL holder selected for random testing will be notified of selection for testing, given a “Testing Notice Card” and will be required to report to the collection site immediately upon notification to provide a urine and/or breath sample as required. If the employee is driving himself/herself to the testing site, the employee is expected to report to the nearest collection site within one (1) hour of notification of testing requirement. The employee is expected to return to the work site immediately after leaving the collection site. Employee time spent in the testing process shall be compensated as regular hours or overtime as appropriate. Employees shall be subject to disciplinary action if they fail to report to the test site within one hour or fail to immediately return to work after testing.

b. Random tests shall be conducted immediately before, during, or immediately after the employee’s scheduled shift in a safety sensitive position.

c. All departments that employ CDL holders must provide an updated, current roster of positions requiring a CDL to HRS. HRS must be advised by the first working day of each month whether or not any changes are to be made to the roster.

d. Any employee who refuses to provide a urine or breath sample, fails to proceed immediately to the collection site, or attempts to tamper with or provide an adulterated sample will be removed immediately from all safety sensitive duties and shall be subject to disciplinary action including but not limited to suspension or termination of employment.

e. Any employee who, after being notified to report for random testing, voluntarily acknowledges a chemical dependency or alcohol abuse problem shall be transported to the collection site.

If an employee tests positive the employee must be removed from safety sensitive functions until the employee is evaluated by the university’s EAP and the employee complies with the guidelines listed in the subsequent section, “Positive Test Results.” The employee’s job security and/or promotional opportunities will not be jeopardized as a result of such a request for help. However, in order to preserve employment, the employee must comply with the recommendations of the EAP regarding treatment and referral.

Regardless of previous admission of chemical dependency or an alcohol abuse problem, the employee who tests positive shall be subjected to disciplinary action as stated in subsequent section titled “Positive Test Results.”
E. Testing Procedures

All drug and alcohol test results must be in compliance with federal testing guidelines. The federal laws that provide drug free work place and alcohol and controlled substances testing standards are:

a. Drug Free Work place Act of 1988 and


All drug and alcohol testing shall be done by a laboratory approved by the National Institute of Drug Abuse ("NIDA"). All testing will be conducted from urine specimens or breath tests administered by qualified contractor personnel. Tests shall be conducted as specified in DOT regulations, 49 C.F.R. Part 40. Under these regulations, testing will be conducted for alcohol and five specific drugs:

a. Marijuana
b. Cocaine
c. Opiates
d. Amphetamines
e. Phencyclidine (PCP)

F. Test Results

a) Alcohol Test Results

a. If the results of the first test are negative, the testing laboratory will inform the employee and HRS of the NEGATIVE report and no further testing of the specimen will be conducted. The Breath Alcohol Technician (BAT) shall forward the results of all alcohol tests to HRS.

b. If the result of the screening test is a blood alcohol concentration of 0.02 percent or greater, the BAT shall perform a confirmatory test within 20 minutes after the completion of the screening test, but not less than 15 minutes after the screening test.

c. If the result of a Blood Alcohol Concentration ("BAC") test is equal to or exceeds 0.02 percent, the employee and HRS will be notified and the employee shall be removed immediately from all driving related duties and shall be subject to disciplinary action, which shall include termination of employment.

d. HRS will notify the Department Director who will make transportation arrangements to act.

e. The procedures in the "Positive Test Results" must be followed.

f. Medical Review Officer (MRO) evaluation is not required for BAC tests.
g. If the confirmatory test is negative, the testing lab will so inform the employee and HRS.

b) Controlled Substances Test Results

a. If the result of the first test is negative, the testing laboratory will forward the results to the MRO and no further testing of the specimen will be conducted. MRO staff will “administratively review” the records and report the results to HRS. HRS will notify the department director. The Department Director will notify the employee of the negative results of the test.

b. If the result of the first test is POSITIVE, (results exceed the levels for any of the five drugs), a second, confirmatory test will be performed. The laboratory shall forward the results of the test to the MRO for review. The MRO shall review and interpret confirmed POSITIVE test results. The MRO shall examine alternate medical explanations for any POSITIVE test results. This may include, but is not limited to, conducting a medical interview and a review of the employee’s medical history, or review of any other relevant biomedical factors. If the first sample is suspected of adulteration, the MRO shall recommend that the university obtain and analyze another sample from the employee.

c. The MRO shall afford the employee the opportunity to discuss a POSITIVE test result before reporting the result to HRS.

d. The MRO shall inform the employee of his or her right to request that the specimen be tested in a different NIDA approved laboratory for presence of the drug(s) for which a positive result was obtained. The MRO shall honor the employee’s request if it is made within seventy-two (72) hours of the employee having been informed of a verified positive test result.

e. After contacting the employee, but in no case more than three business days after completing the review, the MRO shall provide HRS with the following information:

   i. The controlled substances test being reported was conducted in accordance with 49 C.F.R. Part 40;

   ii. The name of the employee for whom the test results are being reported;

   iii. The reason for the test (e.g., pre-employment, random, post-accident, etc.)

   iv. The date and location of the test collection;

   v. The identities of the person or entities performing the collection, analysis of specimens and serving as the MRO for the specific test; and

   vi. The verified test results of a controlled substances test, either positive or negative, and, if positive, the identity of the controlled substance(s) for which the test was verified positive.

f. If the MRO is not able to contact the employee, the MRO shall report to HRS that he or she has made and documented all reasonable efforts to contact the employee. HRS shall, as soon as practicable, ask the appropriate Department Director or his/her
designee to direct the employee to contact the MRO before next driving a MU owned vehicle within twenty-four (24) hours, whichever is earlier.

g. If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO shall report the results as NEGATIVE.

c) Positive Test Results

a. In the event of a positive alcohol or controlled substances test result, the employee must be assigned to a non-safety sensitive position or non-driving, or be placed on personal leave or leave without pay until a determination is made regarding discipline and/or treatment. The employee’s supervisor and/or department director must discuss individual cases with HRS.

b. An employee who is assigned to a non-safety sensitive position or non-driving, or who is relieved of his or her duties placed on Administrative leave or leave without pay until a determination is made regarding discipline and/or treatment relieved of his or her duties shall not be permitted to operate a motor vehicle. Every attempt should be made to locate a family member or friend to transport the employee home. If this is unsuccessful, a taxi may be called.

c. A thorough review of the circumstances will be conducted by HRS prior to taking any disciplinary action. The disciplinary action taken will be in accordance with MU’s progressive discipline procedures.

d) Test Records

a. The records pertaining to the alcohol, controlled substances, and illegal drug testing program shall be maintained by HRS. Access to these records shall be limited to designated staff in HRS.

b. Both positive and negative drug test information shall be maintained by HRS. POSITIVE drug test results shall be maintained for five years in the employee’s personnel record. NEGATIVE test results shall be maintained separate from employee personnel records by HRS for a minimum of 12 months.

c. Except as required by law or expressly authorized or required by DOT regulations 49 C.F.R. Part 382. Test information maintained under the alcohol, controlled substances, and illegal drug testing program will be released only to the employee, on written request, or to an identified person as directed by the specific written consent of the employee authorizing the release of the information.

HR III-13 Alcohol in the Work Place

Generally, alcohol may not be served or consumed by university faculty or staff during primary working hours or while teaching or supervising students. Alcohol may be served or consumed at an officially sanctioned university event by a vendor who is licensed to serve alcohol. Small, informal gatherings that are not official university events and are limited to university employees where alcohol will be served require the approval of the Division VP or the Academic Dean.
When alcohol is to be served during primary working hours of faculty and/or staff involved in the event, employees shall consume alcohol responsibly at any such event and consumption of alcohol must not interfere with the performance of duties and responsibilities related to employment.

Marymount expects all members of its community to abide by applicable state, federal, and local laws regarding alcohol use. This includes not serving or providing alcohol to individuals who are not of legal drinking age. Use and abuse of alcohol may subject an employee to disciplinary action. Employees who have reason to believe that another employee is under the influence of alcohol during working hours in violation of this policy should report the concern to the appropriate manager. If a manager receives such a report or otherwise becomes aware that an employee appears to be under the influence of alcohol in violation of this policy, the manager must take appropriate action and must contact HRS. Employees are encouraged to contact the university’s Employee Assistance Program for information, counseling and possible referral for alcohol-related concerns.

When an employee confides in HR Services or his/her manager that he/she has an alcohol substance abuse problem, the primary concern of the university is to assist the employee to obtain help to overcome the problem. When an employee is unwilling to accept assistance or acts in ways that affect the welfare of others adversely, the university has no choice but to take severe disciplinary action, such as suspension or dismissal.

HR III-14  Americans with Disabilities Act (ADA)

Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008, known as “ADAAA”, are federal laws applicable to employers with at least 15 employees, which prohibit employers from discriminating against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. MU will provide reasonable accommodations to qualified applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may engage in the application process and/or perform the essential job duties of their position.

It is the policy of MU to, without limitation to comply with all federal and state laws, concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC); and not discriminate against qualified individuals with disabilities.

Applicants or employees who require an accommodation due to a disability should contact Human Resources with any questions or requests for accommodation, and MU will address the matter accordingly.
HR III-15  Violence in the Work Place

MU is committed to providing a safe work environment free from violence or threats of violence. The university will not tolerate any form of violence in the workplace including verbal or physical threats or violence through intimidation that includes possession of weapons in the workplace.

If evidence exists to support an allegation of violence or threats of violence and the offender is an employee, disciplinary action may occur, up to and including dismissal. If the offender is not an employee, other appropriate action will be taken.

When students, faculty or staff have concerns about alleged student violence, they should contact the Office of Student Conduct and Academic Integrity, or Campus Safety for evaluation of appropriate corrective action in accordance with the Student Code of Conduct.

A. Responsibility

In all situations, if violence appears to be imminent, employees should take the precautions necessary to assure personal safety and the safety of others, and then call 911.

a) Faculty, Staff, and Student Employees

a. Faculty, staff, and student employees must report work place violence or threats of violence, as defined above, to their manager.

b. Employees who are advised by anyone that work place violence has occurred or may occur must report this to the Director of Campus Safety and Emergency Management immediately. Retaliation and adverse treatment of employees who report concerns or incidents in good faith or who participate in an investigation are prohibited.

c. In the event the complaint is against a student employee, the Office of Student Conduct should be notified.

d. If evidence appears to support the allegations of violence or threats of violence, faculty, staff, and student employees should follow appropriate procedures.

e. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been engaged in by the employee’s manager should be brought to the attention of HRS and the Director of Campus Safety and Emergency Management.

f. Any employee who has obtained an Order of Protection must notify his/her manager and the Director of Campus Safety and Emergency Management. Victims of domestic violence who believe that violence may extend into the work place, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the work place, are encouraged to notify their manager and Campus Safety. Confidentiality will be maintained to the extent possible.
B. Procedures

a) Non-emergency situations

Contact Campus Safety and Emergency Management, the immediate manager, and HRS when an employee is alleged to be involved in workplace violence or threats of violence.

b) Emergency situations

a. In all situations, if the violence appears to be imminent, take the necessary safety precautions to assure personal safety and the safety of others, and then call 911.

b. Contact Campus Safety and Emergency Management at extension 1600 or 1601.

c. Contact manager/department dean/director or designee.

d. Contact HRS (when an employee is alleged to be involved in workplace violence).

HR III-16 Emergency Situations and Emergency Preparedness

MU is committed to the safety of its students, employees, and guests. In an emergency, taking personal responsibility is key; all MU students and employees should be familiar with MU’s emergency preparedness policies and procedures in order to help ensure their own safety and that of others.

The university has emergency plans in place and maintains close contact with the Arlington County and District of Columbia offices of emergency management. MU’s dining services provider also has emergency procedures in place, to ensure ongoing provisions for resident students and others on campus.

A. Reporting an Emergency

If you become aware of an emergency situation on campus, dial (703) 284-1600 (ext. 1600 from a Main Campus or 4040 Fairfax Drive phone) to reach Campus Safety and Emergency Management personnel, who can summon medical, fire, or police response.

In a life-threatening situation, dial 911. Campus Safety and Emergency Management personnel will automatically be notified.

a. When you call, give your name, telephone number, and location, and the nature and location of the emergency.

b. Don’t hang up until the Campus Safety and Emergency Management officer or 911 operator ends the conversation.

c. If the phone lines are dead, take the message to Campus Safety and Emergency Management in person or use a cell phone if available.

d. If you are in a hazardous situation, do not endanger yourself further. Avoid unstable structures; smoke; electrical hazards; fire; and radiation, chemical, or biological exposure. Do not risk your well-being to save personal or university property.
B. Reporting Unsafe Conditions

MU is committed to maintaining a safe campus environment. Employees and students should report conditions that may pose a serious risk of injury or property damage. Do not assume that someone else will report the situation. Call Campus Safety and Emergency Management at (703) 284-1600 (ext. 1600 on campus) or Physical Plant at (703) 284-1529 (ext. 1529 on campus).

C. Acting in Emergencies

a. The Office of Campus Safety and Emergency Management will take the lead in all campus emergency situations. Please listen carefully to information provided by Campus Safety and Emergency Management personnel and follow their instructions.

b. Remain calm and use common sense.

c. Always evacuate the building immediately when you hear an audible alarm or see a visible alarm, when directed by authorities, or when the building conditions appear hazardous (e.g. the odor of natural gas).

d. Use the telephone for emergency purposes ONLY.

e. Do not enter elevators during an emergency. If stuck in an elevator, do not attempt to force open stalled elevator doors; use the emergency phone, which will automatically contact Campus Safety and Emergency Management.

f. Keep a flashlight handy if you are in an area that does not have emergency lighting or natural lighting.

g. Know the location of all marked exits from your office, classrooms, living area, etc.

*For more information on Special Emergency Situations please visit this link: http://test.engagefmb.com/Student-Life/Health-Wellness/Campus-Safety/Emergency-Preparedness/Specific-Situations

HR III-17 Emergency and Non-Emergency Transportation Policy

Policy

To document the procedure for MU Departments for handling transportation away from the MU campus for emergency or non-emergency situations, including use of MU owned or leased vehicle or commercial taxicabs.

Procedure

If the Student Health Center (SHC) is operating and a determination is made by the SHC nurse that the injured/ill person needs urgent attention or assessment, emergency assessment, or treatment outside of the SHC services, the SHC nurse will determine the most appropriate transportation, whether by ambulance or Red Top Cab to the providers listed below.
Always send the person with identification and their primary insurance information/ID card. If at all possible, the person should be accompanied. The escort accompanying the injured person can be of the student’s choice or the university can designate an individual. See details further within this policy.

If the SHC is not in operation, proceed to contact 911 and seek emergency transportation immediately.

**NOTE:** No MU employee or department is to transport an employee, student, or visitor with an urgent or serious medical condition or injury under any circumstances. CALL 911 immediately and notify the Office of Campus Safety and Emergency Management.

A. MU Vehicle Transportation

Use of an available MU Vehicle, driven by a person who has completed the MU Vehicle and Driver Safety training and had a Motor Vehicle Record (MVR) verification performed by HRS within the past 12 months is acceptable as is the use of Red Top commercial taxi cab service.

When either Red Top commercial taxicab service or MU vehicle is used for transportation, another person should accompany the injured person so there is someone to assist the person should they become worse and relieve the driver of that responsibility while they are driving safely to the destination. This third person can be a fellow student, employee, friend, or family member.

B. Non-Emergency Procedure

If the Student Health Center (SHC) is operating and a determination is made by the SHC nurse that the injured/ill person needs transportation to outside medical facility for non-critical situation or follow up medical treatment outside of the SHC services, the transportation of the injured person should be by MU vehicle or Red Top Cab. In these circumstances the person is to be accompanied by another student, friend, family member, or employee, when appropriate. Always send the person with identification and their primary insurance information/ID card.

If the SHC is not in operation, proceed to contact 911 and seek emergency transportation immediately.

C. Human Resource Services Specific Procedure

Employees injured on campus must report their accident and injury as soon as possible to HRS for worker compensation evaluation. Other employee illnesses that are non-critical can be evaluated by the Student Health Center personnel, if available. If no one is available at SHC, the employee should be escorted in a taxicab to a medical facility for further evaluation and treatment. In no cases should a fellow employee drive an ill coworker in their own personal vehicle. Without proper medical training and back up if their passenger becomes sicker during transit they expose themselves to legal liability.
HR III-18 Vehicle and Driver Safety Policy

A. Policy

MU’s Vehicle & Driver Safety Policy establishes guidelines to be followed to protect the safety of individuals operating any motor vehicle on university business. Protecting our employee drivers, their passengers, and the general public is of the highest priority to the University. The commitment of management and drivers is critical to the success of this Policy. Clear communication of and strict adherence to the Policy guidelines is essential.

a) Goals

To establish a uniform, university wide program to:

a. Ensure safe operation of university-owned and leased motor vehicles, including golf carts and utility vehicles;
b. Ensure the safety of drivers, passengers, and the general public;
c. Minimize the frequency of accidents and reduce the severity of personal injuries and property damage.

B. Organization and Responsibilities

a) Drivers are required to:

a. Possess a current, valid United States driver’s license issued by the Department of Motor Vehicles from their state of residence or the District of Columbia;
b. Attend a university driver safety training course;
c. Complete the Policy Acknowledgement and Driver Record Release;
d. Be within the Policy guidelines for approved drivers;
e. Notify their manager immediately and do not drive if: a) their license is suspended or revoked for any reason; b) they have any illness, injury, physical condition or use of medication that may impair or affect their ability to safely drive a vehicle; c) they have any violations identified as High Risk in this Policy.

**FAILURE TO REPORT CONDITIONS NOTED IN DRIVER REQUIREMENTS ABOVE IS A VIOLATION THAT COULD RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING DISMISSAL.** A driver will be subject to termination if his/her license is revoked, unless a suitable replacement non-driving job in the university is available; or may be subject to other disciplinary action if his/her license is only temporarily suspended.

b) Departments are required to:

a. Authorize driving privileges for all departmental vehicle drivers;
b. Ensure all drivers attend university driver safety training;
c. Verify all drivers complete a Policy Acknowledgement and Driver Record Release:

e. Take any disciplinary action appropriate following a motor vehicle accident.

c) **Human Resource Services** will:

a. Annually, or more frequently as warranted, check each driver’s Motor Vehicle Record (“MVR”) for acceptability and notify the department manager to take immediate action to suspend driving in any high risk situation;

b. Coordinate any disciplinary action with the department following a motor vehicle accident.

d) **Risk Management** will:

a. Establish, implement, and maintain this Policy;

b. Coordinate periodic driver training classes with the university’s insurance carrier;

c. Administer all insurance claims as reported by the various departments and coordinate coverage issues with the university’s insurance carrier.

C. Vehicle Use

a) **University Owned or Leased Vehicles**

Drivers who satisfactorily complete a Policy Acknowledgement and Driver Record Release and university Driver Safety Training will be permitted to operate university-owned or leased vehicles. A commercial driver’s license “CDL” will be obtained in compliance with state and federal regulations, where required.

b) **Rented Vehicles**

Rental vehicles should be obtained whenever possible through the university’s Purchasing Department to ensure good rates and avoiding taxes with our non-profit status. Drivers should decline any offers by the rental company for liability and collision damage waivers as that is already included in our institutional vehicle insurance policy. Contact Risk Management for foreign travel or if proof of university insurance is needed.

c) **Personal Vehicles on Institution Business**

Employees of the university may use their own personal vehicles for official business and request reimbursement for their actual documented mileage at the IRS standard mileage rate for reimbursable business miles. This IRS rate includes taxes, repair and maintenance, and insurance for the vehicle and as such the university will not pay for insurance premiums or deductibles if a personal vehicle is involved in an accident while on university business. In the event of a vehicle accident during the conduct of official university business where the employee is considered to be at fault, the employee’s personal automobile insurance coverage will be considered primary, including all deductibles in their policy and any losses up to their own policy limits.

Employees who drive non-university vehicles while conducting university business are subject to the provisions and standards of this Policy and may be required to document
their understanding that their personal insurance coverage is considered primary in the
event of an incident as well as their acknowledgment of the following responsibilities.

Additional responsibilities of employees who drive non-university vehicles while
conducting university business include:

1. Maintaining automobile liability insurance limits of at least $100,000 per person,
   $300,000 per accident, and $25,000 property damage; but in no case less than the
   minimum required by law for the state in which the driver resides;

2. Maintaining current state vehicle inspection, if the state requires one; and

3. Maintaining the non-university vehicle in a safe operating condition.

University employees should not use their personal vehicles to transport other university
employees or students for medical treatment. To do so may involve unexcused work
absences or employee personal liability for further injury or accident during transit.

d) **Personal Use of University Vehicles**

A university-owned or-leased vehicle may be driven for personal use only at the
discretion of the driver’s department head or manager. Personal use is limited to the
assigned driver and must be documented and reported annually to the Business Office
for reporting to the IRS as taxable compensation. Departments may implement other
personal use restrictions, such as radius of operation, at their discretion. However, any
such additional restrictions must be in writing and communicated to all affected drivers.
The privilege of driving a university vehicle for personal use is subject to change by the
university at any time.

e) **Students, Volunteers, Contractors and Temporary Hire Employees**

Students, volunteers, contractors and temporary employees will be treated as university
employees and will comply with the requirements of this Policy. Failure to meet all
requirements will result in the immediate loss of driving privileges.

f) **Unauthorized Use of Vehicles**

Assigned drivers and other authorized employees shall not allow an unauthorized
individual to operate a university vehicle. **No exceptions!** Disciplinary action may be
taken. Additionally, if unauthorized use results in an accident, the responsible employee
may be required to make restitution for the damages.

**D. Driver Safety**

**Safety Belts:** The driver and all occupants are **required** to wear safety belts when the vehicle
is in operation or while riding in a vehicle. The assigned driver is responsible for ensuring all
passengers wear their safety belts.

**Impaired Driving:** The driver must not operate a vehicle at any time when his/her ability to
do so is impaired, affected, influenced by alcohol, illegal drugs, prescribed or over-the-
counter medication, illness, fatigue, or injury.

**Traffic Laws:** Drivers must abide by all federal, state, and local motor vehicle regulations,
laws, and ordinances including those that pertain to mobile phones and electronic devices.

**Vehicle Condition:** Drivers are responsible for ensuring the vehicle is maintained in safe driving condition. Use the Vehicle Inspection form to document any vehicle issues and report these issues immediately to the department manager. Drivers of daily rentals should check for obvious defects before leaving the rental office/lot and, if necessary, request another vehicle if the driver deems the first vehicle unsafe.

**Distance Driving Limitations:** The university recognizes that drivers may periodically be required to drive long distances in either university-owned vehicles, leased vehicles or, occasionally, personal vehicles for university-sponsored sporting events, activities, and other university business. To maintain driver safety and awareness on these long trips, the length of combined driving and event participation time should be limited, multiple qualified drivers should be used and a ‘co-pilot’ passenger is strongly recommended.

**Transportation of Others:** University employees should not use their personal vehicles to transport other university employees or students. To do so may involve employee personal liability for injury or accident during transit.

**Motorcycles:** Drivers are prohibited from using motorcycles when traveling on university business.

**General Safety Rules:** Drivers are not permitted to:

- a. Pick up hitchhikers.
- b. Accept payment for carrying passengers or materials.
- c. Use any radar detector, laser detector, or similar devices.
- d. Push or pull another vehicle, or tow a trailer.
- e. Transport flammable liquids or gases unless a VDOT or UL approved container is used, and only then in limited quantities.
- f. Use of burning flares is discouraged. The preferred method is the use of reflective triangles.
- g. Assist disabled motorists or accident victims beyond the Driver’s level of medical expertise. If a driver is unable to provide the proper medical care, he/she must restrict his/her assistance to calling the proper authorities. Your safety and well-being is to be protected at all times.

**University and Personal Property:** Drivers are responsible for university property such as portable computing and communications devices (iPhone, pager, iPad, laptop, etc.), work papers and equipment under their control. The university will not reimburse the driver for stolen personal property.

**Prohibition against Distracted Driving:** MU expects its drivers to comply with applicable laws regarding safe driving. To that end, MU prohibits drivers while driving, from talking, texting, or emailing on mobile phones or electronic devices (cell phone) without using a hands-free device, during work hours or for any work-related purposes. Failure to comply
with this policy may constitute grounds for disciplinary action up to and including termination.

E. Driver Selection

A driver’s personal and professional driving habits are a good indicator of how he/she will operate a university vehicle. A MVR will verify information about a driver's accident and traffic violation history. HRS and departments must ensure all drivers complete the Policy Acknowledgement and Driver Record Release to verify a driver’s MVR for acceptability before granting driving privileges. HRS will check all MVRs annually or more frequently as deemed necessary. The university maintains the right to conduct periodic and random review of MVRs at its discretion. An electronic copy of the most recent MVR will be maintained by HRS. All employee-applicants should be informed in writing by the hiring department if employment is conditional upon receipt of a satisfactory MVR; that is, an MVR not meeting the definition of a High Risk Driver (“HRD”), as defined in this Policy.

If the information on the MVR shows the new employee is a HRD, HRS may, in its discretion, grant driving privileges in writing, but only on a probationary basis and subject to the disciplinary process under the HRS Policy & Practices. Drivers with unacceptable driving records or improper license classification should be reassigned to non-driving duties until appropriate corrective action has been taken. Drivers must notify their Department Head and HRS, and must not drive, if their license is suspended or revoked.

HRS will follow the following general process for classifying drivers on the list of eligible drivers:

a) **Green (G) – Clear:** Driver has 0 to +5 points on record. Clean driving record and/or has previous violations that have been cleared by the driver’s DMV which is documented

b) **Yellow (Y) – Caution:** Driver may have several violations but not enough to be considered high risk. Likely to possess points for driving violations (-3 to -5), which is documented as well as informing the driver and their manager of the status. Also, within six months another MVR check is performed to verify the driver’s record did not reach a high risk status.

c) **Red (R) – High Risk:** A driver falls into the high risk criteria listed below and this is documented according the following procedures. A driver will be classified as a HRD if the MVR check indicates six (6) or more points, or if it is otherwise determined that the driver has one (1) or more of the following violations:

   a. Conviction for an alcohol and/or drug related driving offense;

   b. Refusal to submit to a Blood Alcohol Content (BAC) test;

   c. Conviction for reckless, negligent or careless driving;

   d. Any combination of three or more moving violations, "At Fault Accidents" or "Preventable Accidents" within the most recent three years;

   e. Suspension, revocation, or administrative restriction of driver license within the past three years;
f. Leaving the scene of an accident, as defined by state laws;

g. Conviction of a felony, homicide, or manslaughter involving the use of a motor vehicle, or at fault in a fatal accident;

h. Felony committed involving a vehicle;

i. Three or more university vehicle physical damage claims in any twelve-month period;

j. Suspension, revocation, or administrative restriction of driver’s license within the past three years.

An employee whose job duties include driving as an essential function must maintain a valid driving authorization and a failure to do so may result in the loss of driving authorization and an inability to perform required duties resulting in disciplinary action, up to and including termination of employment with the university. Such action is to be conducted by the employee’s department in cooperation with HRS, under the provisions of the HRS Policy & Practices. There are two options to be considered by the department and HRS as follows:

a) Option 1: Probation

The department must do all of the following:

a. Place the HRD on probation subject to the disciplinary process under the HRS Policy & Practices and obtain a MVR every six months for the duration of the probationary period. Notify HRS and Risk Management of any additional violations while the driver is on probation;

b. Immediately suspend driving privileges if any or an additional violation occurs while on probation or if any terms of probation are violated in accordance with the disciplinary process under the HRS Policy & Practices. Notify HRS and Risk Management immediately;

c. Confer with HRS or Risk Management on any stipulations, operating limitations, or other conditions, such as: loss of all university vehicle driving privileges; loss of university vehicle driving privileges between work and home or loss of personal use privileges, if applicable; referral of the driver to the Employee Assistance Program (“EAP”); transfer of the driver to a non-driving position; or require additional driver training.

d. The terms of the probation must be made to the driver in writing. The driver will be required by signature to signify that he/she has been informed of the probation terms and duration. The signed terms of probation should be kept in the driver's file. If the probationary period has been served and if reinstatement of driving privileges is warranted, the department should notify HRS and Risk Management.

b) Option 2: Suspension of Driving Privileges

The department and HRS may suspend all university driving privileges. In this case the HRD will NOT be authorized to drive a motor vehicle at any time on university business.
This action may result in HRS either transferring the driver to a non-driving position, if such a position exists, or the driver may be subject to dismissal procedures.

The driver may reapply for university driving privileges after one year of suspension by applying to HRS. If approved, the driver's driving status will change from suspension to probation. However, reinstatement of driving privileges by HRS does not constitute an offer by the university for any driver Position. Normal job posting procedures will still have to be followed.

F. Driver Training

Drivers operating a motor vehicle will have the basic skills and credentials necessary to perform this function as confirmed through the driver selection process. New drivers, students, contractors, and temporary hires will receive a copy of this Policy as part of their initial orientation.

All drivers will participate in Driver Safety Training in a classroom course conducted by our university insurance carrier twice per year. Contact Risk Management for the next available course. As an interim alternative, satisfactory completion and documentation of an online driver safety training course will be permitted. Regular drivers may be required to participate and successfully complete a driver training program provided by the university or one of its designated agents.

Golf cart and utility vehicle operators must participate in training and safety review. Departments may provide additional training as needed.

G. Accident Recordkeeping and Analysis

The university considers elimination of motor vehicle accidents as a major goal. To meet this objective, all accidents will be reported to department heads and to Risk Management for review and action, including recommendations that may include 1) Employee disciplinary actions within the guidelines of the HRS Policy and Practices; 2) Additional driver training and/or remedial training; 3) Improved driver selection procedures; and/or 4) Improved vehicle inspection and/or maintenance activities.

Any employee or agent of the university involved in an accident while driving a university-owned or-leased vehicle is required to participate in alcohol & drug testing as outlined in the University Drug and Alcohol Usage and Testing Policy. Failure to participate in this testing may be seen as a positive test result and/or subject to disciplinary action.

a) Vehicle Related Fines

Drivers are responsible for personal payment of parking fines, speeding tickets and any other fines imposed for traffic or parking violations. The university does not authorize or condone any legal violations and is not responsible for vehicular violations incurred by employees or other drivers. Drivers are required to provide the university with a copy of any citation and proof of payment or status of violation dispute be given to the driver’s department head within ten (10) days of receipt of violation by the driver. If the citation is in dispute, the driver must notify the department head within five (5) days of the resolution of the dispute.
H. Vehicle Accident Reporting

Drivers will take the following actions when there are injuries to persons and/or damage to other vehicles or property:

a. If possible, move the vehicle to a safe location out of the way of traffic.

b. Call 911 for medical attention if anyone is hurt.

c. Complete a Vehicle Accident Report. Secure the names and addresses of drivers and occupants of any vehicles involved, their operator's license numbers, insurance company names and policy numbers, as well as the names and addresses of injured persons and witnesses.

d. **DO NOT DISCUSS FAULT WITH, OR SIGN ANYTHING FOR, ANYONE EXCEPT AN AUTHORIZED REPRESENTATIVE OF THE UNIVERSITY, A POLICE OFFICER, OR A REPRESENTATIVE OF THE HARTFORD, OUR INSURANCE COMPANY**

e. Immediately notify your manager or department head who will notify HRS and Risk Management.

f. Risk Management upon receipt of the Vehicle Accident Report and related police report or other documentation will coordinate the insurance claims process. Do not have the vehicle repaired until you receive authorization from our university insurance carrier or from Risk Management.

If there is a theft of or damage to the university vehicle notify the local police department, if available, to document the incident. Complete the Vehicle Accident Report with information and photographs available and submit it to Risk Management and immediately notify your manager or department head.

I. Vehicle Inspection and Maintenance

**Vehicle Inspection:** Departments and drivers are responsible for quarterly vehicle inspection.

**Inspection Checklist:** Documentation of the completed inspection should be maintained by the department.

**Vehicle Maintenance:** Vehicle maintenance can take the form of three distinct programs: preventive maintenance, demand maintenance, and crisis maintenance. While all three types have a role in vehicle safety, the most cost-effective control is preventive maintenance. The groundwork for a good preventive maintenance program starts with a review of manufacturer's specifications and recommendations for periodic preventive maintenance should be integrated with the actual experience of the vehicles.

**Preventive maintenance (PM)** should be performed based on manufacturers’ recommendations and should include oil/filter changes, lubrication, tightening belts, and components, engine tune-ups, brake work, tire rotation, hose inspection/replacement and radiator maintenance.

**Demand maintenance** is performed when the need arises. Vehicle parts that are replaced only
when they actually fail include light bulbs, window glass, gauges, wiring, air lines, etc. Other items involve vehicle components that are worn based on information from the vehicle condition report including tires, engines, transmissions, universal joints, bushings, batteries, etc. Since these situations are identified through periodic vehicle inspection, they can also be classified within the PM program.

Crisis maintenance involves a vehicle breakdown while on the road. While situations of this type may happen regardless of the quality of the PM program, it is an expensive alternative to not having an effective preventive maintenance program at all. Crisis maintenance situations should be minimized through proper PM procedures.

Recordkeeping: Departments are responsible for maintaining all university vehicle maintenance records. In addition, the departments will ensure the insurance ID card and a blank Vehicle Accident Report form are kept in the university vehicle.

J. Golf Cart & Utility Vehicles

Golf carts and utility vehicles are used in the conduct of university business. In general, all of the policies with respect to operating other university vehicles apply to these off-road vehicles. Specifically the following apply to university golf cart and utility vehicles:

a) **Driver Eligibility** - Operators must follow the same driver eligibility rules as noted for other university vehicles.

b) **Training** – Drivers must complete an online training and safety review.

c) **Cart/Utility Vehicle Safety**

   a. Driver and passengers will wear seat belts, if available.
   
   b. Occupancy of vehicle will not exceed number of seats.
   
   c. Occupants will remain seated and keep all body parts within the vehicle at all times, when in motion.
   
   d. Driver will not exceed 15 MPH.
   
   e. Driver will drive straight up or down a slope to avoid tipping over.
   
   f. Pedestrians always have the right of way.
   
   g. Vehicle will not be overloaded.
   
   h. Vehicle will not be driven off campus on local roadways.

d) **Vehicle Maintenance** – Departments will ensure the golf cart or utility vehicle is always maintained to manufacturer specifications and is secured safely when not in operation.
HR III-19  Employee Use of Technology Resources Policy

Policy Statement

All users have the responsibility to use MU technology resources in an efficient, ethical and legal manner, consistent with the goals of the university. Faculty, staff, affiliates, and consultants/contractors are expected to abide by the following policies which are intended to preserve the utility and flexibility of university resources, protect the rights and work of students, employees, and preserve the right to access resources to which the university is connected. These policies operate in conjunction with the university's Code of Ethics. These policies are representative but not all inclusive, and also applies to the use of personal technology devices when being used for university business and/or when it is being used to capture and/or communicate university subject matter. Individual MU computer laboratories may post additional operational rules and restrictions that are considered part of this policy. Users are responsible for reading and following these rules.

MU also maintains computerized data on students, personnel, and financial records that are integral to the administration of the university. The university has the responsibility to manage this data and to provide the security necessary for its use.

A. Access

Users will be assigned a MU account to access MU technology resources. The university reserves the right to access individual accounts and systems at any time at its sole discretion.

A password will allow access to a user’s account. It is the user’s responsibility to protect his or her account from unauthorized use by changing passwords periodically and by using passwords that are not easily guessed.

Users should identify themselves clearly and accurately in all electronic communications. Concealing or misrepresenting a name or affiliation is a serious abuse. Using identities of other individuals constitutes fraud.

Access to administrative data repositories will be granted to authorized users who require it to perform their jobs. Examples of users who will be granted this access includes staff in administrative offices whose job functions require use of the data, as well as the VPs, deans, department chairpersons, program directors, and authorized designees within these units.

Requests for administrative access must be made on the Administrative Access Form and approved as outlined on the form. The form should be submitted forwarded to the Administrative Information Systems (AIS) team within the IT Services department for processing.

B. Responsibility of Every User

a) General Use Responsibilities:

  a. Users must accept responsibility for their own work by learning appropriate uses of software to maintain the integrity of what they create. Users should keep archives and backup copies of important work; learn and properly use the features for securing or sharing access to files on any computers they use.
b. Any attempt to circumvent system security, guess other passwords, or in any way gain unauthorized access to local or network resources is forbidden. Distributing passwords or otherwise attempting to evade, disable or "crack" passwords or other security provisions threatens the work of many others and is therefore grounds for immediate suspension of privileges and could lead to additional disciplinary action, up to and including termination of employment. Users may not develop programs or use any mechanisms to alter or avoid accounting for the use of technology resources or to employ means by which the facilities and systems are used anonymously or by means of an alias.

c. The university cannot and does not guarantee the security of electronic files and communications on its systems.

d. Information Technology Services may impose limitations or restrictions on technology resources, such as storage space, time limits, or amount of resources consumed, when necessary.

e. Use of technology resources for instruction and related course work takes priority over other uses. Information Technology Services may restrict access to certain programs, sites, or services for security or administrative purposes.

f. Users are expected to refrain from engaging in deliberately wasteful or resource consuming practices such as sending spam or file sharing (e.g. bit torrent). Unauthorized transferring of copyrighted materials to or from the Marymount University network without express consent of the owner is a violation of federal law. In addition, use of the Internet from an educational site for commercial gain or profit is prohibited.

g. Users are expected to refrain from engaging in any illegal activity while using the MU technology resources.

h. Unauthorized transferring of copyrighted materials to or from the MU computer system without express consent of the owner is a violation of federal law. In addition, use of the Internet from an educational site for commercial gain or profit is prohibited.

i. Use of electronic mail and other network communication resources to harass, offend or annoy other users is forbidden. Obscene, defamatory, or any other material which violates university policy on non-discrimination, the university Code of Ethics or the laws of any jurisdiction will not be tolerated.

j. Use of personal technology devices (e.g. smart phone, tablet) to perform university business or to capture/communicate university related subject matter must also protect the privacy rights of students as specified in the university policy on Confidentiality of Student Records and in relevant laws (e.g., FERPA, HIPPA, GLB) and regulations that govern disclosure of applicable information. Examples include communication via text message with members of the Marymount community (e.g. students and employees), taking pictures, recording/streaming video, or recording audio on university premises or at university events.
k. MU expects its employees to comply with applicable laws regarding safe driving. To that end, MU prohibits employees from talking on university issued mobile phones without using hands-free devices while driving where prohibited by law, as well as texting and emailing while driving, while using university issued mobile phones, during work hours, or for any work-related purposes. Failure to comply with this policy may constitute grounds for disciplinary action, up to and including termination.

b) Administrative User Responsibilities

In accepting access to administrative systems, users assume the responsibility of adhering to all relevant laws, regulations and university policies including the policy on Confidentiality of Student Records and the policies and procedures contained in this document. The university retains the right to and will monitor the use of its technology resources. As such, no user should have any expectation of privacy relating to the use of MU technology resources. Failure to conform to policy can result in sanctions as defined in this and other relevant documents.

Specifically, the following applies to all users:

a. Administrative data on university technology resources will be utilized only as necessary in the fulfillment of job responsibilities.

b. Computerized information used for administrative purposes is confidential, and users agree to maintain that confidentiality. Confidential information will not at any time during employment or association with Marymount University, or after employment or association ends, be accessed, used, or disclosed for any purpose, except as necessary to fulfill job responsibilities.

c. Departments are provided access to certain financial information which is essential to conducting the business aspects of their operation. This information is intended for use only by the specific department authorized with its access and should be considered restrictive in nature.

d. A password is private information. Users must never give out their IDs or passwords to anyone. Sharing an ID or password or logging on and allowing another employee to access information is a violation of this policy. The user is responsible for all transactions, which take place under his or her ID.

e. Users will log off or lock systems when use is completed.

f. Users agree to protect the privacy rights of students as specified in the university policy on Confidentiality of Student Records and in relevant laws and regulations that govern disclosure of student information.

g. Users will not attempt to view or utilize data that may be available to them but which is not necessary in the performance of their job function.

h. All files containing sensitive information as defined by university policy, federal law (e.g., FERPA, HIPPA, GLB), or state laws that are extracted from university technology resources, obtained from outside sources, and/or created by individual
employees or departments must be stored on university resources and systems. No files containing sensitive information are to be stored on the disk drive of the employee’s local computer or removable storage devices. The creation of and/or access to files containing sensitive information stored in a shared location must be restricted to only to those employees authorized to view sensitive information.

i. External storage devices (e.g. thumb drive) containing sensitive information shall be locked in a secure area when not in use and properly destroyed when no longer needed or obsolete.

C. Procedures in the Case of Employee Transfer or Departure from the University

When an employee’s departure from the institution is processed by HRS, ITS will be notified and access to MU technology resources will be terminated immediately.

Managers are responsible for maintaining the currency of access rights within their units and for notifying ITS of changes as a result of job change or transfer. Access rights will be adjusted or terminated accordingly.

Temporary university employees will be terminated automatically one month after the account has been created. Managers may request an extension.

D. Facilities

Employees are expected to take proper care of the equipment in MU facilities. Food, drink, and smoking are not permitted in university labs. Report any malfunctions to the lab assistant on duty or send e-mail to 'its@MARYMOUNT.EDU'. Do not attempt to move, repair, reconfigure, modify, or attach external devices to the systems.

E. Enforcement

Violations of this policy may be treated as violations of university policy and/or as violations of civil or criminal law. ITS will investigate apparent or alleged violations of these guidelines. The Executive Director of ITS reserves the right to immediately suspend user privileges pending investigation of a suspected violation of this policy. Such action will be taken to protect the security and integrity of all university technology resources and will take precedence over its impact on the individual’s work.

When appropriate, at the discretion of the Executive Director of ITS, cases of apparent abuse will be reported to the appropriate division VP, as well as HRS. The VP in collaboration with HRS is responsible for determining any further disciplinary action. Upon the finding of a violation, disciplinary measures may include warnings, suspension of user privileges (temporary or permanent), disciplinary probation, suspension or dismissal from the university. The university may also pursue civil and/or criminal charges if deemed appropriate.
HR III-20  Telephone Calls and University Address

The university's telephone services are primarily used for university business. Personal calls should be kept to a reasonable minimum except in an emergency. The university’s address is not to be used by employees as their home address whose position does not require residence.

HR III-21  Cellphone Policy

Purpose and Policy

The purpose of this policy is to simplify MU’s cellphone and data service program, which will result in all users having both freedom of choice and personal responsibility for their cellphone or device plan. It will also enable the university to comply with Internal Revenue Service (IRS) rules regarding the taxability of employee cellphones and devices.

Personal cellphones have become commonplace for many people and incidental use of a personal cellphone for university business is considered routine and will not be paid by the university. In addition, the university will no longer own cellphones or data devices for the use of individual employees, with limited exceptions as defined in section (E). Instead, employees whose job duties include the frequent need of a cellphone or data device may receive extra compensation, in the form of a taxable allowance, to cover business-related costs.

Procedures

A. Allowance Request

If a manager determines that an employee's job duties include the frequent need of a cellphone or data device, the employee may be eligible for an allowance to cover associated expenses. To receive such an allowance, the employee must complete and submit the Cellphone and Data Service Allowance Request Form with approval by the manager and appropriate senior staff member. Allowances will be paid monthly and included in the eligible employee’s paycheck. The monthly allowance is taxable income to the employee and will be taxed in accordance with IRS regulations. The allowance does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, or benefits based on a percentage of salary, etc. The monthly cost will be charged to the operating budget of the employee’s department.

B. Allowance Approval Process

A VP must approve cell phone and data service allowances. Allowances for voice plans will only be provided when the use of the cellphone is necessary to support the university and not simply for the convenience of the employee. The following criteria will be used to determine an employee’s need for a cellphone or device and eligibility for the allowance:

a. Safety requirements indicate having a cellphone or device is essential to fulfilling job responsibilities.

b. Employee frequently travels and needs to be available to communicate with university constituents at any and all times when traveling on university business.
c. Employee typically works in the field or has multiple jobsite locations where access to communication devices is not readily available for use by the employee.

d. The employee needs to be available and responsive on a regular basis outside normal work hours.

e. The employee is required to be on call 24/7.

f. Job requirements include critical university wide decision making.

The completed Cellphone and Data Service Allowance Request form should be submitted to the Controller in the Business Office for review and processing.

Managers are responsible for an annual review of employee business-related cellphone and device use to determine if existing allowances should be continued, changed, or discontinued. The Business Office will send a reminder to managers at the end of each calendar year, requesting confirmation of continuance of the allowance for each employee.

C. Plan Allowance

Employees are responsible for choosing their own voice or data plan as well as their carrier. Because employees are personally responsible for the account and the allowance provided is taxable income, they may use the account for both business and personal purposes. Employees may also, at their own expense, add extra services or equipment features as desired. The university does not accept any liability for claims, charges, or disputes between the service provider and the employee. Recipients of this allowance must notify the university of the cellphone number and must continue to maintain the cellphone or device while in receipt of the allowance. These cellphone numbers will be added to employee record in the university ERP system. Employees may be asked to submit phone bills to justify cellphone allowances. Recipients of a cellphone allowance must also register their cellphone number with the university’s Emergency Notification System.

Employees are also responsible for choosing their own equipment. As described on the allowance request form, there is no additional allowance for cellphones, since most carriers offer a number of phones free in connection with a new service plan. Employees approved for a data plan will receive a reimbursement of up to $200 for the purchase of a device every two years. Because the employee is now personally responsible for the equipment, any replacement for loss or damage will be at the expense of the employee. Use of the phone or device in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the allowance.

The university will pay only the approved allowance amount even if actual monthly costs exceed the allowance. Allowances currently in effect are shown on the Cellphone Request Form.

D. Support for Cellphones or Devices

Support for cellphones and devices will be provided by the carrier.
E. Policy Exceptions

The university will continue to provide cellphones and data devices in certain situations when specific equipment or technology is required to perform university functions. Such phones or devices are not used exclusively by one individual, but are shared by the department and never for personal use. These exceptions must be approved by the VP, Financial Affairs. The university reserves the right to cancel or transfer any of these department phones or devices to the employee allowance program if personal use is evident.

If a university decision results in the need to end or change the cellphone or device contract, the university will bear the cost of any fees associated with that change or cancellation. For example, if the employee's manager changes the employee's duties and the cellphone is no longer needed for business purposes.

If the employee does not want to retain the current contract by converting it to a personal account, change or cancellation fees will be reimbursed by the department. If prior to the end of the cellphone contract, a personal decision by the employee or employee misconduct/misuse of the phone results in the need to end or change the cellphone or device contract, the employee will bear the cost of any fees associated with that change or cancellation.

F. Reimbursement for Business Calls on Personal Cellphones

Infrequent or moderate use of a personal cellphone for university business is considered normal and will not be reimbursed. If an employee is not eligible for an allowance or a University provided cell phone, she or he may request reimbursement only to the extent that additional expenses were incurred. The individual should make personal payment to the provider, and then submit a request for reimbursement. Business calls while on campus should be made from traditional landline phones.

HR III-22 Social Media Policy

Purpose and Scope

As an employee of MU, be aware that you are responsible for the content you post and that information. Use privacy settings when appropriate. Remember, the Internet is immediate and nothing posted is ever truly private nor does it expire. Be respectful of others. Think of what you say online in the same way as statements you might make to the media or emails you might send to people you do not know.

A. Virginia Law

Effective July 1, 2015, Virginia’s law will prohibit an employer from requiring a prospective or current employee to:

a. Disclose the username and password to their personal social media account; or

b. Add an employee, supervisor, or administrator to the list of contacts associated with his or her personal social media account.
The law specifically prohibits employers from taking adverse actions against prospective or current employees for exercising their rights under the law. Despite these protections, Virginia’s law contains important carve outs and clarifications.

a. Employers may request that employees divulge the login information to their personal social media accounts if the employer has a “reasonable belief” that the account activity is “relevant” to the employer’s “formal investigation or related proceeding” regarding the employee’s violation of federal, state, or local laws or regulations or the employer’s written policies.

b. The statute only applies to the personal social media accounts of prospective and current employees – it does not apply to accounts opened at the request of the employer, provided to the employee by the employer, or set up by the employee on behalf of the employer.

c. If an employer “inadvertently” receives login information to an employee’s personal social media account through the use of an employer-provided electronic device or a program that monitors the employer’s network, the employer is not liable for possessing this information (but the employer cannot use the information to access the account).

d. The statute does not prevent an employer from complying with federal, state, or local laws, rules, or regulations (including the rules and regulations of a self-regulatory organization), or from viewing publically available information about a current or prospective employee.

B. MU’s Policy

a) Be respectful

Always be fair and courteous to fellow associates, customers, members, suppliers, or people who work on behalf of MU. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, or that might constitute harassment or bullying.

Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or company policy.

b) Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered.

Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about MU, fellow associates, members, customers, suppliers, people working on behalf of MU, or competitors.
c) **Appropriate and Confidential Information**

Maintain the confidentiality of MU’s trade secrets and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.

Do not create a link from your blog, website, or other social networking site to a MU website without identifying yourself as a MU’s employee.

Express only your personal opinions. Never represent yourself as a spokesperson for MU. If MU is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of MU.

If you do publish a blog or post online related to the work you do or subjects associated with MU, make it clear that you are not speaking on behalf of MU. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of MU.”

d) **Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager. Do not use MU email addresses to register on social networks, blogs, or other online tools designed for personal use.

e) **Retaliation is prohibited**

MU prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

f) **Social Media Guidelines for Managers**

Social networking sites, such as Facebook, pose specific concerns for managers of MU. While employees of MU are expected to follow the guidelines and expectations outlined in the Social Media Policy, managers must be aware of their responsibility to report and respond to any inappropriate postings or behaviors online that are observed or brought to their attention.

Incidents of workplace harassment and discrimination by employees should be reported to HRS and investigated regardless of whether it occurs in person or online. Inappropriate conduct online is just as serious as inappropriate conduct in the work place.

g) **“Friending” Employees**

MU strongly discourages supervisors and managers from “friending” or obtaining access to employee’s personal online information when it is not work-related and there is no business necessity. While maintaining personal relationships with employees is important from an employee relations standpoint, the sensitivity of the type of information available
on social networking sites and the risks associated with employer access to such personal employee information may create work place conflicts.

**HR III-23 Bullying**

**Purpose**
This policy reaffirms MU’s commitment to provide a work environment that is safe and healthy and reflects the highest level of ethical and respectful conduct. To that end, this policy prohibits conduct often referred to as bullying that is intimidating, hostile, verbally, or physically abusive.

**Scope**
This policy applies to all MU’s managers, employees, customers, vendors, applicants, and independent contractors. This policy applies at all MU locations; MU sponsored social or other events; as well as activities at which you represent MU.

**Policy**
MU defines bullying as deliberate abusive behavior, either direct or indirect, whether verbal, physical, or psychological, conducted by one or more persons against another (or others) that impacts the person or person’s ability to do their job. This means behavior that is rude or unprofessional, insubordinate, threatening, intimidating, and/or disrespectful to a manager/manager, coworker, customer, student, visitor, or vendor. Any such conduct may result in discipline.

Context is important when considering whether conduct rises to the level of bullying. Bullying may be intentional or unintentional and has the effect of demeaning, intimidating, or humiliating individuals or as a group. Bullying behavior is often part of a pattern, but can also occur as a single incident. The key consideration is how the conduct is received and perceived by the recipient.
The following examples, while not exhaustive, may constitute or contribute to evidence of bullying in the work place:

<table>
<thead>
<tr>
<th>VERBAL</th>
<th>NON-VERBAL</th>
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<tbody>
<tr>
<td>- Slandering, ridiculing, or maligning a person or his/her family</td>
<td>- Nonverbal threatening gestures</td>
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<tr>
<td>- Persistent name calling which is hurtful, insulting, or humiliating</td>
<td>- Glances which can convey threatening messages</td>
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<td>- Using a person as butt of jokes</td>
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<td>- Abusive and offensive remarks or language</td>
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<td>- Insults</td>
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<td>- Teasing</td>
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<td>- Spreading rumors</td>
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<td>- Unreasonable criticism or trivializing work or achievements</td>
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<tr>
<td>- Sabotaging efforts</td>
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<table>
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<tr>
<th>PHYSICAL</th>
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<tr>
<td>- Pushing, shoving, poking, tripping</td>
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<tr>
<td>- Assault, or threat of physical assault</td>
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<tr>
<td>- Damage or deliberately interfering or tampering with a worker’s personal effects or work equipment including phone, computer, email, internet, software</td>
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<table>
<thead>
<tr>
<th>PSYCHOLOGICAL</th>
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<tr>
<td>- Isolating people from normal work interaction</td>
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<td>- Excessive demands</td>
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<td>- Setting unrealistic goals and deadlines</td>
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<td>- Deliberately setting someone up for failure</td>
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<td>- Excessive supervision</td>
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<td>- Practical jokes or horseplay</td>
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<tr>
<td>- Public ridicule and ostracism</td>
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<td>- Belittling or disregarding opinions or suggestions</td>
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<td>- Persistent singling out of one person</td>
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<td>- Shouting, raising voice at an individual in public and/or in private</td>
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<td>- Public humiliation or reprimands in any form</td>
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<td>- Constant criticism on matters unrelated or minimally related to the person’s job performance or description</td>
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<td>- Ignoring/interrupting an individual at meetings</td>
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<td>- Repeatedly accusing someone of errors that cannot be documented</td>
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<td>- Encouraging others to disregard a manager’s instructions</td>
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<tr>
<td>- Manipulating the ability of someone to do his or her work (e.g., overloading, under-loading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions, or supplying incorrect information)</td>
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<tr>
<td>- Assigning menial tasks not in keeping with the normal responsibilities of the job</td>
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<tr>
<td>- Consistently taking credit for another person’s ideas</td>
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<tr>
<td>- Refusing reasonable requests for leave without legitimate work-related justification</td>
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<tr>
<td>- Sabotaging a colleague’s work</td>
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</table>
A. Complaint Procedure

We encourage any employee who believes that he or she has been or is being subjected to bullying to immediately report the incident promptly to his/her manager and HRS. Where appropriate, an investigation will be conducted. All employees, managers, and executives have an obligation to cooperate with any investigation.

B. Consequences

Bullying is unacceptable behavior because it violates MU’s code of conduct, breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

Any employee, manager, or executive found to violate this policy will be subject to disciplinary action, up to and including, termination of employment. Any manager or executive who is aware of any possible violation of this policy and fails to take corrective action or notify their manager/executive or HRS will be subject to disciplinary action, up to and including termination.

C. No Retaliation

MU will not tolerate retaliation against any employee who reports known or suspected violations of this policy or who participates in any investigation of the complaint. MU recognizes that false accusations can have serious effects on innocent individuals. We trust all of our employees will act responsibly to establish and maintain a pleasant and productive working environment.

HR III-24 Smoke-Free Campus Policy

Purpose and Scope

Marymount University is a Tobacco-Free Campus and therefore prohibits smoking and the use of smokeless tobacco products and electronic cigarettes on all Marymount University property. The policy applies to all employees, students, contractors, vendors, and visitors to campus. This policy is in the interest of promoting the health, well-being and safety of students, faculty, staff, and campus visitors.

A. Enforcement

The enforcement of this policy is a shared responsibility. All managers, department heads, deans, VPs, and the university president are directly responsible for assisting with the enforcement of this policy, and all community members will be asked to observe and assist in the enforcement. The offices of Campus Safety and Emergency Management, Student Conduct, Campus and Residential Services, and HRS will play a critical role in communicating information related to this policy and managing the enforcement procedures.

1. Violations to this policy should be reported to Campus Safety and Emergency Management, Human Resources or the appropriate department head or division vice president.
2. Repeat offenses may be referred for progressive disciplinary action as identified in Section XIII.

HR III-25 Animals on Campus

Purpose and Scope

The purpose of the Marymount Animals on Campus Policy is to maintain a safe environment and clean campus. The university prohibits individuals from bringing dogs or other pets inside any university-controlled buildings, except for service or police animals. Domesticated pets are permitted outside on campus grounds when leashed and properly attended at all times.

Marymount University follows Arlington County Code, Chapter 2, which enforces and regulates animals in Arlington County. [Arlington County-Code-2-Animals-and-Fowl](#)

Enforcement

If any pet or other animal is unleashed and/or unattended on campus or a non-service animal is discovered in any university controlled buildings, Campus Safety and Emergency Management should be contacted. Campus Safety and Emergency Management is responsible for contacting Arlington County Animal Control for help in securing the pet or other animal and transporting them off of campus.

HR III-26 Service Animal Policy

Policy, Purpose, and Scope

In accordance with applicable laws and regulations, MU generally allows ADA-defined service animals to accompany an individual with a disability into buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities, and events. The service animal must be accompanied by an individual for whom the animal is trained to provide a specific disability-related service. The university may not permit service animals when the animal poses a substantial or direct threat to health and safety. On a case-by-case basis, the university may or may not permit service animals when the presence of the animal constitutes a fundamental alteration to the nature of the sponsored program or service.

Staff and faculty with service animals are strongly encouraged to contact the university’s Employee ADA Coordinator, located in the HRS office.

The university may make the following inquiries to an individual who is accompanied by a service animal:

a. Is the animal required because of a disability?

b. What specific task or work has the animal been trained to perform? The individual should not be asked to disclose the diagnostic name or specific nature of their disability. Anyone who is accompanied by a service animal on university grounds is subject to university requirements for animal health and behavior.
A. Animal Responsibilities (applies to all animals)

The person with a disability that is assisted by a service animal or emotional assistance animal is called the animal’s “handler”. Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The costs of care, arrangements, and responsibilities for the well-being of a service animal or emotional support animal are the sole responsibility of the handler at all times. Handlers must also adhere to the following:

a. Service animals must be leashed when not providing a needed service to the handler. A leash is required in public spaces, such as classrooms, community areas of residence halls, meeting rooms, dining areas, recreational facilities, campus offices, and other activity or event spaces.

b. Emotional support animals are never allowed in public spaces.

c. All animals must be in full control of their handler, at all times.

d. The handler (or someone the handler hires) is solely responsible for cleaning up after the animal and must properly dispose of waste and/or litter in appropriate containers, with reasonable immediacy. Handlers should always carry equipment to contain and remove the animal's feces whenever the animal is on campus.

e. To the extent possible, animals should be unobtrusive to other individuals and should not block an aisle or passageway for fire egress.

f. The handler should be vigilant in ensuring that the animal does not sniff other people, restaurant tables, or the personal belongings of others.

g. It is highly recommended that animals wear some type of commonly recognized identification symbol that identifies the animal as an animal that is working (i.e., service animal vest).

h. Animals should not display behaviors or make noises that are unreasonably disruptive to others, and should not be disruptive to the learning, living, and working environments of MU students, employees, or guests.

i. The university reserves the right to impose reasonable conditions or restrictions, if necessary to ensure the health, safety, and reasonable enjoyment of others.

j. The university reserves the right to request vaccination and licensing information for emotional support animals.

k. In the event of an emergency situation, evacuation, or related safety drill, the handler is responsible for the animal.

l. The university is not responsible for animals left unattended.

B. Removal of Animals from Campus

Both service animals and approved emotional support animals may be ordered removed by a university Campus Safety and Emergency Management or Emergency Management employee for the following reasons:
a) **Out of Control Animal:** A handler may be directed to remove an animal that is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any university facility until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.

b) **Non-housebroken Animal:** A handler may be directed to remove an animal that is not housebroken.

c) **Direct Threat:** A handler may be directed to remove an animal that the university determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories, or mechanical or industrial areas.

   If a service animal is properly removed pursuant to this policy, the university will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

   **NOTE: Conflicting Disabilities** - Some students, faculty, and/or staff may have allergic reactions to animals that are substantial enough to qualify as disabilities. The university’s Office of Student Access Services and HRS will consider the needs of all parties in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible.

**HR III-27  Nursing Mothers Policy**

**Purpose and Scope**

In recognition of the well-documented health advantages of breastfeeding for infants up to age one and mothers, MU provides a supportive environment to enable breastfeeding faculty and staff to express their milk during work hours. This includes a university wide lactation support program administered by HRS office. This policy shall be communicated to all current employees and included in new employee orientation training. Prenatal and postpartum breastfeeding classes and informational materials are available for all mothers and fathers, as well as their partners (Affordable Care Act, § 4207).

Employees who continue breastfeeding their infants/toddlers after returning to work are afforded the following provisions:

**A. Application**

a) **Milk Expression Breaks**

   Employees who are breastfeeding are permitted to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their managers.
b) A Place to Express Milk

A private room (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If preferred an employee may also breastfeed or express milk in their individual offices, or in other comfortable locations agreed upon in consultation with her manager. Expressed milk may be stored the refrigerator located in the nursing room or personal coolers or other refrigerators.

Nursing Mother / Lactation Rooms Available on Marymount Campus

Main Campus
2807 N. Glebe Rd.
Ireton Hall, Room 1010

Ballston Campus
4040 N. Fairfax Dr.
Room 318

c) Support

Managers are responsible for alerting employees who are pregnant and breastfeeding about the university’s worksite lactation support program and for negotiating policies and practices that will help facilitate each employee’s infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

B. Employee Responsibilities

a) Communication with Managers

Employees who wish to express milk during the work period shall keep managers informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the university. When more than one breastfeeding employee needs to use the designated lactation room, ladies may use the sign-in log for scheduling.

b) Maintenance of Milk Expression Areas

Employees who are breastfeeding are responsible for keeping milk expression areas clean, using anti-microbial wipes to clean the pump and area around it. Employees using the general lactation room or other spaces for expressing milk are responsible for keeping the space clean for the next user.

c) Milk Storage

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee’s milk. Each employee is responsible for proper storage of her milk using provided refrigerator/personal storage coolers.
HR IV CLASSIFICATION, COMPENSATION AND PERFORMANCE MANAGEMENT FOR STAFF AND ADMINISTRATORS (Non-Faculty)

HR IV-1 Pay Philosophy

The university shall develop and maintain a current position description and criteria based performance appraisal for each staff and administrator title. Position descriptions and criteria based performance appraisals shall be developed by the responsible department head and reviewed and approved by HRS, the VP of Financial Affairs and Administration.

The position description shall specify the objectives, position duties, responsibilities, and specific qualifications. The position descriptions are reviewed periodically and revised as needed to reflect the current position requirements. A position description is made available to each employee at the time of hire, when modified, and upon request.

HRS is responsible for the management of the compensation policy. With guidance from HRS, the department heads shall develop, periodically review and revise as necessary the criteria based position descriptions. HRS shall approve all new and revised position descriptions.

HRS shall maintain a current file (electronic) of the criteria based position descriptions for each title. Additionally, a copy signed by the incumbent and manager will be kept in each employee’s personnel file.

A. Classification and Compensation

The university values its employees and provides a total compensation package, which includes direct pay and fringe benefits. Benefits include all indirect compensation programs such as paid time off, insurance programs and retirement contributions.

As a continuing commitment to a comprehensive total compensation program, the university has a salary administration program for staff and administrators that addresses:

a. Internal equity – Consistent position range assignments across all divisions and locations of the university.

b. External competitiveness – Consistent pay opportunities throughout the university based on competitive market analysis.

c. Flexibility – Pay based on individual performance.

Changes to staff employees’ base pay are made in accordance with the university’s broadly banded compensation structure. The responsibilities and duties that appear on an employee’s position description serve as the basis for placing the job within one of the university’s compensation groups. The university wage and salary plan utilizes a salary administration classification system. Each position is ranked based on an evaluation of the job content in the position description. The analysis of a position considers job requirements such as knowledge of the area, problem-solving ability, decision-making authority, and supervisory responsibility. Based on the results of this evaluation, each position is classified
at the appropriate pay grade level. Positions requiring similar duties, skills, qualifications, and pay typically fall within the same broadband classification.

Everyone has a role to play in maintaining the compensation program and ensuring that all parts of the program are managed appropriately to make the entirety of the program easily understood and fair, firm, and consistent.

a) Human Resource Services

HRS serves as a resource to the university’s administrators, managers, and employees. HRS:

a. communicates programs and guidelines to help administrators and managers to understand all aspects of the compensation program;

b. provides (internal and external) information, data, and advice on pay levels, policies, and practices;

c. provides guidance, perspective, and support to enable administrators and managers to make appropriate pay decisions;

d. reviews compensation decisions to identify and address any significant variations in practices both within and among work units; and

e. provides research and advice to administrators and managers;

f. keeps administrators aware of compensation practices across the university and in the market place to ensure equitable treatment.

b) Administrators and Managers

Administrators and managers have critical responsibilities for managing the compensation program. Administrators and managers:

a. establish and maintain equitable pay practices within their areas of responsibility;

b. recommend hiring rates and advancement increases;

c. distribute performance pay increases;

d. ensure that their employees understand the compensation program and changes,

e. provide open, honest and timely feedback to their employees on performance and compensation issues;

f. work with their employees to keep position descriptions current; and

g. call upon the HRS as a resource to ensure appropriateness of decisions and consistency with broad pay guidelines.
c) **Employee**

Employees have important responsibilities with regard to compensation:

a. read and learn about the compensation program by using the tools and resources the university makes available;

b. discuss questions or concerns with your administrator and manager or the human resources office; and

c. work with your administrator and manager to keep your position descriptions updated when the nature of your work changes significantly.

**B. Position Descriptions**

Administrators and managers are encouraged to periodically review the position descriptions in their area of operation. The position description should be compared with actual duties performed. A reevaluation and reclassification of positions are considered appropriate if there are significant and permanent changes in the basic nature and essential functions of the position. A change in the volume of work is not justification for reevaluation or reclassification.

To request a position study, the administrators and managers shall forward the request to and the current job description to HRS. The HR will evaluate the position and recommend a title and grade. Vacant positions should be reviewed by supervisors/department chairs and submitted for reevaluation if the job has changed substantially, prior to the position being posted for recruitment.

**C. Performance Management**

The university’s annual performance appraisal process provides specific tools and guidance to managers for planning, assessing performance, and making performance pay increase recommendations for non-faculty employees. The university’s performance appraisal process is designed to help managers communicate expectations, set goals, recognize accomplishments, and evaluate performance for employees. The performance management process also identifies the employee’s developmental needs for the job, and develops a performance improvement plan. The process requires regular and on-going feedback and coaching conversations between a manager and an individual contributor. The focus of the conversations is to communicate performance expectations, discuss performance around those expectations, and jointly establish performance goals.

Performance reviews for non-faculty are conducted annually. All university employees should be made aware of the expectations for their job performance as well as how they will be evaluated for the coming year. Informal quarterly or mid-year performance reviews are optional. The annual performance appraisal process for non-faculty is January 1st through December 31st. HRS will provide timely information about the upcoming year’s process and reminders about the appraisal process. The appraisals should be conducted during the month of January and are due to HRS in the month of February. Any salary increases awarded on the basis of performance will be typically effective on July 1st of that year.
Employees who are on leave without pay, leave of absence, continuous FMLA (Family Medical Leave Act), short term disability, and military leave are not considered to be actively at work. Staff who are on leave without pay, leave of absence, continuous FMLA, short-term disability, and military leave during the annual appraisal review process, will receive an annual appraisal upon returning to active employment status. Employees not actively at work on the date that an increase in annual salary would otherwise have occurred, will receive a performance increase effective the date the employee actively returns to work.

An employee who is expected to receive a does not meet expectations performance expectations appraisal, should be given at least eight (8) weeks notice that the unsatisfactory rating will occur. The eight (8) weeks will provide the employee an opportunity to improve performance. If an employee is on a Performance Improvement Plan, the appraisal process can be temporarily suspended until the employee successfully is removed from the Performance Improvement Plan.

Each fiscal year, a budget is developed which establishes the total amount of money available for performance increases. The budget salary increase amount is expressed as a percentage of the total payroll; however, that increase percentage is not applied across the board to employees. The individual performance contribution is used to determine the appropriate increase for that fiscal year. Managers are responsible for developing recommendations for performance-based increases for employees that are within the parameters of their defined budget. HRS is available to assist with developing appropriate merit pay recommendations.
HR V WAGES AND HOURS

HR V-1 Hours of Work

The university must maintain a 24 hour-a-day, 7 day-a-week, and 52 week-a-year operation in order to provide proper service to the community and its students. Therefore, when individuals accept work at the university, they do so with the understanding that they may be required to work shifts and schedules at any time during those hours of operation.

a. In all cases, except those of an emergency, managers will be responsible for advising employees under their direction when they are to work; and, insofar as possible, their schedules and shifts shall be maintained.

b. Department heads are responsible for notifying employees under their direction as to the hours that each employee is expected to work.

c. Department heads are responsible for knowing the location of any employee under their direction during the employee's hours of work.

A. Working Hours

Each permanent, full-time and part-time employee employed by MU agrees as a condition of employment, to work a specified number of hours within a specified period. Specified hours are defined to mean that the employee is on the work site, in appropriate attire, and ready to work at that time. At some point during a regularly scheduled eight-hour shift, each employee is entitled to a meal period and one fifteen minute rest period. Meal and rest periods are considered as time worked for the purpose of calculating an employees’ hours and wages, including overtime. Some employees may have duties that require them to remain on campus during the meal period.

MU core hours for most administrative offices are 9:00 a.m. – 5:00 p.m., Monday through Friday. Employees in administrative offices are expected to work these hours unless the supervisor determines that the efficiency of the work operation or a shift assignment requires otherwise.

Full-time employees employed in a non-exempt capacity by MU agree as a condition of employment, to work a specified number of hours within a specified period. Specified hours are defined to mean that the employee is on the work site, in uniform as appropriate, ready to work at that time.

Exempt employees are normally employed in positions that are not measured by a forty hour week or an hourly basis, and the university does not pay exempt employees or full-time faculty overtime or award them compensatory time. By federal definitions, both full-time and part-time faculty are classified as exempt employees.

By Federal definitions, both full-time and part-time faculty are classified as exempt employees.

Each part-time employee who works at least five hours in any one day shall be entitled to a thirty-minute meal period (unpaid) and a paid fifteen-minute rest period during regularly scheduled hours.
On any day that a part-time employee works less than 3½ hours, he/she shall not be entitled to a rest period. The employee, at the option of the department head, may take up to thirty minutes (unpaid) for the meal period.

B. Work week

a) The regular workweek for all full-time employees shall be the number of hours established for their Position Title, e.g. 35, 37.5 or 40 hours per week.

b) For pay purposes, the workweek for all employees will be considered to begin at 12:01 a.m. Sunday and end at midnight Saturday.

C. Work day

The regular work day for all full-time non-faculty employees shall consist of the number of hours in the regular work week as defined above, divided by five (5), exclusive of an unpaid meal period.

HR V-2 Electronic Time Records

All MU employees are paid biweekly, every other Friday. Should the pay date fall on a holiday, payment will be made on the prior business day.

All non-faculty employees (exempt and non-exempt) are required to submit their time electronically via Marynet each pay period. Normal work schedules are auto populated into each employee’s time record. Employees sign their time records electronically. Leave balances are available on the time entry screen. Time records can be approved by the designated primary manager or alternate manager.

Time records are due to Payroll the Wednesday following the period ending date. Employees have until 4:59pm to electronically sign their time records. Approvers must approve their employee’s time records by 11:59pm.

Time records constitute important documentation of hours worked and ground for payment. As such, time records must accurately represent hours worked, leave taken, etc. The electronic signatures of employee and manager’s approval on the completed time record constitute verification that the hours reported are accurate and complete. Knowingly submitting inaccurate time records are subject to disciplinary action up to and including termination.

HR V-3 Maintenance of Time Records (Non-Faculty)

Federal Wage and Hour Law requires that every employer keep accurate records of all time worked by each employee. It is also essential to the Payroll Department that a reliable record be kept of the time worked by each employee of MU in order to compute accurately the wages or salary earned by each employee, and to allocate such wages or salary to the appropriate cost centers.
Before any compensation can be paid to an employee, a suitable time record of his/her time worked must be submitted electronically through Marynet.

It is the responsibility of the **Time Sheet Approvers**:

a. To impress upon each employee in his/her department the importance of accurately recording hours worked every day in the web-time record.

b. Ensure the appropriate information is entered on the time record daily and biweekly total hours worked on both straight time and overtime basis.

c. Managers and employees should be aware that it is illegal to report and/or intentionally record fraudulent information on the time records.

d. Department managers, working with the Payroll Department, are responsible for the timely and accurate reporting of hours worked for each employee in the work unit. The desired result is that all MU employees are paid correctly and on time.

e. It is the manager’s responsibility to audit time records for accuracy before they are submitted to Payroll for processing. Any incorrect or incomplete time records could delay payment.

f. Please respond promptly to email messages and phone calls regarding payroll. When problems are not resolved quickly and the department must be contacted multiple times, there is a possibility that an employee will not receive payment for services on the scheduled payroll. Lack of communication from approvers can create a problem for all parties concerned.

g. To ensure the appropriate time record codes for work hours, overtime, and all absence as used correctly on the time record.

h. Ensure to sign their employees time record for each exempt and non-exempt employee by payroll closing date.

It is the responsibility of the **Employee** to:

a. All non-faculty employees (exempt and non-exempt) are required to submit their timecard electronically via Marynet each pay period.

b. Normal work schedules are auto populated into each employee’s timecard record. Employees must code their hours correctly.

c. Timecards are due to Payroll the Wednesday following the period ending date by 4:59pm. All Employees must sign their timecard records electronically by this due date.

d. Employees that have payroll inquiries must contact either the Payroll Manager or Payroll Assistant.

It is the responsibility of the **Payroll Department** to:

a. Monitor, review, and confirm all entries on employee’s time records before paying.

b. Audit all timecards for accuracy. This includes leave balance availability.
c. All pay inquiries are answered by either the Payroll Manager or Payroll Assistant.

d. HRS creates all new hire positions by inputting salary, benefits leave, etc. Tax withholdings and direct deposit information is entered by Payroll.

e. Payroll is responsible for entering salary increases, tax updates, direct deposit additions and changes, stipends, and retro pay calculations.

**HR V-4 Overtime Rules**

MU shall provide approved overtime pay in accordance with legal requirements for non-faculty, eligible employees. Overtime shall be approved only for emergency or unusual situations or when essential to meet operational demands while covering employee vacations, holidays, or peak work periods. To ensure that overtime payments are administered consistently.

All overtime work for non-exempt employees is subject to the provisions of the Fair Labor Standards Act and must have the prior approval of the responsible supervisor. Non-exempt employees who work overtime without receiving prior authorization from the responsible supervisor may be subject to disciplinary action, up to and including termination of employment. However, the overtime hours worked will be compensated.

**A. Non-Exempt Employees**

a) All full time non-exempt employees receive overtime pay at premium time (time and one half) for all hours worked in excess 40 hours per week.

b) Regular hourly rate or regular pay is defined as the base hourly rate plus shift differential, where applicable.

c) There shall be no pyramiding of overtime, i.e. the payment of overtime on overtime, which may result from payment of both daily and weekly overtime for the same hours of work.

**B. Computation of Overtime**

The following is considered time worked for computing overtime:

a. University scheduled holidays (worked).

b. On call time, performed on the university premises.

c. All fractional hours of overtime are to be reported in quarter hour segments rounded to the nearest quarter hours.

d. All time worked by an employee and compensated for by MU, whether for one or more than one position, will be considered in total for the purpose of computing overtime.

e. Personnel who are non-exempt and are deemed essential and are required to report during university closures or in emergencies.
HR V-5  Payday Schedule

The university maintains one (1) payroll for all employees.

All employees are paid on a biweekly, every other Friday. Should the pay date fall on a holiday, payment will be made on the prior business day.

MU offers direct deposit and pay cards for the convenience of our employees. Employees are encouraged to take advantage of the direct deposit and/or pay card options. All employees with direct deposit can access their “Pay Advices Online” via Marynet.

The MyLink Payroll Card Program gives employees the option to receive their pay on a payroll card without the requirement of a bank account.

HR V-6  Payroll Deductions

The University is required by law to make the following payroll deductions for all employees, as applicable, from each employee's bi-weekly compensation:

a. Federal Withholding Tax (FIT)

b. State Withholding Tax (Virginia, Maryland, DC, and West Virginia)

c. Social Security Contribution (FICA)

d. Garnishments and Wage Assignments

There may be exemptions from any of the above-named deductions. However, before any such exemption shall be recognized, the employee involved shall present adequate proof to HRS of such exemption.

a. Individuals with full-time student status may be exempt from Social Security Contributions (FICA).

b. Exchange students or foreign visitors with appropriate visa classification may be exempt from Social Security Contributions (FICA).

HR V-7  Authorization to Withhold Pay

Authorization to withhold pay from any employee's regular paycheck shall be documented by the employee, in writing, showing the specific purpose for which the deduction is made.

The following payroll deductions are made with the authorization and consent of the employee from his/her biweekly salary:

a. Tax Deferred Annuity Plan contribution

b. Charitable contribution

c. Supplemental Life Insurance
d. Medical Insurance

e. Flexible Spending Account contribution

A. Relief from Check-off Deductions

The university shall be relieved from making the aforementioned check-off deductions upon an employee’s:

a. Termination of employment

b. Authorized leave of absence

Upon the return of an employee to work from any of the absences enumerated above, the university shall immediately resume the obligation of making check-off deductions.

HR V-8 Garnishments and Wage Assignments

In accordance with the U.S. Department of Labor Wage and Hour Division, a wage garnishment is any legal or equitable procedure through which some portion of an employee’s earnings is required to be withheld by an employer for the payment of a debt. Most garnishments are made by court order. Other types of legal or equitable procedures for garnishment include IRS or state tax collection agency levies for unpaid taxes and federal agency administrative garnishments for non-tax debts owed the federal government.

Wage garnishments do not include voluntary wage assignments—that is, situations in which employees voluntarily agree that their employers may turn over some specified amount of their earnings to a creditor or creditors.

A garnishment or wage assignment requires that the university deduct a percentage of an employee’s salary and forward this amount to the creditor toward satisfaction of the balance of the employee’s unpaid bill. The law requires that these deductions continue until the employee has left the employ of the university or until the debt has been completely paid.

The amount of pay subject to garnishment is based on an employee’s "disposable earnings," which is the amount left after legally required deductions are made. Examples of such deductions include federal, state, and local taxes, the employee’s share of State Unemployment Insurance and Social Security. It also includes withholdings for employee retirement systems required by law.

Deductions not required by law, such as those for voluntary wage assignments, health and life insurance, contributions to charitable causes, purchases of savings bonds, retirement plan contributions (except those required by law), and payments to employers for payroll advances or purchases of merchandise, usually may not be subtracted from gross earnings when calculating disposable earnings under the Consumer Credit Protection Act (CCPA).

The law sets the maximum amount that may be garnished in any workweek or pay period, regardless of the number of garnishment orders received by the employer. For ordinary garnishments (i.e., those not for support, bankruptcy, or any state or federal tax), the weekly amount may not exceed the lesser of two figures: 25 percent of the employee’s disposable earnings, or the amount by which an employee’s disposable earnings are greater than 30 times the
federal minimum wage (currently $7.25 an hour). This is the State and Federal Law.

There are specific restrictions applied to court orders for child support or alimony. The garnishment law allows up to 50 percent of a worker's disposable earnings to be garnished for these purposes if the worker is supporting another spouse or child, or up to 60 percent if the worker is not. An additional 5 percent may be garnished for support payments more than 12 weeks in arrears.

Federal and state law prohibit the termination of any employee by reason of the fact that his/her earnings have been subjected to one or more executions.

The protection extends only to garnishment by means of a court proceeding. It does not protect an employee whose wages are attached under a wage assignment, which is private agreement, not a court order.

All employees who receive wage garnishes shall be seen in the Payroll Department. All garnishment paperwork is to be reviewed by the Payroll Manager and entered by Payroll Assistant. Garnishments are responded to and set up in accordance with the required state and federal laws.

**HR V-9 Paycheck Errors**

If any employee feels that an error has occurred in his/her paycheck, he/she should see his/her department head or manager.

If the department head or manager cannot clarify the problem, he/she may contact the Payroll Department, as appropriate, on behalf of the employee.

If the department head is unable to satisfactorily settle the matter, he/she should seek information from the Payroll Department or regarding the resolution of the matter.

**HR V-10 Flexible Scheduling and Work Arrangements**

**Purpose and Scope**

The university recognizes the growing demands on staff while at work and the increasing challenge of finding new and better ways of serving students, other customers, and meeting the university goals. MU supports fixed flex work arrangements and compressed workweeks to foster a highly desirable and productive work environment that is responsive to these demands and challenge. The university expects that fixed flexible work arrangements and compressed workweeks will increase retention and recruitment of highly qualified staff, maintain staff productivity, and promote employee engagement.

This policy applies to full-time staff. While not all positions will be amenable to fixed flex work arrangements or compressed workweeks, consideration will be reviewed on a case-by-case basis taking into account the departmental needs and the employee’s ability to maintain a high level of service. The ranges of work hours available for fixed flex work schedule or compressed work are:
a. 6:00 am to 7:00 pm Main Campus
b. 7:00 am to 11:00 pm 4040 Fairfax Drive

The final approval of any fixed flexible scheduling work arrangement or compressed workweek must be reviewed and authorized in advance by an authorizing official. The university expects that implementation of flexible work arrangements will enhance the quantity, quality, and productivity of the employee’s level of service.

Any exceptions to this policy must be approved by a division vice president.

A. Fixed Flex Work Arrangements

Fixed flex work arrangements are discretionary based upon the operational needs of the department and must have the prior approval of the authorized official. Either the employee or manager may initiate discussion of fixed flexible work arrangements. Additional considerations for implementing a fixed flex work schedule:

a. Employee is maintaining satisfactory performance and attendance
b. Employee must have satisfactorily completed their 90-day probationary period
c. Employee’s ability to work independently, including desire to be successful in a flex schedule
d. Employee’s communication skills
e. Nature of the work to be performed
f. Impact on the department’s operations and other employees

If a flex arrangement is desirable and meets the operational needs of the department, the employee and manager will jointly complete a Flexible Work Arrangement Request Form and submit the Form to the authorized official (second level manager) for review and should include the following elements:

a. The specific details of the flex arrangement
b. Duration of a trial period to determine effectiveness of arrangement
c. Frequency of review (at least annually) of flex arrangement

If approved, a Personnel Action Form will be completed marking the new designation and sent to HRS with a copy of the Flexible Work Arrangement Request Form for the employee’s personnel file.

Fixed flex arrangements may be modified or terminated as needed to ensure that the arrangement does not negatively impact the employee’s or the unit’s work quantity, quality, or productivity.

All fixed flex arrangements must conform to the Absenteeism and Tardiness Policy, the overtime, record keeping, meal break and other provisions of the Fair Labor Standards Act and other relevant laws. Lunches and/or scheduled rest period are not eliminated when staff works a flex arrangement. An employee may not use the University grievance procedure to
grieve a decision on a request for a fixed flex arrangement unless the employee believes the
decision violates the university’s nondiscrimination policies.

B. Compressed Work Week

In addition to the factors listed in the general guidelines above, for compressed workweek
schedules, managers should consult with HRS for changes in recording time on timesheets
and impact on leave. Additional considerations for implementing a compressed workweek schedule:

a. An employee can work no more than 10 (ten) hours per day.

b. If a holiday occurs during the compressed workweek, the employee’s schedule will
revert back to the regular 8 hour per day schedule for that week. The employee will
resume a compressed workweek schedule the week after the holiday.

c. Employee is maintaining satisfactory performance and attendance

d. Employee must have satisfactorily completed their 90-day probationary period

e. Nature of the work to be performed

f. Impact on the department’s operations and other employees

If a compressed workweek arrangement is desirable and meets the operational needs of the
department, the employee and manager will jointly complete a Flexible Work Arrangement
Request Form and submit the Form to the authorized official (second level manager) for
review and should include the following elements:

a. The specific details of the compressed workweek

b. Duration of a trial period to determine effectiveness of arrangement

c. Frequency of review (at least annually) of compressed workweek

If approved, a Personnel Action Form will be completed marking the new designation and
sent to HRS with a copy of the Flexible Work Arrangement Request Form for the
employee’s personnel file.

Compressed work schedules may be modified or terminated as needed to ensure that the
arrangement does not negatively impact the employee’s or the unit’s work quantity, quality,
or productivity.

All compressed work schedules must conform to the overtime, record keeping, meal break
and other provisions of the Fair Labor Standards Act and other relevant laws. Lunches and/or
scheduled rest period are not eliminated when staff works a compressed workweek schedule.
An employee may not use the university grievance procedure to grieve a decision on a
request for a compressed workweek unless the employee believes the decision violates the
university’s nondiscrimination policies.
C. Responsibilities

Several groups are responsible for ensuring the use of the Flexible Scheduling and Work Arrangements Policy. Those responsible and their duties are defined in this section.

a. Staff members are responsible for requesting and participating in fixed flexible work arrangements or compressed workweek schedules according to the procedures outlined in this document.

b. Managers, deans, directors, and department heads are responsible for recognizing the need for and thinking creatively about flexible scheduling and work arrangements.

c. Authorized officials are responsible for determining when flexible scheduling and work arrangements are appropriate and consulting with managers and staff members who request flexible work arrangements or schedules. They are responsible for approving, monitoring, and discontinuing flex arrangements as outlined in this document.

d. HRS will provide Campus Safety and Emergency Management a copy of the flexible work schedule if the approved work hours are before 7:00 am or after 6:00 pm at the main campus.

e. HRS is responsible for consulting with individuals and management requesting information about flexible scheduling and work arrangements.

f. HRS is responsible for the design and implementation of the Flexible Scheduling and Work Arrangement Policy in accordance with the general management philosophy of the university. HRS is responsible for developing and delivering strategies aimed at continually communicating, educating, gathering feedback and refining the policy as necessary to meet the needs of the university. HRS is responsible for reviewing the program to ensure fair and consistent application in accordance with the university EEO policies.

NOTE: If an employee is hired to teach at MU as an adjunct during his/her regular work hours, the employee must request a flexible work arrangement and receive approval from the manager.
HR VI  RECRUITMENT PRACTICES

HR VI-1  Overview of Employment Process

The goal of the HRS is to provide a highly qualified and dedicated faculty and staff for MU so that a superior educational experience can be provided to the student community, to that end we work to ensure that the most qualified applicants are selected for each position to be filled, for reduction in turnover, for improved performance levels and enhanced job satisfaction and involvement and for the mission of Marymount University.

Search Process for Non-Faculty

A. Position Assessment

The department’s recruitment point of contact shall compile a short concise list of essential duties and summary of the background and experience requirements for the position. Using the position description as a guide, he/she shall draw a profile of an ideal employee for the position. This shall serve as both a guide and a standard for HRS against which candidates shall be measured. This description shall include degree requirements, technical and professional knowledge and skills as well as desired years of experience and level of expertise. Other factors required by the position, e.g., interpersonal skills, team involvement, etc., shall be included.

The manager, and other appropriate individuals, shall be asked to contribute to this summary description, which shall eventually be the basis for completing the online Employment Requisition Form.

B. Recruitment of Candidates

Recruitment is a collaborative activity of HRS, the respective manager, and the department’s recruitment Point of Contact. A wide range of activities are available to identify qualified candidates for vacant positions. These activities include internal sources such as position postings, walk-in candidates and referrals.

External sources available and useful are: online postings, schools, professional organizations, college career fairs, fee paid agencies, direct mail, and advertisements in professional journals and the newspapers.

Candidate recruitment shall be coordinated by HRS. Applicants inquiring about employment opportunities shall be directed to HRS for consideration.

C. Review of Applications/Resumes

Persons seeking employment shall have a current application submitted through the online employment website in order to apply for any position. Applications for a position can be screened by the online system to identify those candidates meeting the minimum requirements for the position. The electronic application materials are then available to the hiring manager, or the department’s recruitment point of contact, for review as soon as they are submitted and, if requested, in consultation with HRS, selections are made for interviews. Interview appointments are made by HRS.
D. The Interview

HRS can provide interview training to ensure consistency, professionalism, and legal compliance. The interview is an opportunity to present MU to candidates in a positive, encouraging and honest manner, as well as to determine their qualifications for the position. Once the list of candidates invited to interview is developed, change the hiring status of those candidates to reflect that they are being interviewed.

To ensure reliability of the interview, standardized questions shall be utilized so that all candidates experience the same interview process. The same set of interview questions must be asked of all applicants interviewed. The question must seek information concerning the applicant’s ability to perform the position and should correspond closely to the required knowledge, skills, and abilities from the position description.

Subsequent interviews are conducted by the hiring department and others where appropriate. Candidates for supervisory/managerial positions shall be interviewed by the hiring manager and several other people such as the department head, and/or VP. Once a list of finalists is developed, change those applicants’ hiring statuses to reflect their new designation. The hiring department must select at least three candidates to interview. In special circumstances, the hiring department may identify only two, but must give compelling reasons for that variation.

E. Assessment, Selection and Position Offer

Interviewer(s) shall confer and recommend candidates to the hiring official. A hiring decision shall be based on a comparison of the candidate’s qualifications and interests with the ideal descriptions indicated on the Employment Requisition Form and position description. Once you have decided upon your final candidate, and a successful background check has been completed, change the applicant’s hiring status and complete the Personnel Action Form on the online employment website.

NOTE: An offer shall not be extended to any candidate until a positive background check has been received.

F. References

Employment is contingent on the receipt of satisfactory references from the applicant’s last two employers or last five years of work, whichever is greater.

In the event that HRS is unable to obtain these references from the official background check, applicants shall be notified that it is their responsibility to ensure that the required references are received. The hiring manager must not extend an offer until a positive background check has been received.

HR VI-2 Recruitment and Hire (Non-Faculty)

Purpose and Scope

The university shall recruit, hire, and train those individuals, without regard to race, creed, color, religion, gender, age, sexual orientation, national origin, disability, citizenship, or marital status,
who possess the required education, skill, and work experience to perform the duties of a specific position. The recruitment of individuals to fill specific vacancies is the responsibility of the HRS. Recruitment and hiring shall take place only when a position has been authorized to be filled. Authorization to fill a newly created position within a department (amend the departmental table of organization) and to fill or refill a previously authorized position requires Administrative approval.

a. If a manager wishes to create a new budgeted position, the department shall complete the appropriate Position Budget Authorization as outlined by the Budget Office.

b. If a manager wishes to fill a new position or refill a position that has been vacated by separation, transfer, promotion or demotion, the department head shall complete an online Employment Requisition and obtain the appropriate administrative approval.

   NOTE: the appropriate Personnel Action Form to terminate an employee or the approved Employment Requisition to create a new position must also be returned to HRS.

c. The recruitment and hiring process shall be initiated by HRS only upon receipt of an authorized Employment Requisition. The manager shall contact HRS to assist with completing the Employment Requisition.

It is the policy of MU that applications shall not be accepted from individuals seeking employment, except during periods of active recruitment for specific vacancies. An individual seeking employment is considered an applicant only when, during active recruitment periods, he/she completes a MU application, with a resume attached if applicable.

Under special circumstances that are in the best interests of MU, and only at the direction of the VP, HRS or his/her designee, an application may be accepted from an individual seeking employment during non-active recruitment periods.

**A. Position Requirements**

Position requirements shall be established jointly by the VP, HRS, and the appropriate division VP and manager. Once established, position requirements shall determine the selection procedures followed by HRS.

**B. New Positions**

Current positions descriptions are required for all non-faculty positions. With a new position, the Position Information Template shall be completed by the department head or department point of contact. The form must be completed electronically and returned electronically to HRS.

Once the information from the Position Analysis Form has been entered onto a Position Description by HRS, the department head, or department point of contact will receive a draft copy to proof for any further changes. The newly created position description will serve as the official description against which the hired candidate will be reviewed at his/her performance review.
C. Replacements

Existing positions should have a formal MU position description on file. Before posting a
vacancy for an existing position, HRS will send a copy of the most recently updated position
description for the appropriate department’s review. The manager will make any necessary
changes to the position description and return it to HRS.

In some cases, an internal only search may be appropriate. In this case, you may choose to
list it as an “Internal Posting Only” before opening the vacancy to external candidates. The
opening will be posted for a minimum of five working days on the Employment Website,
HRS Bulletin Board, and Washingtonjobs.com; clearly indicating that the position is an
internal posting only. Only applications from candidates who work as staff, faculty, or
administrators will be forwarded for review.

D. Posting Position Openings

A position announcement must be based on the position description filed with
HRS. Changes in position duties should be detailed, and adjustments should be made before
recruitment begins. The position announcement specifies the knowledge, skills, and ability
requirements sought of an applicant. When a position opening is to be filled, an employment
requisition shall be completed electronically using the online Employment website.

Once the position description is finalized, you must request from HRS a Requisition
Template on the online Employment website. If a template already exists for the position,
you may proceed with creating the Employment Requisition Form. The template will be
utilized by the department head and/or the department’s recruitment point of contact to
create and submit the Employment Requisition. All required information must be provided
on the Employment Requisition Form in order for your request to be processed.

Once the Employment Requisition is complete, the department head or the department’s
recruitment point of contact shall forward the form for the purposes of obtaining appropriate
approvals. An online recruitment tutorial, periodic workshops, and one-on-one training is
available from the HRS Manager, Employment. All new positions will receive budget
approval as part of the online recruitment process before being forwarded to the Dean or
department head for approval.

Upon receipt, the Employment Requisition will be reviewed by HRS. HRS will make any
appropriate changes before posting the opening.

In order to ensure fair and objective hiring, all openings are required to be posted for a
minimum five business days before a hiring decision is made. HRS will begin developing a
pool of applications and applicable supplemental materials such as cover letter, resume, and
references through the online Employment website.

E. Qualifications for Employment

Satisfactory proof is required of educational background (for positions required to meet
accreditation standards), licensure, or completion of specific apprenticeship training. When
such evidence is required by the nature of a staff vacancy, such evidence shall be presented
by the candidate to HRS to the employment interview, as such records would be considered
required applicant materials. Faculty records will be reviewed following the interview. Additionally, all employees shall be required to present evidence of their right to work in the United States pursuant to applicable federal and local law.

For positions required to meet accreditation standards, a diploma, certificate of graduation, or school transcript (high school, college/University, professional, military, vocational, etc.) shall constitute acceptable evidence of having met minimum educational requirements.

**HR VI-3  Recruitment and Hire (Full-Time Faculty Appointments)**

The process for full-time faculty appointments is specifically outlined in the Faculty Handbook section 9.0.

**HR VI-4  Advertising**

Advertising for all employee searches shall be coordinated by HRS. The cost of advertising is managed through HRS. HRS shall, in consultation with the point of contact for the vacancy, decide on the choice of media, composition, and editing of copy, placement, and timing of advertising and screening of responses.

All requests for newspaper advertising must be submitted to HRS by Thursday afternoon at 12:00 noon for weekend placement in print and online copy of The Washington Post. HRS will notify the point of contact regarding deadlines for other recruitment sources as appropriate.

At the discretion HRS, telephone inquiries regarding details of advertised vacancies, which are outside of the knowledge base of HRS personnel may be directed to the individual departments. Any exceptions shall be made by HRS.

**A. Procedure for Advertisement**

In order to ensure the placement of advertisements in an expedient manner the following process must be completed prior to placement in the print version of The Washington Post or other publications.

It is the function of **Department Head/Point of Contact** to:

a. Discuss request and obtain approval by their administrator.

b. Complete the advertisement request portion on the online Employment Requisition Form.

c. Upon completion, forward the Requisition Form to the appropriate administrator.

It is the function of the **Administrator** to:

a. Review with department head(s) vacancy and staffing needs to determine whether recruitment is necessary.

b. Give authorization to recruit by approving the Recruitment Requisition.
c. Inform department head(s) of request denial, where appropriate.

It is the function of Human Resource Services to:

   a. Contact department head upon receipt of requisition and advise him/her of advertising date deadlines.

   b. Arrange for payment of advertisement(s) with the purchasing department and or Accounts Payable.

   c. Obtain a draft version from the agency for review.

   d. Submit final copy to department head/point of contact for approval regarding text and cost.

**HR VI-5  Pre-Employment Requirements**

All candidates for employment shall be required to have completed the following pre-employment requirements before a conditional offer of employment may be made:

   a. Application

   b. Interview

   c. Testing (when appropriate according to the Position Description)

   d. References

*NOTE: Employees required to hold a Commercial Driver’s License (CDL) are subject to pre-employment drug testing (§HR III-12, Section D).

**A. Application**

If the candidate’s initial contact is with HRS, HRS shall ensure that the candidate completes the online employment application. If the candidate meets the minimal requirements, the application will be received by the department. This step must be completed before the candidate is interviewed at the departmental level.

If the candidate’s initial contact is with a designated departmental authority, such authority shall refer the candidate to the recruitment website for the purpose of completing an employment application prior to the candidate’s interview with such designated departmental authority.

Once a candidate has been identified for a particular vacancy, the HRS Manager, Employment and the department will be able to review the application via the online system.

**B. Interview**

The HRS Manager, Employment may assist in establishing interview procedures and questions with the appropriate department head for each particular vacancy within his/her department.

**C. Testing**
Clerical skill tests shall be administered in and by HRS. Employees in safety-sensitive positions and those whom are required to hold a CDL will also be subject to alcohol and controlled substances testing as described in the Drug and Alcohol Usage and Testing Policy (§ HR IV-11). Administration procedures for any other tests deemed necessary to evaluate a candidate’s qualifications for a particular vacancy shall be established by the HRS Manager, Employment in conjunction with the appropriate department head. All test results shall be considered confidential and shall be made available only to the appropriate department manager.

D. References

In specific and/or unusual circumstances, subject to the approval of the VP, HRS, or his/her designee and/or the appropriate VP, references may be obtained after a conditional offer of employment has been made to a candidate for employment. However, no individual shall be considered an employee until the references requirement has been met.

Candidates for employment shall be required to supply accurate information on appropriate release forms for reference checks. Verifications may be obtained from vendor screening and selections services, processed through HRS.

E. Background Check Procedures

The point of contact notifies HRS when interview(s) have been scheduled. By email, the point of contact will provide HRS with complete name and any updated contact information which may differ from information provided in online application.

a. HRS will provide appropriate release form(s) to interviewee(s) and arrange for form to be returned to HRS.

b. Upon return of release, HRS proceeds with background check.

c. All relevant results received shall be communicated in a confidential manner to point of contact.

An offer shall not be extended to any candidate until a background check has been completed.

Additional background check procedures also pertain to employees applying for a position, which requires a CDL. An applicant offered a position requiring a CDL must give written consent to permit contact to all previous employers over the last two years. This consent form shall also provide for post-accident testing and release of the test results to HRS (§ HR IV-11, E, I)

All results will become part of the permanent applicant data.

a. The results of the background check for the successful candidate will become part of their official HRS personnel file.

b. The results of the background check for all unsuccessful candidates will be stored with all other applicant data and other documents kept in the Closed Position File.
All references shall be considered confidential. The results of reference checks shall be given, in confidence, to the appropriate department head only.

Candidates with an unsatisfactory reference shall not be considered for employment. Should a questionable situation arise, the VP and HRS shall be responsible for determining the merits of the individual case.

No credentialed staff shall be hired unless his/her department head, dean, or VP presents appropriate authorization and proof of credentialing documentation from the candidate to HRS at the time of hire.

HR VI-6 Immigration Sponsorship Application

A. MU Policy: Applications That May Be Sponsored

MU sponsors employment-based candidates only in exceptional circumstances. Exceptions to this policy will be considered on a case-by-case basis after consultation with the appropriate VP and HRS. Possible exceptions may include only candidates for full-time faculty, administrative faculty (such as deans or librarians), or professional positions requiring an advanced degree or its equivalent and of a permanent nature. Sponsorship of a faculty, faculty equivalent, or professional position requiring an advanced degree or its equivalent at MU is an indication that the individual's skills are essential to the function of the institution and reflects an institutional intention to employ the individual indefinitely, and that the position is not time-limited by grants or other funding.

B. Alternatives for Individuals Who Cannot be Sponsored under the MU Policy

For certain categories of immigrant petitions, individuals do not need employer sponsorship. The petitions may be approved based upon the individual petitioner's own qualifications and accomplishments. The petitioner must establish that they have made significant contributions to the field of specialization, are easily employed in the field, and/or their contributions to the field the U.S. are of national benefit. Individuals who wish to "self-petition" are strongly encouraged to seek the services of a professional attorney who specializes in Immigration Law.

C. Use of Outside Attorneys

Since most employment-based immigrant petitions involve MU as the petitioner, HRS has been designated as the office with exclusive authority in filing these petitions, and normally does not allow individuals or departments to use an outside attorney. HRS recognizes, however, that under unusual or extraordinary circumstances an outside attorney may be required to file an employment-based immigrant petition on behalf of MU. HRS, in consultation with general counsel, will determine whether a particular case warrants use of an outside attorney. Unusual or extraordinary circumstances will typically mean either a complex case requiring an unusual amount of time to prepare or a case requiring expedited handling. When an outside attorney is used, HRS will review and sign the petition appropriate forms on behalf of the university to insure compliance with all university sponsorship guidelines. All fees for such a case are the responsibility of the beneficiary of the
HR VI-7  Conditional Offer of Employment

A conditional offer of employment shall be made by the department head/dean under the following conditions:

a. Following the HRS review and/or certification that the candidate for employment possesses the required education, skill and work experience to perform the duties of a specific job classification.

b. Following candidate satisfaction of pre-employment requirements.

c. Vice Presidential/Presidential approval has been received.

A. Candidates for Employment

The administrator or department head who is making a decision regarding the employment of a candidate to fill a specific vacancy shall discuss with the HRS Manager of Employment, his/her choice of candidate(s) to fill such vacancy and shall confirm with the HRS Manager of Employment that the candidate(s) has/have met the criteria for a conditional offer of employment to be made (reference verification).

The HRS Manager of Employment shall notify the administrator or department head when candidates for employment satisfy the pre-employment requirements.

Once the final candidate for employment has been identified and has met the pre-employment requirements, the appropriate administrator or department head shall agree to make the conditional offer of employment to the candidate.

The HRS Manager of Employment shall notify all unsuccessful candidates for employment who have not yet been notified. The department head may choose to notify those candidates who have been interviewed but not selected, and will notify the HRS Manager of Employment of this change in process.

HR VI-8  New Employee Orientation and Plan for Retention

The success of the newly hired, transferred or promoted employee is the result of careful planning, support and encouragement. A plan for retention and development of the new employee shall be designed by the hiring manager and the employee to ensure continued integration, growth and productive contribution to the work of the department. The initial orientation of the new employee shall be presented by HRS as scheduled. The departmental orientation of the new employee for the specific position shall take place in the department on the employee’s first few days of work and shall be coordinated by the department head.

All new employees, except temporary employees hired to work less than four (4) months and part-time employees hired to work fewer than twenty (20) hours per week, shall be required to attend a New Employee Orientation session in accordance with the following:

A. New Employee Orientation

HRS conducts New Employee Orientation sessions to introduce new employees to the
general policies, procedures, and expectations related to employment by MU. The departmental orientation for each position occurs shortly following employment and is coordinated by HRS and the employee’s manager.

a) All new employees, except temporary employees, are required to attend a New Employee Orientation session. It is the manager’s responsibility to arrange for a new employee to attend the next Orientation Session available following the commencement of employment.

Topics covered in the New Employee Orientation Session include:

a. History and Organization of the University
b. University Mission
c. Religious of the Sacred Heart of Mary
d. University Policies, Rules, and Regulations
e. Payroll
f. Employee Benefits
g. Emergency Management and Safety
h. Emergency Communication
i. Performance Management
j. Title IX
k. Confidentiality

b) No employee will be considered to have completed his/her introductory period without having attended an orientation session. Failure to attend a scheduled orientation session may affect a new employee’s employment status.

c) Each department head shall be responsible for insuring that his/her new employee attends a New Employee Orientation session.

d) Employees scheduled to attend a New Employee Orientation session at a time other than that at which they have been scheduled to work, shall be paid for those hours as if those hours had been spent at work.
HR VII EMPLOYMENT PRACTICES

HR VII-1 Employment Categories

MU retains the right to establish employment categories.

A. Regular Employees

Regular employees are those individuals who have been hired to fill authorized permanent positions in the university from budgeted funds. Regular employees may be either:

a) Full Time Employees

Employees hired to work a scheduled workweek of 30 hours or greater.

b) Part Time Employees

Employees hired to work a scheduled workweek of less than the full time hours described above.

Furthermore, full-time or part-time employees are designated as either non-exempt or exempt from federal and state wage and hour laws. Nonexempt employees are paid on an hourly basis and are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are paid an annual salary and are excluded from specific provisions of federal and state wage and hour laws. An employee's Exempt or Nonexempt classification may be changed only upon written notification by university management.

B. Criteria for Determination of Exempt Status

This policy defines the categories of positions, which are considered exempt from the wage and hour provisions of the Fair Labor Standards Act (FLSA), as applied at MU. Completely exempt from the minimum wage-hour provisions of the FLSA are those employees engaged in a bona fide executive, faculty, or professional capacity if they meet specific criteria. There are primarily three (3) general categories of positions that are classified as exempt at MU:

a) Administrator (Executive)

The status of administrator is assigned to those academic and administrative positions, which involve major responsibility for management of the university, e.g. the president, VPs, deans, associate deans, and directors of major administrative units. This includes those administrators in charge of a principal business unit, division or function (such as marketing, administration or finance), or any other administrator who performs a university wide policy making function. This is also including those directors, whose activities directly affect the mission of MU. Administrative employees are defined as exempt from the minimum wage, overtime, and record keeping provisions of the Fair Labor Standards Act. This definition includes but is not limited to the following titles:

President 
Associate and Assistant Vice President

Vice Presidents 
Deans (Faculty & Administrative)
Associate Deans (Faculty & Admin.)
Director, Campus Ministry and Campus Chaplain
University Registrar
Director, Campus Safety and Emergency Management
Director, Budget and Risk Management
Director, Athletics
Director, Counseling Center
Dean of Student Life
Dean, Student Success
Director, Financial Aid
Director, Office of Campus and Residential Services
Director, Physical Plant
Director, Student Health Center
Executive Director, IT Services
Executive Director, Global Education

Before a new or revised position is designated as holding the status of administrator, it shall be validated as such by HRS. An official MU position description should be submitted prior to any reference to the position holding Administrator status.

b) Faculty

The faculty of the university comprises all persons whose principal responsibility at Marymount University is to directly provide or administer academic instruction or services. Members of the faculty are divided into three areas: those whose principal responsibility is teaching and designing courses and curricula and advising students; those whose principal responsibilities are administering academic programs and courses of studies of enrolled students; those whose principal responsibilities are providing library and learning services.

Exempt faculty persons are those whose primary assignments are for the purpose of conducting instruction and/or research, and who hold academic rank titles. All are FLSA exempt.

Included are those with faculty rank, as long as the individual's academic (teaching, research, non-administrative) responsibilities represent more than 50% of full-time effort. Included are those with primary titles such as asst./assoc. professor, full professor, chair, asst./assoc. project director, etc., if administrative duties represent less than 50% of fulltime effort.

c) Other Administrative or Professional Employees

Professional exempt employees are degreed staff who perform highly specialized duties within a department. Work is performed under general supervision and requires special training, experience, or knowledge. To be classified as Professional Exempt, an employee’s principal duties must involve performing non-manual work in a position requiring knowledge of an advanced type in a field of learning, or work requiring invention, imagination, or talent in a recognized field of artistic endeavor.
Administrative employees are exempt if their primary duty is the performance of office or non-manual work directly related to the management and general business operations of MU, which involves the exercise of discretion and independent judgment with respect to matters of significance. In general, employees working in exempt administrative positions customarily and regularly exercise independent judgment and discretion more than 50% of the time. The administrative duties must not include routine or structured tasks such as bookkeeping, data entry, or clerical duties.

Professional exempt employees are degreed staff who perform highly specialized duties within a department. Positions customarily and regularly exercise independent judgment and discretion more than 50% of the time. Work is performed under general supervision and require special training, experience, or knowledge. To be classified as Professional Exempt, an employee must meet the following criteria:

The administrative duties must not include routine or structured tasks such as bookkeeping, data entry, or clerical duties. The employee’s principal duties must involve performing non-manual work in a position requiring knowledge of an advanced type in a field of learning, or work requiring invention, imagination, or talent in a recognized field of artistic endeavor.

C. Salary Basis Requirement

To qualify for exemption, employees generally must be paid not less than $455 per week on a salary basis. These salary requirements do not apply to outside sales employees, faculty, and employees practicing law or medicine.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the operating requirements of the business, then the employee is not paid on a “salary basis.” If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

D. Circumstances in Which the Employer May Make Deductions from Pay

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for work place conduct rule infractions (see MU policy regarding Progressive Discipline).
Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

E. University Policy

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all managers or managers from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the University does not allow deductions that violate the FLSA.

F. What to Do If an Improper Deduction Occurs

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct manager or to the Payroll Department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

HR VII-2 Employment of Holy Day Observers

The university shall not prohibit, prevent, or disqualify any individual from employment, or otherwise discriminate against any individual in obtaining or holding employment because of his/her observance of any particular day or days or any portion thereof as a Holy Day, in accordance with the requirements of his/her religion.

The university shall not require an employee to remain at his/her place of employment during any day(s), or portion thereof, that the employee observes, as a requirement of his/her religion, as a Holy Day. This includes a reasonable time prior to and subsequent thereto for travel between the employee’s home and the place of employment.

The university shall allow an employee to leave his/her place of employment at a reasonable time prior to the commencement of his/her Holy Day(s) in order to travel home. The university shall allow an employee a reasonable amount of time to report to work following the conclusion of his/her Holy Day.

A. Absence and Payment

The University may require one of the following of an employee who has identified himself or herself as a Holy Day observer:

a. To make up any absence from work at a mutually convenient time;

b. To charge such absence against their annual leave accrual; and

c. To treat such absence as a leave taken without pay.
B. Exceptions

The Law regarding the rights of Holy Day observers sets forth a number of exceptions. These exceptions apply to all employees:

a. It does not apply to any position with health or safety, where the person holding the position must be available for duty whenever needed.

b. It does not apply to any position or class of positions, the nature and quality of where duties are such that the personal presence of the particular employee is regularly essential for the normal performance of such duties.

c. It does not apply when the accommodation of an employee’s need to be relieved from his position assignment results in more than minimal costs.

d. It does not apply when absence from the work site on a frequent ongoing basis interferes with the performance of the employee’s essential duties.

Notwithstanding the preceding, the right to leave work does not apply where an employee’s personal presence is indispensable to the orderly transaction of business or where his/her presence is required in an emergency situation.

HR VII-3 Introductory Period

Scope: This policy applies to new non-faculty employees. Faculty probationary periods and introductory assessments are discussed in the Faculty Handbook.

Policy: Each new non-faculty employee is appointed in an introductory status for the first ninety (90) days of his/her employment. This is a particularly important time for the new employee and for the university, since it allows the employee an opportunity to determine whether MU fits his/her career goals and enables the university to have a period in which managers may monitor and evaluate employee performance. In most cases, the introductory period will last for ninety (90) days from the date of hire, but it is subject to one ninety (90) day extension at the discretion of the university. Employment may end at the option of the employee or the university at any time before the end of the introductory period.

During the introductory period, the manager will discuss the employee’s performance with him/her and prepare at least one written performance evaluation. A decision will be made prior to the end of the introductory period about granting extended employee status, extending the introductory period or terminating the employment relationship. During this introductory period, as with any other period of time that an employee works for the university, the “employment-at-will” policy is in place, meaning that either party may terminate the employment relationship with or without notice and with or without cause.

Completion of the introductory period neither guarantees an employee continued employment, nor implies an employment contract. Until the introductory period is successfully completed, the provisions regarding the staff grievance procedure do not apply.

Faculty probationary periods and introductory assessments are discussed in the Faculty Handbook.
A. Extension of Introductory period

An employee's introductory period may be extended when the employee is absent from work for a minimum of one full week due to a serious illness or the illness of an immediate family member during such introductory period. The introductory period shall be extended by the amount of time lost due to such absence.

Any manager wishing to extend the introductory period shall communicate this desire in writing, including the reason(s) for this decision, to his/her manager and HRS four (4) weeks prior to the end of the probationary period.

The manager shall be responsible for informing the employee regarding any extension of the introductory period. This shall be done after the manager has consulted with HRS.

B. Termination of "Introductory" Employee

During or at the end of the introductory period, the university may terminate any such "Introductory" employee at will and such termination shall not be subject to the grievance procedures. Any manager wishing to terminate an employee during his/her introductory period shall communicate this desire to his/her manager and HRS.

HR VII-4 Employment Verifications

It is the policy of the university to ensure that employment information available on all employees past and present is communicated in a consistent manner.

A. Former Employees

Individuals receiving employment verification inquiries must refer all such inquiries to HRS. Only written or faxed requests for references sent to or received by HRS will be acknowledged. Only dates of employment and titles will be confirmed. Salary may be confirmed with written consent from former employee. No personal references may be sent utilizing university letterhead stationery or position title of respondent.

B. Current Employees

a. Requests for Information from Inside the University

Department heads and managers may respond to requests for information received from other university departments. However, should the department head and/or manager have any questions regarding the propriety of the inquiry, he/she should contact HRS.

b) Requests for Information from Outside the University

1. All such requests must be referred to HRS.

2. Information requests by and/or for current employees will be honored by HRS provided that appropriate release forms and/or documents are presented. HRS does reserve the right, however, to respond directly to the requesting agency rather than providing the information to the employee.
HR VII-5 Return of Former University Employee to Active Employment

HRS will determine on a case-by-case basis whether the return of a former university employee to active university employment shall be considered a reinstatement, rehire, or reemploy.

A. Reinstatement

Reinstatement is defined as the return to active employment of a former employee to his/her former cost center in his/her former position title. A reinstated employee shall be treated for all purposes as though his/her employment had been uninterrupted. A reinstated employee shall have his/her benefits resume immediately. Reasons for reinstatement include, but are not limited to, the following:

a. Return of an employee who is employed on a seasonal or per semester basis.

b. Return of an employee following the settlement of a grievance, EEO complaint, or other employment action.

c. Return of a separated employee within thirty (30) days of a separation whom the University has decided to return to active employment.

B. Rehire

Rehire is defined as the return to active employment of a former employee within a timeframe of twelve (12) months under one of the following circumstances:

a. Return to a new cost center with his/her original position title.

b. Return to his/her former cost center with a new position title.

c. Return to a new cost center with a new position title.

The decision regarding an employee’s eligibility for rehire will be made by HRS and duly noted on the separation Personnel Action Form.

C. Reemploy

Reemploy is defined as the return to active employment of a former employee who shall have no rights based upon his/her previous period(s) of employment. Both benefits and length of service accruals shall begin anew with the (new) date of hire of a reemployed employee.

A reemployed individual shall be eligible for benefits under the same conditions as those pertaining to new hires. HRS shall process those individuals who are to be reinstated, rehired or reemployed. Reasons for reemployment shall include, but shall not be limited to, the following:

a. Return to work of an employee who had voluntarily given up his/her previous position for greater than twelve (12) months.

b. Return to work of an employee who had been laid off for longer than twelve (12) months.
c. Return to work of a former temporary employee, or transition from temporary or student employment to regular employment status.

Regardless of whether an individual is reinstated, rehired, or reemployed, such individual shall complete an application for the current vacancy to which they are being reinstated, rehired, or reemployed. HRS may check references as appropriate.

HR VII-6 Other Worker Classifications

A. Contract Workers

Contract workers are contracted from an outside agency (e.g. Sparks, AeroTek), which bills the university for the services performed by such individuals. A department head may request from HRS the services of temporary workers from an outside agency under the following circumstances:

a. To cover vacancies in authorized positions.

b. To cover special and/or emergency assignments.

c. To cover for an employee who is on extended leave.

Except under special circumstances, contract workers from an outside agency are not hired for vacation relief. The cost of personnel not on payroll is charged to each individual cost center. However, the HRS is responsible for ensuring that the hourly costs are kept to a minimum. HRS has the sole responsibility for contacting and making all arrangements for personnel not on payroll.

a) Request for a Contract Worker

a. A department head wishing to request personnel not on payroll shall submit a request for temporary agency personnel to HRS.

b. Initial requests and subsequent requests for an extension must be approved by the appropriate department head.

c. All such requests shall be made and approved for a specific time.

d. Individuals classified as contract personnel not on payroll shall complete his/her own time card/sheet. The appropriate department head shall verify the hours worked and sign the time card/sheet. The outside agency shall submit a bill to HRS.

B. Temporary Employees

Temporary employees are those individuals who have been hired for a limited and specified time as an MU employee or who have been hired for a specific project, or who have been hired to replace an employee on leave or vacation or to fill an emergency vacancy due to bereavement leave, illness, or emergency family care and who are so informed of the temporary nature of their position at the time of hire.
NOTE: Adjunct Faculty are not classified as temporary employees, nor are they classified as consultants. They fulfill a unique niche in the academic community and are classified as regular part-time employees. Temporary employees may be either:

a. **Full Time Employees**

Employees hired to work a scheduled workweek of 30 hours or greater.

b. **Part Time Employees**

Employees hired to work a scheduled workweek of less than the full time hours described above.

Furthermore, temporary employees may be either:

a. **Exempt**

Employees engaged in professional, executive, managerial, or administrative duties and not eligible for overtime compensation for authorized work performed in excess of their normally scheduled workweek.

b. **Non-Exempt**

Employees engaged in duties other than those described above, or who are eligible for overtime compensation for authorized work performed in excess of their normally scheduled workweek.

It shall be the responsibility of the department head to notify HRS whenever an employee’s leave of absence is to be extended, or whenever the temporary appointed has terminated.

It shall be the responsibility of the department head to notify the temporary employee that his/her employment is to be extended, or the date on which the appointment shall be terminated.

**C. Sponsored Programs Funded or Other Grant Funded Positions**

a) **Sponsored Programs Positions**

Marymount faculty or staff who receive payroll funding either partially or fully funded through a sponsored program are subject to requirements, regulations, policies, and procedures of the sponsor. The sponsor can be from a private source or through State or Federal agencies. Faculty and staff who receive payroll funding (partially or fully) through federally-funded sponsored programs are subject to stricter rules and regulations regarding how they spend their time and what they work on during the period of time the sponsored program is active. The period of time when these human resources-related restrictions are in effect will differ per the contract for the sponsored program. Per university policies and procedures governing sponsored programs, all faculty and staff that receive partial or full payroll funding from a sponsored program are considered MU employees and must abide by all university and sponsor policies, procedures, rules, requirements, and regulations. The Office of Sponsored Programs and the Office of Grants and Contracts oversee university compliance to sponsor requirements and regulations.
b) Other Grant Funded Positions

Marymount faculty or staff who receive payroll funding either partially or fully funded through a non-sponsored program grant are subject to requirements, regulations, policies, and procedures of the grantor. The grantor can be from a private source or through state or federal agencies. The period of time when these human resources-related restrictions are in effect will differ per the contract for the grant program. Per university policies and procedures governing grant funded programs, all faculty and staff that receive partial or full payroll funding from a sponsored program are considered MU employees and must abide by all university and grantor policies, procedures, rules, requirements, and regulations.

D. Student Employment

Marymount University recruits, hires, and supports student employees as a retention and a developmental opportunity to provide the student with a professional and work experience. The Center of Career Services is responsible for managing the Student Employment process.

E. Graduate Assistants

Graduate assistantships are classified in one of three categories for federal reporting purposes: teaching assistants, research assistants, administrative assistants. GAs receive tuition remission based on the number of hours worked on an academic semester basis. A student may be reappointed as a GA for up to three years, at the discretion of the department.

HR VII-7 Promotion and Transfer of Non-Faculty Employees

Purpose and Scope: This policy applies only to new non-faculty employees.

A. Advancement of Employees

It is the policy of the university to encourage the advancement of qualified employees. The university makes the effort to place employees in positions that utilize their capabilities, develop their potentials and fulfill their aspirations. Qualified employees who seek advancement in positions with greater responsibilities (promotions), in positions requiring different skills (transfers), or positions with higher compensation will be given the opportunity to apply for university positions as they become available.

B. Employee Qualifications

The university shall be the sole judge of an employee’s ability to perform the duties and functions of a particular position title.

In selecting an employee for promotion or transfer, the University will consider the following factors:

a. Ability to perform the duties and functions of the position title,
b. Employment record, and

c. Length of service.

C. Eligibility for Promotion

An employee is eligible for promotion after completing any required introductory period. Any requests for an exception require the concurrence of the divisional VP. An employee must be in good standing in order to be eligible for promotional opportunities.

D. Position Vacancies

It is the responsibility of the relevant department head and administrator to advise HRS of vacancies and the qualifications required (HR VII-2 Recruitment and Hire). HRS must be notified even if the department head wishes to fill the position with an individual currently employed in the department.

E. Eligibility for Transfer

An employee must complete all introductory periods in his/her position title before being eligible to request a transfer. An employee must be in good standing in order to be eligible for transfer opportunities.

F. Evaluation Period

An employee who is promoted or transferred shall serve an introductory period of ninety (90) days.

Transferred employees who request to be returned to their former position within the introductory period may have the right to so, if the position is still available. Employees should be referred to HRS should this situation arise.

If a department head wishes to release a promoted or transferred employee during his/her evaluation period, and if employee's former position is no longer available HRS must be informed.

G. Transfers into Temporary Positions

A regular employee who wishes to fill a temporary position shall relinquish his/her rights to his/her former permanent position.

H. Temporary Assignments

An employee may request and be granted a temporary assignment for reasons of his/her health. Any such request should be discussed with the VP, HRS, or his/her designee. Such a temporary assignment shall not be considered a transfer.

HR VII-8 Licensure, Registration, and Certification

This policy governs the initial validation, periodic review and maintenance of non-faculty licensure, registration, and/or certification as required by federal, state, or local laws, codes, rules
and regulation, and/or by certifying professional association or agencies. This policy applies to, but is not limited to, all staff licensed, registered or certified by the Commonwealth of Virginia, the State of Maryland, or the District of Columbia, as may be required by the position description of the employee. HRS requires all staff that are mandated by law and/or the position’s responsibilities and duties to maintain the required current valid license, registration and/or certification. A valid current license, registration, and/or certification is a requirement for initial and continued employment and/or appointment in the following professional capacities listed below. Initial verification, periodic review, and maintenance of all license and registration for these individuals shall be the responsibility of the HRS.

Registered Nurse, Psychological Counselors, any individual who operates a university vehicle, or whose position descriptions requires the operation of any motor vehicle, and other such positions that meet this requirement for employment and/or appointment by the university.

A. Initial Validation

HRS is able to work with the department to verify (if deemed necessary by the department) the current licensure, registration and/or certification documentation for applicants by means of an official background check. NOTE: For those positions which require the operation of any motor vehicle.

Applicants for positions requiring licensure, registration, and/or certification (as described above) must present the original document for validation prior to beginning their employment and/or appointed responsibilities.

HRS shall maintain for all currently employed staff a photocopy of the validated original licensure, registration, and/or certification, to be provided as part of the hiring process.

Continued validation shall be established through the visual inspection of an original license, registration, and/or certification. Presentation and/or submission of a photocopy by the staff member is not acceptable for purposes of this policy.

In addition to HRS, the department shall maintain a photocopy of the license and registration and/or certification for all employees in a staff file.

For those employees whose position description requires the operation of a university vehicle or any motor vehicle as part of their regular position duties, training will be required through the Office of the Director, Budget, and Risk Management. HRS will notify the Budget Director upon receipt of license and certification validation of newly hired employed. Subsequent to training, the Budget Director will provide HRS with proof of satisfactory completion of training.

B. Continuing Validation

The staff member is responsible and required to renew the professional licensure, registration, and/or certification prior to expiration.

The staff must present the original, renewed document(s) to HRS prior to expiration of the license, registration and/or certification. A copy of the validated renewed document must be included in the appropriate staff file. An additional copy will be forwarded to the department head in order to maintain a current department file.
C. Failure to Maintain Current Licensure Status

If the staff member fails to provide such documentation within seven (7) days of the expiration date, HRS will notify the staff member by registered mail and notify department head that he/she will be suspended coincident with the expiration date and until the license renewal is received.

The staff member is required to advise the department head immediately of any expiration, suspension, or revocation of professional licensure, registration, and/or certification.

The department head must immediately advise HRS of any change in licensure, registration, and/or certification status.

As part of the annual competency assessment, HRS is able to (if deemed necessary) coordinate an annual review that requires all the department heads that employ licensed, registered or certified staff, to substantiate that the departmental files contain appropriately verified current licenses, registrations, and/or certification for all personnel.

HR VII-9 Personal Appearance

MU employees are representatives of the university; as such, they are expected to make a professional impression. Employees must, at all times, be neat and polished in both their person and uniform or civilian dress, consistent with their role as educators, service providers, and university representatives.

Those employees whose positions require a uniform will wear the assigned uniform while on duty. For those employers whose positions do not require a uniform, appropriate attire is required. Clothing is to be neat and clean, and personal grooming will be consistent in cleanliness and appearance. Revealing or suggestive clothing is inappropriate for the work place. Additional requirements may be dependent on the department and the position of the employee. Managerial staff shall ensure compliance with this policy. Any employee who does not comply with this policy may be subject to disciplinary action.

HR VII-10 Notification Protocol

Faculty and staff should advise their spouse or next of kin to notify the university in case of death. The death should be reported to Human Resource Services or dean or department head. HRS will notify the life insurance and retirement vendor to initiate those benefits. HRS will also notify payroll and the final check will be deposited as it was set up at the time of death.
HR VIII SEPARATIONS

HR VIII-1 All Separations from Active University Employment

The university recognizes that an employee may separate from active university employment for a variety of reasons which may be broadly categorized as either voluntary or involuntary in nature.

A. Return of University Property

An employee who separates from active university employment shall return all university owned equipment and/or property charged to him/her in advance of date of issuance of his/her final check. Such equipment or property may include, but shall not be limited to the following: uniforms, locker keys, ID badges and/or cards, laptops, cell phones, credit cards, office keys and materials, supplies, or equipment issued or loaned to the employee.

a. The employee shall be given his/her Employee Exit Procedure Form prior to or on his/her last day of work.

b. It is the employee's responsibility to return all university owned equipment and/or property assigned or issued to him/her to his/her department head or appropriate designee and to obtain authorized signatures on the Employee Exit Procedure Form.

c. A completed Employee Exit Procedure Form must be returned to the separating employee's manager on the employee's last day of work.

d. The manager must attest that all university owned equipment and/or property has been returned and/or accounted for before the end of the employee's last day of work.

e. The employee will receive a link to an exit survey and must complete the survey or request an exit interview with the Manager of Employment.

f. The manager must forward a completed Employee Exit Procedure Form to HRS.

B. Final Check(s)

The manager shall notify all employees separating from active university employment that all final checks shall be distributed by the Payroll Office. This includes the check for time worked up to and including the employee's last day of work and the check for accrued vacation, if any. Issuance of final checks is subject to completion and submission with all necessary signatures of the Employee Exit Procedure Form.

C. Personnel Action Form (PAF)

a. The manager shall submit a PAF to HRS for each employee separating from active university employment. The employee’s date of separation is the last day worked.

b. HRS shall indicate on the PAF authorization for last benefits payroll deductions and confirming the delivery of COBRA materials to all eligible employees.
D. Receipt of Final Check
   a. Once the employee's completed Employee Exit Procedure Form is on file in the Payroll Office, the employee's final check may be released when it is available, which will normally be on the employee's next regular scheduled payday following the separation.
   b. If the employee picks up his/her final check in person, he/she shall be required to sign a receipt form for the check(s).
   c. If the employee chooses to have his/her final check mailed, he/she must confirm this desire on the Employee Exit Procedure Form, indicating the address to which the check should be mailed. The Employee Exit Procedure Form will be annotated with the date that the final check was mailed.
   d. Full-time faculty on 9-month contracts who separate between the fall and spring semesters will be paid the balance of 50% of their annual contract salary. Full time faculty on 10-month contracts will receive 4/10ths of their annual contract salary. Full-time faculty on 12-month contracts will receive salary commensurate with the last day of employment.

E. Accrued Annual Leave Time
   Employees who accrue leave shall be paid no more than their accrual total on the employee’s last date of active employment at the university, and under no circumstances shall this amount exceed one calendar year’s accrued annual leave.

F. Records
   The manager shall submit the following records HRS for each employee separating from active university employment on the last day of active employment:
   a. A copy of the employee's notice of separation or letter of resignation, if applicable
   b. A final summary regarding the employee's work performance or conduct.
   c. A completed Employee Exit Procedure Form.

HR VIII-2 Voluntary Separations: Resignation

Voluntary separations are commonly referred to as resignations. The employee will give his/her manager written notice of his/her separation. For regular non-exempt employees, the amount of time provided for notice of separation will be no less than two (2) full workweeks. Exempt personnel are expected to provide no less than one full month of notice.

An employee who gives proper notice is entitled, as a separation benefit, to receive payment for annual leave time that he/she has accrued as of the date of separation, up to a maximum, one calendar year’s accrued annual leave.
   a. An employee who does not give proper notice may be entitled to receive payment only for time worked up to his/her date of separation.
b. An employee who gives notice shall not receive payment for sick leave earned but not taken by the last official day of work.

The university reserves the right—for any employee who resigns—to accept the employee's notice of separation as effective on the day it is given to the employee's manager or any day thereafter, and:

a. To pay the employee any monies due him/her despite not having given proper notice.

b. The employee and his/her department head will satisfy the “exit” procedures.

**HR VIII-3 Involuntary Separations from Active University Employment**

Non-faculty employees may be subject to involuntary termination at the sole discretion of the University for one or more of the following reasons:

A. Layoff

As a result of official reorganization or permanent or temporary reduction in the workforce approved by the president. In the event that the university reduces its work force through layoffs, the university will attempt, where possible, to place individuals into other positions for which they may be qualified and, where this is not possible, to provide any possible advice and information to laid off employees. Employees who are subject to layoff are eligible to apply for vacant MU positions for which they are qualified, but the former salary is not guaranteed in the new position. The university makes no provision for seniority or other types of “bumping.”

For full-time faculty, the retrenchment process is outlined in the Faculty Handbook.

If the university undergoes a reduction-in-force, then the individuals affected will receive a severance package in accordance with the terms of their contract. Benefits will continue until the end of the month that the termination is effective. The employee may be able to retain health insurance coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA). The employ may also be eligible for unemployment.

B. Discharge

Termination of employment for reasons other than lack of work includes, but not limited to, unsatisfactory performance, poor attendance or behavior incompatible with effective conduct of duty, behavior detrimental to the university, incompetence, or disloyalty to the University.

a. Terminated employees will not receive payment for sick leave earned but not taken by the last official day of work.

b. Terminated employees will not receive payment for Family/Medical Leave earned but not taken.

c. Terminated employees will be paid for earned and unused annual leave up to a maximum of one calendar’s year of accrued leave.
d. If an employee is involuntarily separated for gross misconduct, the employee may be eligible to continue their coverage through COBRA. The employee may not be eligible for unemployment benefits.

C. Involuntary Separation: Discharge during Introductory Period

Any manager wishing to discharge an employee during their introductory period shall communicate this desire at least three weeks prior to the end of the employee’s introductory period to HRS which shall advise as to the proper steps to follow to effect such discharge.

   a. An employee may be discharged during his/her introductory period and such discharge shall not be subject to the grievance procedures.

   b. Once an employee has completed his/her introductory period, he/she is considered a regular employee and his/her discharge shall be subject to grievance procedures.

   c. For an employee who is discharged during their introductory period, the manager shall satisfy all clearance procedures.

Under unique circumstances, a manager may recommend an extension of the introductory period for a maximum additional ninety-(90) days. HRS shall review the recommendation and determine its appropriateness.

D. Involuntary Separation: By Reason of Health

At the request of the manager, HRS shall review the personal history records of an employee who incurs frequent absenteeism for reasons of illness or who has a frequent accident history or who has visible evidence of disability which interferes with the performance of his/her position duties.

   a. If necessary, a recommendation shall be made to the employee's manager that the employee undergo a complete physical examination and request a fitness for duty report.

   b. The results of such complete physical examination shall be evaluated, and the evaluation shall be the basis for making a determination regarding the employee's continued employment by the university.

The university will make an effort to accommodate an employee's disability by investigating the possibility of his/her placement into another position title on either a temporary or permanent basis.

An employee who is separated for reasons of his/her health will be entitled to receive payment for vacation, and/or holiday time, or other contractually obligated time, that he/she has accrued as of the date of separation.

The employee and his/her manager will satisfy the requirements of the exit process.
HR VIII-4  Check Releases

The university recognizes that there may be instances when checks are paid to representatives of an active employee, a former employee, or a deceased employee.

a. Checks will be released to a representative of an active employee only upon receipt of written instructions to do so. Such instructions must be signed by the employee. A manager shall verify the signature of the employee.

b. Checks will be released to a representative of a former employee only upon receipt of written instructions to do so. Such instructions must be signed by the former employee. A member of HRS shall verify the signature of the former employee. A former employee may request that his/her "final check(s)" be mailed "certified, return receipt requested," and an appropriate notation shall be made in the former employee's personnel folder.

c. Checks will be released to a representative of a totally incapacitated employee by a member of HRS. Checks will be released to "next of kin" in the following descending order: spouse, child, parent, or sibling.

The incapacitated employee's representative must complete a Release Form on which he/she identifies himself/herself as "next of kin." Such Form must be notarized and presented to a member of HRS before any checks are distributed.

d. Checks will be released to a representative of a deceased employee by a member of HRS. Checks will be released to "next of kin" in the following descending order: widow/widower, child, parent, or sibling.

The deceased employee's representative must complete a Release Form on which he/she identifies himself/herself as "next of kin." Such Form must be notarized and presented to a member of HRS before any checks are distributed.

Such check(s) will be made payable to "The Estate of__________."
HR IX LEAVE

HR IX-1 Annual Leave

Purpose and Scope
It is the policy of MU to grant annual vacations to all permanent, non-faculty, full-time employees for the purpose of rest and relaxation. This policy covers the basic vacation allowance for each position, the method of accrual of vacation benefits and the personnel regulations regarding vacations.

A. Rules

Employees separated from employment with proper notice for reasons other than cause are entitled to all vacation time earned and unused. Employees who are separated for cause, or resign without proper notice may not be eligible for terminal vacation pay. Proper notice will be considered a minimum of two weeks non-exempt, or one month exempt.

 Vacations may be scheduled at any time during the year, with the possible exception of the week prior to and the two weeks following the beginning of the academic year, depending on position responsibilities, at the discretion of the manager. However, they should be scheduled so that interruption in service, vacation replacements and overtime pay may be kept at an absolute minimum. Choice of vacation shall be granted according to departmental need and length of service within a given department. Postponement of vacation to a subsequent year should be discouraged.

B. Eligibility

An employee begins to accrue vacation leave immediately upon commencement of active employment at the university.

The amount of paid vacation an employee receives is determined by his/her position classification (staff, administrator, and faculty), continuous employment, and employment status.

Each employee's employment anniversary date shall be used to determine the employee's vacation accrual rate.

C. Accrual

Vacations shall be taken each year, and employees shall not be compensated for vacation time not taken.

An employee accrues (becomes entitled to) a portion of his annual vacation entitlement every pay period (twice a month) and no employee is to accrue more than the equivalent of one (1) year of vacation entitlement.

An employee may be granted vacation time equal to the number of days already earned to the date such request is made. In no case shall an employee be granted vacation leave in excess of those days that have been earned.

Regular, full-time staff employees accrue annual leave based on the following schedule:
Employees whose position title is classified as “administrator” are entitled to one month of paid annual leave that accrues at a rate of 14 hours per month of employment. The maximum accrual or “cap” is 168 hours.

Full-time teaching faculty members’ vacations during the academic year coincide with fall, spring, and Christmas recesses and holidays in accordance with the annual academic calendar and do not accrue annual leave.

Full-time faculty in Library and Learning Services are entitled to five weeks of paid annual leave that accrues at a rate of 17.33 hours per month of employment. The maximum accrual or “cap” is 208 hours.

D. Entitlement and Absences

a) Non-Faculty Full-time Employees

A full-time employee shall accrue vacation benefits while on paid sick leave that is not determined to be Family/Medical Leave (FMLA) and absence due to a compensable injury. Vacation days are not accrued during unpaid Leaves of Absence e.g. Family/Medical Leave Act (FMLA), maternity, military, personal, educational and other unpaid Leaves of Absence. However, when taking intermittent FMLA the employee will accrue annual and sick leave.

b) Part-time and Temporary Employees

a. Any employee whose appointment places their status in the classification of part-time (less than 30 hours per week) or temporary (not to exceed one semester) shall not accrue annual vacation leave.

b. If a full-time temporary employee is retained beyond one semester of employment, their status may be converted to full-time regular and accrual of annual vacation leave shall begin from the date of transition.

c) Promotion or Transfer

An employee who is promoted or transferred into a position title with a greater entitlement than what he/she would have received in his previous position title shall have his vacation accrued on the basis of the entitlement for his/her new position title from the date of such promotion or transfer.

Employees transferred or promoted from one department to another will carry all existing vacation balances with them to their new departments. Any department accepting an employee on a promotion or transfer basis shall assume budgeting responsibility for all vacation time owed that employee.
**d) Intermittent FMLA**

a. Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.

b. Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. Intermittent leave can be taken in small increments of time.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their managers to schedule the leave so as not to unduly disrupt the University's operations, subject to the approval of the employee’s health care provider.

**E. Scheduled Vacation and Absence(s) for Non-Faculty**

If an employee is absent from work due to an established illness, maternity leave, or injury prior to his scheduled vacation, and if such absence extends into the scheduled vacation period, the vacation may be postponed for another period.

If disability due to illness, maternity, or injury begins after an employee commences his vacation, the original vacation shall remain in effect. No part of an employee's scheduled vacation may be charged to sick leave.

Substantial proof of such illness or injury may be requested of an employee upon return to work after any absence caused by such illness or injury prior to and after vacation leave.

**F. Scheduling for Non-Faculty**

Annual leave of less than one week must be arranged a minimum one week in advance with the immediate manager in order to be an approved absence. Leave of one week or more must be scheduled and approved at least 30 days before the leave is to begin. Vacation leave may be scheduled by the manager who shall take into account the wishes of the employees and the needs of the department. Where there is a conflict among employees in the choice of vacation time, the conflict shall be resolved in favor of the employee with the greater length of service. The practice of extending vacations by granting unpaid leaves of absence is to be discouraged.

**HR IX-2 Holidays**

It is the policy of the university to recognize sixteen (16) holidays per year for all employees. The university grants time off and pays full-time employees for the following holidays:

a. Labor Day Holiday

b. Columbus Day Holiday
c. Thanksgiving Holiday; Wednesday prior
d. Thanksgiving Day

e. Thanksgiving Holiday; Friday following

f. Christmas and New Year's Holiday, over seven business days, varying, depending on calendar

g. Martin Luther King Holiday

h. Good Friday

i. Memorial Day

j. Independence Day

A. Eligibility

An employee shall be granted time off and shall be paid for a holiday immediately upon commencement of active employment.

To be paid for a holiday, an employee must be in active employment status on his/her scheduled workday immediately preceding and/or immediately following the holiday, except for an absence, which is authorized and/or excused.

a. In the event of absence, the university may request physician’s verification of illness.

b. If the requested proof is not furnished, the university may deny pay for the holiday, as well as for the day of absence.

B. Rate of Pay for Non-Faculty

All regular, full-time employees are eligible for holiday pay under the following conditions: scheduled to work on a Marymount designated holiday; work the day before and/or the day after the holiday, OR the employee is on a paid leave prior to and/or after a holiday. Employees on unpaid leave prior to and after a holiday are not eligible for holiday pay. For the current list of holidays go to: http://www.marymount.edu/hr/benefits/holidays.aspx.

The university reserves the right to adjust the holiday schedule in the event of emergencies or an excess number of weather-related closings. The holiday schedule is generally consistent with the current university Academic Calendar, but days on which no classes are held are not necessarily designated as official holidays.

a) Full-Time Employee

A full-time employee shall receive his/her regular rate of pay for time off granted for (observance of) a holiday.

1. Exempt Employees

Exempt employees who are required to work on a university observed holiday will not receive any additional compensation. Their time worked would be coded as regular hours on their timecards.

An exempt full-time employee who is required to work on a paid holiday shall be granted another day off with pay at his/her regular rate of pay within thirty (30) days immediately prior to or following the paid holiday. Employees would code holiday taken on their timecards.
2. Non-exempt employees

If a non-exempt employee is required to work on an MU observed holiday, the follow would apply:

i. **Situation #1** - Non-exempt employees who are scheduled to work on a MU observed holiday. These employees will be paid for the holiday plus the hours that they actually work on the holiday. For example, a non-exempt employee is scheduled to work 8 hours on the Martin Luther King holiday. The employee will receive 8 hours of holiday pay at their regular rate and 8 hours worked paid at 1.5X their regular rate. Non-exempt employees would code their timecard as follows:

<table>
<thead>
<tr>
<th>Holiday Taken</th>
<th>8.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday Worked</td>
<td>8.00</td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td><strong>16.00</strong></td>
</tr>
</tbody>
</table>

ii. **Situation #2** – A non-exempt employee who is not scheduled to work on a MU observed holiday and is asked to work on the holiday. These employees will be paid for the holiday plus the hours that they actually work on the holiday. For example – An employee works 8 hours on a MU observed holiday, they would receive 8 hours of holiday pay at their regular rate and 8 hours worked paid at 2.5X their regular rate. Non-exempt employees would code their timecard as follows:

<table>
<thead>
<tr>
<th>Holiday Taken</th>
<th>8.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday Worked</td>
<td>8.00</td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td><strong>16.00</strong></td>
</tr>
</tbody>
</table>

b) **Part-Time Employee**

A regular part-time employee will not be compensated for leave or for days which are indicated as a university wide observed holiday.

C. **Legal Holiday and Scheduled Vacation**

If a holiday falls within an employee's scheduled vacation time, the time off shall be accounted for as holiday pay and not charged against the employee’s vacation accrual.

D. **Holiday and Scheduled Days of Work**

MU recognizes that it is not possible for all employees to be off on the same day, the manager reserves the right, at his/her sole discretion, to require any employee to work on any of the holidays specified. However, such requirements to work on a holiday shall be distributed on an equitable basis among all employees in the department.

If an employee is scheduled to work on a holiday falling within his/her regularly scheduled workweek, and if the employee calls in sick, the employee must provide a physician’s
verification of such illness. If the requested proof is not furnished, the university may deny pay for the holiday, as well as for the day of absence.

E. Holiday and Sick Leave

If a holiday falls during an employee's preapproved absence due to illness, the employee will receive regular holiday pay, and the day will not be charged against the employee’s sick pay accrual.

F. Weekend Holidays

If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If it falls on a Sunday, it shall be observed on the following Monday. In each case, the premium pay shall apply to non-exempt who worked on the observed holiday.

HR IX-3 Inclement Weather Absence

In the event of severe weather or other unusual conditions, Marymount University may delay or cancel classes, or close. Under these circumstances, Marymount employees may not be required to report to work. Information about delays, cancellations, and closings will be made available as soon as possible once a decision is made, through a variety of media outlets and through MU Alerts.

Classes and/or events may be cancelled or delayed due to weather or other unusual conditions. In this case, university offices will be open and operations other than classes or designated events will be conducted. Emergency employees* must report for work according to their normal schedules. Other employees who are unable to report for work because of the weather conditions may use “liberal leave” (i.e. they may charge the day to either sick leave or annual leave).

The university as a whole may be closed due to severe weather or other unusual conditions. In this event, all classes and events will be cancelled, and university offices will be closed. Only essential operations will be conducted (security, services for resident students, etc.) during such periods. In this case, emergency employees must report for work according to their normal schedules. All non-exempt, full-time employees (employees scheduled to work more than 30 hours per week) should report the time as “emergency paid leave.” The inclement weather premium rate will be paid only if the time of school closing falls within the shift worked or subsequent shifts during closure on the same workday.

A. Exempt Employees

Exempt employees who work on when there is a university wide closure do not receive any additional compensation or time off.

B. Non-Exempt Employees

All full-time employees (employees scheduled to work more than 30 hours per week) should report the time as “inclement weather.” The inclement weather premium rate will be paid only if the time of school closing falls within the shift worked or subsequent shifts during closure on the same workday.
*Emergency employees could include designated staff in the following offices: Campus Safety and Emergency Management, Payroll, Physical Plant, Information Technology, Campus and Residential Services, Library and Learning Services and Student Health Center.

C. Faculty

Faculty will prepare alternative assignments that support course continuation during inclement weather closings.

HR IX-4 Jury Duty Leave

Purpose and Scope

It is the policy of the university to ensure that each employee be afforded the opportunity to meet his/her civic responsibility.

A. Exemptions from Jury Duty

The university shall request exemptions from jury duty for an employee who cannot be excused from work due to departmental needs and scheduling.

a. A department head wishing to request such an exemption for an employee called to serve as a juror shall send such employee to HRS with his/her summons.

b. HRS shall generate a letter requesting the exemption to the appropriate court system.

c. The employee shall be entitled to up to three (3) hours off, if necessary, at his/her regular rate of pay to secure the exemption.

B. Rate of Pay

A full-time employee shall be paid at his/her regular rate of pay for all time off granted as Jury Duty Leave in accordance with the following:

a. A non-exempt employee on a Monday through Friday work schedule who performs weekend work shall be paid at an overtime rate for such weekend work in addition to receiving his/her regular pay.

b. An employee on a weekend work schedule with mid-week days off shall not be required to work the scheduled weekend. If this employee chooses to work the scheduled weekend, he/she shall be paid at his/her regular rate of pay for such hours worked.

C. Reimbursement for Jury Duty Leave

A full-time employee shall be paid at his/her regular rate of pay for all time off granted as Jury Duty Leave, subject to the above stipulations.

In order for jury duty leave to be approved and paid, the employee must present a copy of a subpoena, jury certificate, or court order upon receipt, well in advance of the leave period to
their manager and the Payroll department. *NOTE: Employees do not need to return court
compensation to MU.

HR IX-5    Condolence/Bereavement Leave

A. Eligibility

All full-time employees shall be eligible for paid Condolence Leave after thirty (30) calendar
days of employment.

An employee must have been on active duty status for the period for which the leave is
requested. For this purpose, an employee on annual or sick leave is not considered on active
duty status.

A temporary employee shall be eligible for unpaid condolence leave.

B. Entitlement

   a) Full-Time Employee

   An employee shall be granted a paid condolence leave of three (3) working days in
the event of a death of the employee's parent, spouse, child, grandparent, sibling, and
mother-in-law or father-in-law. If additional time is required for settlement of an
estate, up to three days may be charged to sick leave or annual leave, or in
emergencies, leave without pay may be requested.

   Such time shall be taken consecutively within a reasonable time of the day of death or
day of burial.

   b) Part-Time and Temporary Employees

   A part-time or temporary employee shall be granted unpaid time off or condolence
leave in the same manner as regular full-time and part-time employees respectively.

C. Rate of Pay

A full-time employee shall be paid Condolence Leave at his/her regular rate of pay.

D. Proof of Death in Family

A department head may require an employee to furnish acceptable proof that his/her absence
was due to a bona fide death in the employee's family. Such proof must verify the
relationship of the employee to the deceased and may include, but is not limited to, the
following:

   a. Obituary notice                   c. Statement from funeral home
   b. Mass Card                         d. Copy of the relative's death certificate

Such proof shall be furnished within a reasonable time of the date of notice of death.
HR IX-6 Sick Leave

Sick leave is paid absence granted to eligible non-faculty employees who are unable to work because of illness or injury either on or off the job and who need time off from work for treatment and/or recuperation. Sick leave will not be approved for personal or other reasons of convenience. Faculty do not accrue sick leave.

A. Eligibility

An employee shall be eligible to receive paid sick leave benefits effective on the first day of the month after completion of one (1) month of continuous active employment. To be eligible for any sick leave entitlement, an employee must be on active duty status. Part-time and temporary employees are not eligible to receive paid sick leave benefits.

B. Sick Leave Benefits

Non-exempt, non-faculty employees accrue sick leave at the rate of 8 hours (one day) per month for a total of twelve (12) days a year, starting from the date of hire.

Exempt (non-faculty) employees accrue sick leave at the rate of 8 hours (one day) per month for a total of twelve (12) days a year, starting from the date of hire.

A part time employee (less than 30 hours per week) is not entitled to sick leave.

Sick leave may be accrued from year to year. However, an employee shall not be permitted to accumulate more than 480 hours or 60 days of sick leave, to include those sick leave days earned or to be earned in the current anniversary year. An employee shall not continue to accrue sick leave benefits while on an unpaid leave of absence.

C. Illness occurring during work hours

An employee who becomes ill during working hours shall receive credit for hours worked and the balance of his/her work day is to be charged to accrued sick time. If an employee has exhausted his/her sick leave, or is not eligible for leave, the employee will be paid only for time worked.

In cases of emergency due to family illness, the employee shall have the right, with one (1) hour advance notice to the manager, or sooner if approved by the manager, to leave the work place due to said illness. The employer may require proof of illness.

D. Sick Leave and Notification of Department

A non-faculty, employee who is absent due to illness or injury shall notify the manager of such absence.

a) An employee shall notify the manager of his/her absence at least one (1) hour prior to the start of the work day if the department is open at that time or within fifteen (15) minutes of his scheduled starting time if the department has not been open earlier than the employee’s starting time.

b) If the employee fails to notify his manager of his absence due to illness or injury, the employee may be denied any paid sick leave he/she may otherwise be due. The
department head shall be responsible for determining whether the employee had a justified excuse for failure to notify the department of his/her absence.

E. Full-time, Employees

A non-exempt or an exempt employee shall be paid a full day’s pay for each day of absence charged to sick leave until his/her annual and/or accrued sick leave is exhausted. HRS is to be contacted immediately regarding any illness of such duration that the coordination of sick leave, disability plans, and Federal Family/Medical Leave Act (FMLA) may need to be fully explained.

F. Sick Leave and Workers’ Compensation

If an employee is injured on the job, he/she shall be allowed to draw seven (7) days from his accrued sick leave before becoming eligible for disability/workers compensation benefits. If an employee is not eligible for sick leave or has exhausted his sick leave bank, the first seven (7) work days of absence shall be unpaid.

G. Authority for Granting Sick Leave

Sick leave may be authorized by the department head who may refuse to grant sick leave when there is reason to doubt its validity. In this case, a physician’s validation may be requested. The department head is required to note the appropriate entry on the time report when absence due to sickness occurs.

a) Return from a Sick Leave

An employee returning to work from a one (1) day sick leave may not be required to furnish a physician’s statement unless he/she is deemed to have been excessively absent and, therefore, subject to disciplinary action. In order to be entitled to sick pay, an employee who has been absent for three (3) or more days or who has been deemed excessively absent may be required to present medical certification. In the absence of such certification, sick pay may not be authorized.

Medical certification may be required if an employee is absent the scheduled work day before and/or the scheduled work day after a paid holiday, vacation, or scheduled day off. If such certification is requested and not furnished, pay for such sick day may be denied.

Medical certification may also be required if an employee is absent three or more consecutive work days due to illness or one or two days in one week over multiple weeks.

H. Proof of Illness - Medical Certification

Physician statements that are considered acceptable by the university are those from the employee’s private physician or an emergency physician on duty. The medical certification shall contain the following information: a prognosis, plan of treatment, and a recommendation as to the employee’s probable date of return to work.
I. Sick Leave Exceeding Two Weeks

If a manager expects, based upon the information available, that an employee’s absence due to illness or injury shall be more than two weeks duration, the manager, in consultation with the HRS, shall complete a Personnel Action Form placing the employee on an official medical leave (FMLA) and send a request for a medical leave form to the employee.

J. Elective Medical Treatment

The university may grant an employee sick leave or medical leave as may be appropriate, for elective medical treatment provided that the granting of such leave will not interfere with the operational efficiency of the employee’s department. An employee shall follow established sick leave or medical leave procedure(s) in requesting such leave.

K. General

An employee may use sick days to care for a family member. A family member is defined for this purpose as a parent, spouse, child, brother, sister, or grandparent. Child in this context shall mean an employee’s own dependent child, foster child for whom the employee has legal foster care responsibility or a child for whom the employee has overall parental responsibility on an established basis and who is living in the household of the employee. Proof of illness may be required.

Official university holidays which occur while an employee is receiving sick pay shall be paid as a holiday and not be charged against sick pay accruals. If an employee is scheduled to work on a paid holiday and becomes ill, after providing physician’s verification, this day shall be charged as a paid holiday and not charged against sick pay accruals. Overtime pay is not to be included in the payment of sick leave. An employee shall be paid at his/her regular rate of pay. Paid sick time shall not be considered as time worked in the computation of overtime. At no time shall an employee be allowed to charge against the sick bank illness, which occurs during a scheduled vacation. An employee who abuses the sick leave privilege shall be subject to disciplinary action, including suspension or dismissal.

L. Faculty Leave for Illness and Maternity

For cases of illness, non-work related injury, or maternity resulting in an absence, the full salary of the faculty member will continue for 1 month following the date on which the illness, non-work related injury, or maternity required time off. See the section on STD for the integration of Faculty Leave with Short-Term Disability.

HR IX-7 Sick Leave Bank

Purpose

The purpose of this policy is to provide salary continuation for an eligible non-faculty member who has exhausted all of his/her accrued sick and annual leave and who has been approved for a period of unpaid Family and Medical Leave (FML). The situations that qualify for FML are: (1) a personal sickness or injury that is not covered by an existing MU paid disability program; (2)
an immediate family member’s certifiable illness or injury that requires the in-person care and support of a MU staff member.

A. Sick Leave Bank—Donations:

a. A minimum of 80 hours must be maintained in the sick leave bank at all times.

b. Donations will be requested by HRS once a year during the month of December. If the hours in the sick leave bank drop below 80 hours, HRS will send a communication to MU staff requesting donations.

c. Donations are strictly voluntary. Staff should not feel compelled to donate to the bank.

d. Staff members are asked to refrain from soliciting donations for the bank.

e. Donations to the bank can only come from a staff members accrued sick leave account.

f. A staff member can only donate a maximum of 80 hours during a 12-month period.

g. Donations from a donor’s sick leave account cannot reduce the staff member’s account balance below 80 hours.

h. Leave donations cannot be specified for a specific individual unless it is for a family member who works at MU. Family member means: parent, child, spouse, sibling, mother or father -in-law.

i. Donations are not tax deductible.

j. Donated sick leave becomes the property of the university and is governed by the contents of this policy.

B. Requesting Leave from the Bank -- Eligibility:

a. The requester must be a full-time staff member, have worked full-time for 12 months or 1250 hours and otherwise qualify for Family and Medical Leave.

b. The requester does not need to donate to the bank in order to receive sick leave from the bank.

c. The requester must exhaust all accrued sick and annual leave and cannot be receiving any paid leave benefits such as disability or workers’ compensation.

d. A request for sick leave from the bank can be for a period of personal sickness or injury that is not covered by an existing paid disability program or a family member’s certifiable illness or injury that requires the in-person care and support of a MU staff member, defined as:

i. Illness of employee’s spouse

ii. Illness of employee’s children

iii. Illness of employee’s parents

iv. Illness of spouse’s parents

e. A requester does not have to declare their intention to return to work at the time sick leave is requested.
f. The requester must be approved for a period of Family and Medical Leave.

g. The requester is eligible for a maximum of 160 hours of Family and Medical Leave.

**HR IX-8  Shift Differentials**

**A. Overtime and Differentials**

Employees who regularly work on shifts where a differential is paid, will receive their base salary plus differential when working authorized overtime.

**B. Absences and Differentials**

All paid absences (e.g., vacation, sick leave, etc.) for those employees regularly scheduled to work on shifts where a differential is paid will be paid at their base rate plus differential.

**C. Regularly Scheduled Shifts**

Employees will receive shift differential payments in accordance with their relevant departmental compensation schedule.

**HR IX-9  Family Medical Leave**

**Purpose and Scope**

MU complies with the Family and Medical Leave Act of 1993 (FMLA). Employees become eligible if employed by MU for a minimum of 12 months prior to the commencement of the leave, and have worked a minimum of 1,250 hours during that period.

Eligible employees may apply to go on an unpaid leave of up to 12 weeks in any 12-month period for any one of the following reasons:

a. The birth of a child of the employee, in order to care for that child;

b. Placement of a son or daughter with the employee for adoption or foster care;

c. The care of a child, parent, or spouse of the employee, who is experiencing a serious health condition, requiring continuing treatment;

d. The employee is suffering a serious health condition, rendering him/her unable to perform the functions of the position.

e. To care for a U.S. Armed Services member, including a member of the National Guard or Reserves, or veteran with a serious injury or illness incurred or aggravated in the line of duty while on active military duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member or veteran (i.e., “military caregiver leave”); or

f. Because of a “qualifying exigency,” as defined in the federal regulations implementing of the FMLA, arising out of the fact that an employee’s spouse, son, daughter, or parent is a military member who is on covered active duty or call to covered active duty (or has been
notified of an impending call or order to covered active duty) in the Armed Forces, including the National Guard or Reserves (i.e., “qualifying exigency leave”). Covered active duty or call to covered active duty involves deployment to a foreign country.

A. Eligibility

A non-faculty employee who becomes injured either on or off the job or has an illness which requires more than fourteen (14) days off from work for treatment and/or recuperation may qualify for Short Term (STD) and Long Term Disability (LTD) and should consult with the HRS Manager of Benefits and their manager to request a medical leave of absence.

For faculty who do not accrue sick or annual leave, the full salary of the faculty member will continue for one month following the date on which the illness, non-work related injury, or maternity required time off.

Under the FMLA, employees who have worked at least 1,250 hours during a 12 month period and been employed at least 12 months prior to the commencement of the leave may be eligible for 12 weeks of unpaid leave under the federal Family and Medical Leave Act of 1993 (FMLA). MU is not required to pay the employee salary for any leave time taken under the Act.

MU provides for the substitution of paid leave for unpaid leave by using accrued sick leave and/or annual leave. In addition, for eligible employees, MU provides for replacement of 100% of salary during FMLA leave through the Short-term/Long-term Disability Insurance described below.

Employees will be eligible for one leave per eligibility period as follows: for FMLA purposes such leave will be calculated on a “rolling” 12-month period measured back from the last day of leave. FMLA unpaid leave entitlement will renew on this basis.

Paid annual leave and/or sick leave under MU policy will be substituted for FMLA unpaid leave entitlement if the employee has met the eligibility requirements for FMLA and has not exhausted his/her paid leave entitlement. An employee requesting FMLA leave under this policy should make a written request at least 30 days prior to the beginning of the leave period, or in case of emergency, as soon as the leave is foreseeable. A request for Family and Medical leave of absence must be accompanied by appropriate medical/legal adoption certification. The university reserves the right to require periodic recertification from the employee and/or require second opinions by an expert chosen by and at the expense of the university. Leave request forms and medical certification forms are available from HRS. Employees may not work for any other employer while on FMLA protected leave.

If a married couple is employed at MU, and both are eligible for leave under the FMLA, the aggregate amount of leave to which both may be entitled to care for a newborn child, a newly adopted child, or a newly placed foster child, or to care for a sick parent, is 12 workweeks during any 12-month period.
B. Serious Health Conditions

a) Family Leave

Can be taken to care for an employee’s spouse, child, or parent with a serious health condition. Spouse is defined as legally married spouse as defined by state law. Child is defined as any child under 18 for whom the employee is acting as a parent “in loco parentis” and children 18 years or older if the child is (1) incapable of self-care or (2) because of mental or physical disability as defined by the Americans with Disabilities Act (ADA). A parent is defined as (a) biological parent (b) individual who acted in the place of a parent “in loco parentis” when the employee was a son or daughter as defined above. Parents-in-law are not part of this definition.

b) Medical Leave

May be taken due to employee’s own serious health condition that makes the employee unable to perform the function of his/her position because he/she is (a) unable to work at all due to a serious health condition, or (b) unable to perform any one of the essential functions of the position within the meaning of the Americans with Disabilities Act, due to a serious health condition. The serious health condition must be certified in writing by an attending physician.

Employees may be granted Family/Medical leave (FMLA) during the medically certified disability and after filing proper leave request, medical certification and obtaining approval of the university. The request must be made at least 30 days in advance of the commencement of the leave, or in case of emergency, as soon as the leave is foreseeable.

c) Maternity Leave

The university shall grant a maternity leave to a woman unable to work due to pregnancy and pregnancy-related reasons on the same basis as medical leave is granted to all employees unable to work for other medical reasons and shall pay such employee in accordance with applicable medical leave policies for as long as the employee’s physician certifies that she is disabled and unable to work.

d) Unpaid Maternity Leave

At the point when an employee is certified by her physician as being physically able to return to work, the employee's maternity leave as medical leave shall become an unpaid maternity leave. A maternity leave may commence at any time during an employee's pregnancy but shall be granted in accordance with the preceding and the following:

1. Following the employee's last day actively at work, she shall begin to receive paid sick leave and statutory disability benefits in accordance with university policy (i.e. Sick Leave Benefits) for the physical disability.

2. One month prior to her anticipated date of return; the employee shall notify the HRS Benefits Manager in addition to her manager of her intentions regarding her return to work.
3. If the employee neither returns to work nor contacts her manager by the expiration
date of the maternity leave, this action may be considered a resignation; and she
shall be separated from active university employment and shall be so notified by
HRS. However, her manager must consult with HRS before such action is taken.

4. Employees may not work for any other employer while on FMLA protected leave.

e) Maternity Leave for Adoption

An employee who requests a maternity leave for the purpose of adoption may be granted
leave in accordance with applicable FMLA leave policies and may be granted unpaid
leave for a time in accordance with the MU Family/Medical Leave (FMLA) policy as
described below. An employee who requests such leave must furnish acceptable proof
that an adoption will/has occurred. Failure to return from such leave at its expiration date
shall be handled in accordance with paragraph (3) above.

f) Timing of Leave

1. Birth or Adoption of a Child

An employee who takes a leave in connection with the birth, adoption, or placement
of a child must take it within one year of the birth, adoption, or placement and
cannot take the leave intermittently or through use of a reduced work schedule
unless agreed to by the university employer and the employee. Entitlement to such
leave expires at the end of the 12-month period beginning on the date of such birth,
adoption, or placement.

2. Leave for Medical Treatment

An employee who requires leave due to his own serious health condition or to care
for a dependent may, if medically necessary, take leave on an intermittent or
reduced work schedule basis. Any hours of leave taken intermittently or on a
reduced basis are deducted on an hour-by-hour basis from the aggregate 12-week
entitlement. If the intermittent or reduced leave schedule is foreseeable, based on
planned medical treatment, the employer may require the employee to temporarily
transfer to an alternative position which better accommodates recurring periods of
leave, provided that the alternative position has the same pay and benefits.

Upon return from the unpaid leave, the employee shall be reinstated to the position
held prior to the leave or to an equivalent position, unless the employee is among
the highest paid 10% of MU work force, in which case special rules apply, under
FMLA.

C. Benefits

During the approved leave, MU is required to extend the same health coverage under the
same conditions, which existed prior to the leave. The FMLA does not require MU to extend
any other benefits during the leave. The employee shall therefore not accrue vacation or sick
time, nor shall he/she be eligible for MU tuition remission during the unpaid leave.
1. If the employee has employer-provided paid leave in his bank, such as vacation, holiday, or sick leave, the employee may elect, or MU may require, that the employee substitute that paid leave for any part of the unpaid leave required under the FMLA except that paid sick leave may be used only if leave is taken pursuant to the serious health condition provision of the FMLA. For example, the employee can use two weeks of banked paid sick leave, one week of banked paid vacation leave and nine weeks of unpaid leave, for a total of twelve weeks leave, during which time the position shall be held for her.

2. MU is not required to provide paid sick or medical leave to an employee with a serious health condition in any situation in which MU would not have provided such paid leave in the absence of the FMLA.

D. Medical Certification

MU shall require medical certification to document the need for a leave for the employee's biological, legally adopted or foster child, or employee's parent or a spouse with a serious health condition. The certification may be required both initially and during the leave. MU may also require the employee to obtain a second medical opinion to verify the need for a leave. In this case, MU shall direct the employee to a medical practitioner and shall pay that percentage of the resultant medical bills which is not covered by the employee's benefits. If this second medical opinion differs from the employee's first certification, a third medical opinion, at MU's expense and direction may be required. The third medical opinion is final and is binding on the employer and employee. The Act specifies the exact information that such medical documentation should contain, including:

   a. The date that the serious health condition began
   b. The probable duration of condition
   c. The appropriate medical facts regarding the condition
   d. A statement for a leave to care for a dependent that includes that the employee is needed for the care and an estimate of the amount of time needed
   e. A statement for a leave because of the employee's serious health condition that includes that the employee is unable to perform his or her functions
   f. If for an intermittent or reduced leave, the dates of expected treatment and anticipated duration

E. Reinstatement

Upon returning from leave, the employee is entitled to be reinstated to the same position or an equivalent position with the equivalent benefits, pay, status, and terms and conditions of employment.

Reinstatement may only be denied for key employees who are defined as the highest paid 10% of the work force and whose leave of absence would cause economic harm to MU.

The leave may not result in the loss of any employment benefits accrued prior to the date the leave commenced. Employment benefits refer to MU health insurance coverage to the extent
it was provided prior to leave; group life; short term disability; workers' compensation insurance; sick; vacation which was accrued before the leave; personal holiday and holiday time; eligibility for educational benefits.

F. Leave Substitution

FMLA provides eligible employees with up to 12 workweeks of unpaid leave. If an employee has accrued paid leave, i.e., vacation, sick days, or personal leave, the employee may use any qualifying paid leave as compensation upon initiation of leave. Qualifying paid leave is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken.

Any paid leave used for an FMLA qualifying reason will be charged against an employee’s entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the 12 work week leave period.

G. Restoration Rights

Any staff member granted a FMLA leave of absence will retain restoration rights in his/her current position for the approved leave, but no less than twelve weeks if the FMLA is applicable, from the starting date of the leave, if the absence is specified as medically necessary by a physician and subject to verification by a physician chosen and paid for by the university. Restoration to employment is subject to a medically certified fitness-for duty examination. If an employee is on FMLA leave for more than the period specified above, the university will not guarantee his/her employment beyond that length of time, but upon his/her certified medical release, will consider that individual’s application for employment in a vacant position suitable to his/her qualifications.

H. Continuation of Benefits

The university will contribute to the MU health insurance plan if the employee on FMLA leave of absence continues to contribute her/his portion of the premium. The university will continue to contribute to the retirement plan as long as the employee is receiving salary payments from the university. University contributions cease at the end of the FMLA leave of absence, unless required under federal FMLA or she/he returns to active employment status.

No payment is made upon termination of employment for any reason for any Marymount FMLA leave of absence that has not been used.

I. Duration

An employee may be granted family/medical leave of absence for the time requested by his/her physician, up to a leave period not to exceed 12 weeks during a twelve-month period. A request originally granted for less than the maximum allowed time may be extended for up to the maximum allowance following the same procedures as for the initial request. An employee’s failure to request an extension of the leave may be taken as evidence of voluntary resignation.
If at the end of the twelve (12) week period, the employee requires additional time for recuperation an extension may be granted with proper medical certification from the employee’s physician and approval from MU’s third party disability vendor.

Those employees who may be able to return to work in a definite time shall have their medical leaves reviewed on a case-by-case basis.

**J. Pay and Benefits While on FMLA**

While on extended FMLA, full-time, non-faculty employees will not accrue annual leave or sick leave to which the employee would otherwise be entitled. While on intermittent FMLA the employee will accrue annual and sick leave.

**HR IX-10  Disability Insurance Plans**

**Types of Disability**

a) **Short Term:** the benefit may be applicable for 26 weeks duration for medically certified illness or accident. For staff and administration this will be after a 14 calendar day waiting period. For faculty, this will be after a four (4) week waiting period. The benefit is described above under Short-Term Disability Insurance.

b) **Long Term:** the benefit will apply after a waiting period of 180 days. The benefit is described above under Long-Term Disability Insurance.

**A. Steps to Take When Confronted With a Serious Health Condition**

(a) Step 1: Contact the HRS Benefits Manager by phone, in writing or via email.

(b) Step 2: Submit the following forms, which are available from HRS:

a. An employee who requires a medical leave of absence shall request such in writing from his/her department head by completing the "Request for a Medical Leave" form.

b. Such a request must be forwarded to HRS, who will coordinate review by the disability provider. Such communication and approvals shall be given by the HRS and the disability provider only on receipt of appropriate documentation from the employee's physician:

   i. Marymount Family/Medical Leave (FMLA) Request Form;

   ii. Department of Labor Medical Certification form required for federal FMLA; and/or

   iii. The employee application for Short Term/Long Term Disability Insurance.

(c) Step 3: Keep HRS informed of disability or health condition.

(d) Step 4: Upon approval of one’s applications and medical certification, MU’s disability vendor will pay benefits for the duration of the approved claim.
(e) Step 5: If the HRS Benefits Manager and the disability provider concur that a leave is justified, the university, through the HRS Benefits Manager, shall grant the request and initiate the Personnel Action Form placing the employee on a medical leave of absence.

HR IX-11 Military Leave

A. Eligibility

All full-time employees shall be granted a Military Leave with pay in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA applies to all persons who perform duty, voluntarily or involuntarily, in state or federal uniformed services.

B. Entitlement

An employee shall be granted a military leave for a time not to exceed fifteen (15) days (active military duty) or the time indicated in the employee’s official orders (reserve training). If the employee neither returns to work nor contacts his/her manager by the expiration date of the military leave, this action shall be considered as his/her resignation; and the employee shall be separated from active university employment and shall be so notified by his/her manager. However, the employee's manager shall consult with HRS before such action is taken.

C. Military Leave and Vacation

If a full-time employee is granted military leave in order to serve active military duty, or in order to satisfy reserve training obligations, he/she shall be entitled to use all accrued vacation days for compensation for such leave. Additionally, the employee will receive holiday pay for any paid holidays, which occur while on military leave.

D. Documentation

When an employee requests military leave, he/she shall furnish a copy of his/her orders to his/her manager. A copy of the orders should be attached to the Personnel Action Form placing the employee on military leave.

HR IX-12 Faculty Leave of Absence-Without Pay

Faculty development leaves of absence without pay may be granted at the discretion of the university, normally for a period of one year. During this time, the university will pay the employee’s premium for any health insurance the faculty member is enrolled in at the time he/she made application for such leave.
HR X    BENEFITS

HR X-1    Full- and Part-Time Employees Summary

The benefits summarized below are available to the employee categories noted above at MU in accordance with rules and regulations pertaining to the eligibility, effective dates, and methods of applying. MU reserves the right to change, modify, or discontinue the employee benefits program at any time.

HR X-2    Healthcare Insurance

A. Group Health and Hospitalization Plans

All full-time employees and eligible dependents may participate in MU’s group health and hospitalization insurance plans. MU contributes a portion of the premium for the plan and level of coverage chosen by the employee. This contribution includes the automatic first priority application of the Sec. 125 Plan MU Flexible Benefits Fund. The Sec. 125 Plan also provides for “premium conversion” which permits “pre-tax” payment of the employee portion of the insurance premium. Details about coverage and enrollment forms for the plans are available in the HRS Office.

Continuation of health and hospitalization insurance under either MU plan is provided under the provisions of COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) for eligible employees who leave employment at MU. One may be eligible to either continue health insurance coverage at one’s own cost for up to eighteen months, or may be able to convert group coverage to individual coverage. Questions concerning COBRA coverage for employee members, spouses and dependents should be directed to HRS.

B. Group Dental Insurance

All full-time employees and eligible dependents may participate in MU’s group dental insurance program. Premiums may be paid from Sec. 125 MU Flexible Spending Fund or through “pre-tax” payroll deduction. Dental insurance is the second automatic priority for application of the Sec. 125 Flex Fund. Plan information and enrollment forms may be obtained from HRS.

C. Vision Insurance

All full-time employees and eligible dependents may participate in MU’s group vision insurance program. Premiums may be paid from Sec. 125 MU Flexible Spending Fund or through “pre-tax” payroll deduction. Vision insurance is the third automatic priority for application of the Sec. 125 Flex Fund. Plan information and enrollment forms may be obtained from HRS.
HR X-3  Life and Long Term Care Insurance

A. Life Insurance

Group Term Life Insurance is provided to all full-time employees from the first day of employment in the amount of one times the annual salary to a maximum of $50,000. The coverage also provides benefits for accidental death and dismemberment. Employees may purchase additional life insurance for themselves and/or their eligible dependents. They should consult the office of the HRS Manager, Benefits.

B. Long Term Care Insurance

All full-time employees and eligible dependents may participate in MU’s group Long Term Care insurance program. Premiums may be paid from “post-tax” payroll deduction or the eligible employee may request to be directly billed by the insurance carrier. Premiums for Long Term Care insurance are not eligible under the Sec. 125 Flex Fund. Plan information and enrollment forms may be obtained from HRS.

HR X-4  Disability Benefits

A. Group Short Term Disability Insurance (STD)

Effective on the first of the month after one year of continuous full-time employment, MU provides all full-time employees working at least 30 hours per week, with a Short Term Disability (STD) policy. MU pays the cost of this policy in full. The insurance company administers this plan, determining eligibility based on medical certification. Employees may be granted paid short-term disability during the medically certified disability and after filing proper leave request forms and obtaining approval of the STD insurer.

Short Term Disability leave will require medical certification that the employee is unable to work or that the leave is medically necessary. The employee must also complete a MU Leave Request form no later than 30 days in advance of the date the leave is to begin.

For non-faculty employees, under the plan, if a disability is the result of an injury that occurs under the plan, the benefit waiting period is 14 days; if a disability is a result of a coverable sickness, the benefit waiting period is 14 days. This coverage provides for 100% of earnings, not to exceed $2,500.00 per week. STD insurance plan booklets may be obtained from the Office of HRS.

For full-time faculty, under the plan, for cases of illness, non-work related injury, or birth of a child resulting in an absence, the full salary will of the faculty member will continue for one (1) month. The leave will commence on the first day the faculty member is out which is determined by the last date worked. This faculty leave is integrated with the short-term disability as the paid waiting period as required.

B. Group Long Term Disability Insurance (LTD)

Effective on the first day of the month after one year of continuous employment, MU provides all full-time employees working at least 30 hours per week, with a Long Term
Disability (LTD) policy. MU pays the cost of this policy in full. The insurance company administers this plan and determines eligibility based on medical certification. This insurance provides for “income replacement” of 66.67% of base earnings, not to exceed $12,500.00 per month, after a waiting 180 calendar days. LTD insurance plan booklets are available from HRS.

C. FMLA for Adoption

An employee who requests FMLA leave for the purpose of adoption may be granted leave in accordance with applicable medical leave policies in accordance with the Federal Family Medical Leave Act (FMLA) and may be granted unpaid leave for a time in accordance with the MU Family Medical Leave policy as described below. An employee who requests such leave must furnish acceptable proof that an adoption will/has occurred. Failure to return from such leave at its expiration date shall be handled in accordance with paragraph (3) above.

For faculty who do not accrue sick or annual leave, the full salary of the faculty member will continue for one month for adoption.

HR X-5  Tuition Remission and Exchange Programs

Purpose

MU recognizes the importance of assisting and encouraging self-development of employees. The Tuition Reimbursement Program shall undertake to support educational programs for those employees who wish to enhance their knowledge and education. The program is to be administered as outlined in the following policy.

A. Eligibility

All full-time employees who have completed six months of satisfactory employment at MU are eligible to participate in this program. Expenses such as registration fees, books, laboratory fees, etc. are not covered under the program.

B. Marymount University Tuition Benefit

The following schedule of tuition benefits applies to all full-time employees of MU: Staff, Administrators, and Faculty:

a) Employee Benefit

All regular, full-time employees are eligible for full tuition remission at the undergraduate and graduate level after six-months of full-time MU employment. Employee eligibility is calculated as of the date of the start of the semester or term. Prior to completion of six months of employment, they are eligible for tuition remission based on the following schedule:
<table>
<thead>
<tr>
<th>After Completion</th>
<th>% Remitted</th>
<th>Employee Pays</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 full calendar month</td>
<td>16.67 % remitted</td>
<td>83.33%</td>
</tr>
<tr>
<td>2 full calendar months</td>
<td>33.33 % remitted</td>
<td>66.67%</td>
</tr>
<tr>
<td>3 full calendar months</td>
<td>50% remitted</td>
<td>50%</td>
</tr>
<tr>
<td>4 full calendar months</td>
<td>66.67% remitted</td>
<td>33.33%</td>
</tr>
<tr>
<td>5 full calendar months</td>
<td>83.33% remitted</td>
<td>16.67%</td>
</tr>
<tr>
<td>6 full calendar months</td>
<td>100% remitted</td>
<td>- 0 -</td>
</tr>
</tbody>
</table>

Employees who enroll under this pro-rated schedule are responsible to arrange with Student Accounts to make timely payment of the remaining balance. Staff members are subject to applicable taxes on Tuition Remission as determined by the Business Office. Questions about pro-rated Tuition Remission are to be directed to Student Accounts.

Employees may receive tuition remission for not more than six (6) credits per semester unless position-related factors required taking fewer than six credit hours in the immediately preceding semester. (Classes must be scheduled outside regular MU work hours of the employee involved. If the employee wants to take classes during his/her regular work hours, the employee must request a flexible work arrangement and receive approval from the manager). An employee may take a maximum of eighteen (18) credit hours in a 12-month academic year. Employees who are on extended leave are not eligible for enrollment under Tuition Remission. In cases involving medical leave a physician’s release will be required prior to enrollment under tuition remission. If several employees in a work area wish to enroll, but enrollments must be limited because of work demands, the following priority is to be followed by the authorizing manager: undergraduate degree, first master’s degree, additional master’s degree, non-degree course.

b) Spouse and Dependent Children

1. Undergraduate Tuition

Spouses and dependent children of full-time employees for tax purposes are eligible for remission of undergraduate for not more than eighteen (18) credits in the fall semester and eighteen (18) credits in the spring semester and twelve (12) credits during all the summer terms. This assistance is available to spouses and dependent children after the employee has completed one calendar year of full-time employment at MU. Assistance will total 100% of tuition after crediting applicable financial aid. It is the responsibility of the sponsoring employee to apply for all appropriate financial aid. Employee spouses and dependent children who intend to matriculate as full-time students must apply for financial aid through regular Financial Aid procedures and observe appropriate deadlines.

2. Graduate Tuition

Spouses and dependent children of full-time employees for tax purposes are eligible for remission of 25% of graduate tuition, after the sponsoring employee has completed one calendar year of full-time employment and 100% after five
calendar years of full-time employment at MU, after crediting applicable financial aid. Tuition remission will be for not more than twelve (12) credits in the fall semester and twelve (12) credits in the spring semester and nine (9) credits during all the summer terms. It is the responsibility of the sponsoring employee to apply for all appropriate financial aid. Employee spouses and dependent children who intend to matriculate as full-time students must apply for financial aid through regular Financial Aid procedures and observe appropriate deadlines.

Employees’ children who are not dependents for tax purposes will not be eligible for tuition remission.

Employees must apply for admission for themselves, their spouses, and/or dependent children. The application fee is waived for employees. Only classes that are regularly scheduled on a MU campus in Virginia, including the London program, are eligible. Consortium classes, lab fees, study materials, and/or books are not covered by Tuition Remission.

Employee’s spouses and dependent children who intend to study full-time must apply for federal and state financial aid through the usual Financial Aid process. They must observe the deadlines for various forms of financial aid. MU’s benefit will cover tuition not covered by these aid programs.

An employee who transfers to part-time employment or leaves MU’s employment during a semester, will be expected to pay a pro-rated share of the semester’s employee, spouse, and/or dependent child tuition covered by this benefit. When spouses and dependent children who become full-time MU employees become eligible to receive a Tuition Remission benefit, they may no longer receive a parent’s or spouse’s Tuition Remission benefit (Tuition Remission benefits are not cumulative).

Employees, spouses, and dependent children are admitted into courses on a space-available basis, as determined by the appropriate academic dean and VP. If a course becomes over-subscribed, priority will be given to paying students.

Employees must complete the appropriate “Tuition Benefits Authorization” form prior to enrollment in any class or program. Forms are available from HRS.

C. Tuition Exchange

Tuition exchange, through the two programs Tuition Exchange, Inc. (TE) enables full-time MU faculty, staff, and administrator’s dependent children to choose from those participating colleges and universities that agree to remit tuition for eligible and approved participants from other member institutions. The number of student’s “exported” each year by MU varies and the availability of “slots” in any particular year are not guaranteed. This program is defined as a scholarship and not a benefit. Employees may obtain Tuition Exchange Guidelines and Applications from HRS in order to meet the November 1 application date for the following academic year.
D. Tuition Remission Approval Process

The employee shall complete the Tuition Remission Authorization Form and submit it to his/her department head and administrator for signature prior to enrollment, for pre-approval. Once this has been pre-approved by the department head and Administrator, the form shall be submitted to HRS for final approval.

Nothing in this policy implies approval for absence to attend courses, field trips, or examinations. Such approval must be coordinated and approved by the administrator in advance.
HR XI  RETIREMENT

The university participates in the TIAA-CREF retirement program, which is a 403(b) plan. TIAA and CREF are companion organizations that provide retirement and tax-deferred annuity plans for colleges, universities, independent schools, and other non-profit and tax-exempt educational and research institutions and their employees. The retirement program is a defined contribution plan through which the university makes contributions to the employee’s account. The employee may also make contributions to the same retirement account on a tax-deferred basis. All contributions are immediately 100% vested. The employee may select from among the investment options offered by TIAA-CREF. A supplementary retirement account option is also available for interested employees. A full description of the plan is available from HRS.

A. Eligibility

A full-time employee who meets any of the following conditions is eligible to participate in the plan:

a. Full-time employee of the university.

b. A part-time regular employee who works at least 1,000 hours per year is eligible to participate in the retirement plan.

B. Enrollment

Enrollment in the MU retirement is automatic after the one-year waiting period. Enrollment in the supplemental retirement plan can begin immediately after hire and requires a salary reduction agreement form. Forms and further information are available in HRS or on the portal. Participation begins with the pay period beginning after the submission of the properly completed salary reduction form.

C. Contributions

a) Minimum Contribution

Marymount will make a minimum contribution equal to 8% of the basic biweekly earnings for eligible employees who are not making a contribution.

b) Maximum Contributions

Federal tax law limits the amount that an employee may contribute to a retirement plan such as that offered by the MU. The limit may be adjusted annually; the maximum employee contribution is available from TIAA/CREF through the MU’s Benefits Manager.

D. Initiation of Benefits

There is no mandatory retirement age. With limited exceptions, an employee may begin receiving benefits at age 59 1/2 without tax penalty if he/she terminates his/her employment with MU and is not participating in a TIAA-CREF plan with another institution. An employee should notify TIAA-CREF at least three months prior to the desired start date for the commencement of benefits. An employee can also withdraw from MU’s contribution if they have 10 years of full time service and 60 years of age.
E. Benefit Payment Options

Prior to receiving benefits, an employee is required to choose among the various payment plans offered by TIAA-CREF. The optional forms of retirement payment may be discussed in full with a TIAA-CREF counselor.

F. Pre-retirement Death/Spousal Benefits

If an employee dies prior to retirement, the full current value of the account accumulation is payable as a death benefit. Federal pension law requires the spousal death benefit regardless of the beneficiary designation in effect when the employee dies. The spouse may waive this benefit if the spouse consents in writing to the designation of a non-spouse beneficiary.
HR XII  EMPLOYEE RELATIONS

HR XII-1  Performance Expectations

Policy

MU expects that all employees will act in accordance with the university policies. It is also the policy of MU to ensure that all managers manage and discipline employees in a fair and equitable manner. Any employee who feels they have not been so treated have a right to present their grievances following the procedures outlined in this policy.

MU believes common sense, good judgment, and regard for the rights and interest of both MU and their coworkers. MU is tasked with the well-being of the students entrusted to our care. Accordingly, MU expects employees to adhere to high standards of personal conduct at all time.

It is impractical to spell out everything that is expected of employees by MU and by co-workers in terms of honesty, courtesy, and good conduct. Lists of rules cannot cover all situations that may arise. However, some of the actions, which cannot be condoned may lead to disciplinary action, up to and including termination are listed below.

Disciplinary steps are intended to correct serious violations of MU regulations and to ensure a good educational environment for our students. MU has the right to discipline, suspend, or terminate an employee for reasons listed under the groups of offenses listed below.

A. Table of Offenses and Penalties

Unacceptable conduct or performance may be divided into three groups of offenses according to their severity. The offenses listed in each of three groups are not all-inclusive and may not identify every offense, which may occur and result in disciplinary action. The disciplinary actions set forth in the group offenses are the minimum actions which must be imposed. Employees, who are in violation of a Group I or Group II Offense that may result in an involuntary separation, may be offered the option to resign by management rather than be involuntarily separated by dismissal or termination.

The university cannot offer any employee that violates a Group III offense the option to resign. If the employee initiates a resignation, acceptance of such resignation for Group III violation will be left up to the discretion of the appointing authority. Any resignation resulting from a preponderance of disciplinary actions shall not be deemed to be a resignation in good standing.

The accumulation of active written disciplinary notices, regardless of the nature of the first Group Offense, may result in suspension without pay and the second active written notice will normally result in termination. If the circumstances warrant, an appointing authority may impose a more serious disciplinary action. More severe penalties, including termination, may be imposed for Group I or Group II Offenses, if the circumstances warrant.

a) Group One Offenses and Penalties:

   First Offense – Written Warning

   Second Offense – Written notice OR 1-3 Days Suspension without Pay
Third Offense – Termination

a. Non-adherence to MU Code of Conduct;

b. Neglect or carelessness in observation of departmental safety rules or disregard of common safety practices (such as improper driving, etc.);

c. Failure to report any work-related personal injury, auto, or equipment damage to one’s immediate manager as soon as possible;

d. Failure to use or wear proper safety equipment as required;

e. Sleeping during work hours;

f. Consistent tardiness, failure to report for work, leaving work without permission;

g. Engaging in outside employment without approval of the Division VP or Department Head;

h. Insubordination - Failure to follow direction of manager;

i. Excessive use of telephone or computer for personal reasons during business hours;

j. Obtain or attempt to obtain unauthorized access or use of information to include paper records, automated, and/or electronic information systems;

k. Abuse of any leave;

l. Violation of any applicable federal, state, or departmental policy, which is not included in this Policy Manual.

m. Actions which disrupt the preservation of data and systems integrity and/or fail to protect MU’s investment in IT assets.

b) Group Two Offenses and Penalties

First Offense – Written Warning OR 3-5 days suspension without pay

Second Offense – Termination

a. Reckless driving of vehicles and/or reckless operation of equipment while on MU business;

b. Continued inefficient or careless performance of assigned duties;

c. Lying about a work related matter or in the course of a work-related investigation;

d. Any act of negligence which reflects disregard for the safety of person or property;

e. Refusal to respond to questions during any MU work-related investigation;

f. Unauthorized use of MU property for private work or performing private work on MU time;
g. Management abusing authority, such as gross favoritism or mistreatment of employees;

h. Discrimination, harassment, or retaliation that affects the terms and conditions of another MU employee’s employment or an applicant for employment on the basis of race, gender, color, religion, national origin, age, or disability.

i. Threatening to do or rendering bodily harm to other persons in the work place;

j. Overt acts that allow or gain access to protected information not authorized in the performance of an employee’s job.

k. Discrimination, harassment, or retaliation that affects the term and conditions of another MU employee’s employment or an applicant for employment on the basis of race, gender, color, religion, national origin, age, or disability.

c) **Group Three Offense and Penalties**

*First Offense – Termination*

a. Falsifying MU records or data to include but not limited to, accident reports, workman’s compensation benefits, performance appraisals, time submissions, travel and/or expense vouchers, employment applications, alcohol, and/or controlled substance test results to include attempting to falsify or assisting others in attempting to falsify test results, etc.;

b. Malicious damage, theft, or deliberate destruction in any manner of MU property, equipment or the property of others, or unauthorized removal of funds or records;

c. Possession or use (unless prescribed by a physician) as well as the manufacture, distribution, dispensation of marijuana, cocaine, (including crack), phencyclidine, valium, benzodiazepines, amphetamines, barbiturates, methadone, methaqualone, opiates (including heroin) and propoxyphene, or any other drug listed in the Drug Control Act of 1970 (53.1-3400) or the Controlled Substances Act (21 U.S.C. Section 8.12) while on the job.

d. Unless authorized, employees shall not use, possess, or carry, either concealed or displayed, firearms, explosives, or any lethal weapon on MU owned or leased property or the worksite at any time. This shall include MU vehicles.

e. Failure of any employee to notify the appointing authority within five (5) calendar days of any criminal conviction for conduct occurring within the work place;

f. Unreported absences or failure to report to work without notice after three (3) business days.

g. Failure of any employee to immediately notify the immediate manager or appointing authority if diagnosed with a contagious/life threatening illness which poses a threat to others or may incur additional risk to themselves due to their work environment;
h. Unauthorized release or deliberate destruction of MU confidential records or information; to include, but not limited to, paper records, automated and/or electronic information systems, alcohol and/or controlled substance test results or specimens;

i. Conviction of a felony as it relates to job performance and/or assigned duties and responsibilities;

j. A Commercial Driver’s License (CDL) holder receives a test result of 0.02 or greater for alcohol and/or a positive result for controlled substances; refusal to submit to testing or provide required consent certifications; or provisions of the Drug and Alcohol Usage and Testing Policy; and

k. Intentional subversion of security procedures and restrictions to include violations of law using MU IT resources.

HR XII-2 Employee Grievance Procedure

A. Definition of Grievance

A grievance is an allegation by a person or persons covered by the HRS Policies and Procedures Manual that there has been a violation, misinterpretation, or misapplication of a current policy-based employee right. It is MU’s policy to resolve an employee’s work-related problem(s) to the satisfaction of all parties involved, if possible.

In compliance with MU’s EEO policy, if an employee feels that an employment action is made in violation of that policy, he/she shall discuss the issue with his/her department head. Depending on the circumstances, the employee may choose to pursue either a formal EEO complaint, or follow the grievance process as outlined below. The employee may not pursue both a formal EEO complaint and an intra-university grievance at the same time.

If an employee experiences a work related problem or questions a university or departmental policy that is unrelated to MU’s EEO policy, the employee should refer the matter to his/her manager who shall attempt to resolve the matter with the employee. Although many problems can be solved informally, below is a formal grievance procedure that the employee may use. The grievance process applicable to full-time faculty concerning academic policies and practices is detailed in the Faculty Handbook section 17.0.

B. Grievance Procedures

(a) Step 1: Informal Procedure

The employee will first informally discuss the grievance with his/her immediate manager within ten (10) work days of becoming aware of the alleged grievable action, and the immediate manager should document the meeting and discussion. Both parties should strive to arrive at a mutually agreeable settlement. If there is no mutual agreement, and the informal meeting fails to satisfy the employee, he/she may file a formal written grievance by proceeding to Step 2.
(b) **Step 2: Formal Written Grievance Appeal**

A formal grievance appeal may be filed with the appropriate manager or officer of the university to whom the employee’s manager reports and HRS. For purposes of this policy, the officers of the university include the president, the VPs for Academic Affairs and Enrollment Management, Financial Affairs and Administration, Student Affairs, and University Advancement. The formal written appeal must be made in writing using the Grievance Appeal Form within **five (5)** working days following the informal meeting with the manager as outlined in Step 1. For purposes of the grievance procedure, a working day shall be defined as a day when the administrative offices of the university are open as specified by the current *University Catalog*. By interviewing parties to the grievance and by any other appropriate means of investigation, the officer will make a determination regarding the disposition of the grievance. Within **ten (10)** workdays after receipt of notification of the appeal, the manager or officer will issue a written decision and send a copy to each of the parties to the grievance.

(c) **Step 3: Request for Grievance Appeal Reconsideration**

Either party to the grievance may request an appeal of the decision at Step II of the Grievance Process. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeals are as follows:

a. New information that could affect the finding of the Appeal Manager or Officer and that was not reasonably unavailable through the exercise of due diligence at the time of the investigation; and

b. Material deviation(s) from written procedures that resulted in an unfair outcome.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal using the *Request for Grievance Appeal Reconsideration* and be submitted to HRS within **five (5)** working days after receipt of notification of the Step II Decision.

C. **Grievance Appeal Reconsideration Procedure**

a) HR will notify the employee, the grievant’s manager, and the Appeal Manager or Officer within **five (5)** business days of receipt of an Appeal Reconsideration.

b) The Appeal Manager or Officer will identify a neutral third party to serve as the Reconsideration Reviewer within **five (5)** days of receipt of the request.

The following individuals are ineligible to serve as a reviewer: individuals who have been involved in the alleged actions; relatives of the Grievant or manager or officer (if applicable); staff members of the Human Resources or the President’s Office, including the president; and faculty members within the Grievant’s direct line of supervision.

c) The reconsideration reviewer will review relevant information and materials provided during the Grievance Process and may meet with each of the parties
involved in the Grievance Process. The reviewer shall consider the merits of an appeal only on the basis of the two grounds for appeal. Except as required to explain the basis of new information unavailable at the time of an investigation, review of an investigation will be limited to the written investigation report and all supporting documents.

The reviewer can affirm the original findings, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based procedures not having been followed in a material manner, the reviewer can ask that a review of the process be conducted. In the case of new and relevant information, the reviewer can recommend that the case be returned to the appeal manager or officer to assess the weight and effect of the new information and render a determination after considering the new facts.

d) The reviewer will send a written report with a decision to HR within ten (10) business days of receiving the Reconsideration request.

e) HR will notify the grievant, the grievant’s manager and the appeal manager or officer of the result of the reconsideration.

f) The decision of the reconsideration reviewer is final.

D. Grievable Complaints:

a. Dismissals, unsatisfactory service separations, demotions, and suspensions after the 90-day probationary period for non-faculty employees;

b. The application of specific MU personnel policies, procedures, rules, and regulations;

c. Acts of retaliation as a result of using the grievances process, or for participation in the grievance of another MU employee;

d. Discrimination against an employee, including a probationary employee, on the basis of race, color, creed, religion, age, disability, national origin, sex, political affiliation, marital status, union affiliation, genetic information, veterans status, or disabled veterans status;

E. Non-Grievable Complaints:

a. The physical plant;

b. The methods and conditions of the specific job;

c. Interactions with fellow employees;

d. Performance appraisals;

e. Oral reprimands;

f. Written reprimands;

g. The establishment and revision of wages or salaries, position classification, employee benefits;
h. The content of ordinances, statutes, or established personnel policies, procedures, rules, and regulations;

i. Failure to promote, except where the employee contends that established promotional policies or procedures were not followed or applied fairly;

j. Discharge, lay-off, or suspension from duties because lack of work or reduction-in-force. In such cases, the department must show that there was a valid business reason for the action and that the employee was notified of such reason in writing prior to the effective date of the action;

k. Management of MU employees including the right to make personnel appointments in accordance with adopted selection policies and techniques, to establish rules and regulations governing work performance and performance evaluations, to transfer and assign employees within MU, to determine the need for shift operation and rotation of the work week, to assign overtime, to determine job training and career development, and to determine duties or actions in emergency situations.
HR XIII  STANDARDS OF CONDUCT AND PROGRESSIVE DISCIPLINE PROCESS

Purpose and Scope
The intention of the progressive discipline process is to openly communicate to all employees MU’s standards of conduct, particularly conduct considered undesirable or unacceptable. Employees may be subject to disciplinary action for violations of a policy or policies as expressed in this Employee Policies and Procedures Manual. Faculty will be subject to employment action for non-award of tenure as expressed in Section 16 of the Faculty Handbook.

A. Responsibilities

HRS will work collaboratively with employees and managers to effectively apply the progressive discipline policy of the university. As such, responsibilities of all parties are detailed below:

a) Each employee will:
   a. Practice the MU Values and Service Quality Guiding Principles.
   b. Conduct him/herself, both on and off the job, in a manner, which will reflect appropriately on MU and is consistent with the MU Code of Conduct.
   c. Exercise courtesy, respect and tact when dealing with fellow employees and the public regardless of age, race, color, religion, gender, creed, national origin, marital status, disability, sexual orientation, genetic information, union or political affiliation, veterans’ status, disabled veterans’ status, or any other factor unrelated to the impartial conduct of university business;
   d. Conscientiously respect and comply with the policies related to work hours, absences, tardiness, and use of leave.
   e. Use university resources, and funds in accordance with established procedures;
   f. Maintain confidentiality with regard to student and employee information in accordance with state and federal law, county ordinance, and MU policy;
   g. Use MU data, facilities, equipment, property, or employees for only officially approved activities, except as permitted under MU policy or procedure;
   h. Promote safe and healthy working environment by complying with all appropriate safety and health regulations and promptly report safety and health hazards so that they can be corrected before injuries result;
   i. Immediately report work place violence to your manager or appropriate authority.
   j. Adhere to all university wide polices.

b) Managers will:
   a. Inform employees of rules governing conduct and discipline as well as other work place rules and special requirements;
b. Treat employees in a fair and equitable manner, and refrain from favoritism and mistreatment of employees;

c. Investigate apparent employee offenses obtaining complete facts and full justification, administer appropriate disciplinary action when warranted and as described in this policy and;

d. Consult with HRS when disciplinary action involves a written warning or a loss of pay is contemplated.

c) **Human Resource Services will:**

a. Provide information and guidance to managers at all levels on standards of conduct and effective use of progressive discipline;

b. Provide advice and assistance to managers in the uniform and equitable interpretation and application of the provisions of this policy.

c. Ensure that the work place rules and special requirements established by managers are not in conflict with the provisions of this policy.

d. Evaluate management practices in the administration of discipline and compliance with standards of conduct within areas and provide recommendations to managers when such management practices require changes; and

e. Advise managers on policy and procedures and recommend appropriate action.

d) **VP, HRS, and the employee’s manager will collaborate on the final decision on issuance of formal disciplinary actions of suspension or dismissal.**

This list is not intended to be exhaustive, and other actions not listed here may constitute grounds for disciplinary action under this policy, and this may take many forms up to and including termination at the university’s sole and exclusive discretion. Where possible, MU seeks to resolve conduct and performance problems in a positive manner by providing additional training, supervision or verbal cautions. However, if this approach is deemed inappropriate or ineffectible, MU requires that the progressive procedures set forth below be followed for resolution.

**B. Disciplinary Actions**

a) **Verbal Counseling**

This is a counseling conversation with an employee for a minor infraction of the rules or failure to meet minimum performance expectations. It is not a formal disciplinary action. Care shall be taken to ensure that the employee understands the reason(s) for the counseling and the ways in which he/she can improve.

*When a manager deems that a verbal counseling statement is warranted, he/she will:*

a. Advise the employee, in private, of the specific conduct or action and the date it occurred;

b. Allow the employee an opportunity to explain and weigh the explanation;
c. Maintain an informal record of the discussion with the employee’s knowledge of such a record; and

d. Complete a Performance Conversation Form, give a copy to the employee, and place a copy in your employee documentation folder.

b) Counseling Memorandum

This is a formal documentation with an employee for continued failure to meet performance expectations. It is the first step in the formal discipline process. Care shall be taken to ensure that the employee understands the reason(s) for the memorandum and the ways in which he/she can improve.

When a manager deems that a counseling memorandum is warranted, he/she will:

a. Advise the employee, in private, of the conduct or action and the dates of occurrence;

b. Discuss the Verbal Counseling (Step I) you had with the employee performance or conduct that needs improvement.

c. Allow the employee a reasonable opportunity to explain and weigh the explanation;

d. Complete a Counseling Memorandum Form, give a copy to the employee, and forward a copy to HRS for placement in the employee’s file. If the employee corrects the performance or conduct problem for a period of one year, the Counseling Memorandum will be removed from the employee’s file.

c) Written Warning

This is a formal warning for repetition of actions that received verbal counseling or for a serious infraction of the MU Code of Conduct or MU Policies. Where applicable, this notice shall make reference to any prior verbal counseling. The written warning shall be specific as to the employee’s deficiencies and actions, i.e. quality and quantity of work, accuracy, etc. It shall also state the action to be taken if there is no improvement, i.e. suspension or termination. The written warning is a permanent record in the employee’s personnel file and remains in the employees file throughout the course of employment.

The letter will contain:

a. A statement written in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being disciplined;

b. Statement that is an official letter of warning and that it will be placed in the employee’s official personnel folder;

c. Previous offenses in those cases where the letter is considered a continuation of progressive discipline; and

d. Statement that similar occurrences could result in more severe disciplinary action, up to and including dismissal.
d) Suspension

This is disciplinary time off without pay given for failure to improve after prior written warning, for reported actions noted in verbal and written disciplinary action or a serious violation of MU rules. The employee shall receive an advance written notice of the suspension. The notice shall be specific as to the dates of the suspension and shall specify the action to be taken if improvement does not occur, i.e. termination.

When a manager determines that an offense requires a more severe disciplinary action than a written reprimand, he/she will:

a. Investigate alleged employee offenses promptly; obtain all pertinent facts in the case (time, place, events, and circumstances) including, but not limited to, making contact with persons involved or having knowledge of the incident;

b. Discuss the case including the length of suspension with higher levels of management and HRS;

c. Prepare and submit suspension letter to appropriate levels for review and approval; and

d. Consider employee’s reply to the suspension letter and make final recommendation to VP. HRS and the Division VP will collaborate in making the final decision.

1. Criteria for Letter of Suspension

   The letter must include:

   a. Statement of violations in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being disciplined;

   b. Type of disciplinary action (suspension or dismissal);

   c. A list of previous offenses, if any, which have been considered in arriving at the current disciplinary action;

   d. Effective date of disciplinary action (no sooner than (1) business day from the date of advance notice letter) and employee’s right to reply (five (5)) business days from receipt of the letter);

   e. Employee’s right to grieve should the final decision result in a suspension or dismissal; and

   f. Statement that the action proposed, if implemented, will become a permanent part of his/her personnel file.

2. Circumstances When Administrative Leave is Appropriate Prior to Compliance with Notice Letter

   When there is reasonable cause to believe an employee is guilty of a crime or when circumstances are such that the retention of the employee in an active
employment may result in damage to MU property or may be detrimental to
the interests of MU or injurious to the employee, his/her fellow workers, or
the general public, the department head or designee may temporarily place the
employee on administrative leave until appropriate disciplinary action, if any,
is determined.

e) Performance Improvement Plan

Another disciplinary option available to managers to correct performance or conduct
problems is creating a Performance Improvement Plan. When disciplinary action is
necessary and in consultation with HRS, the manager may enter into an Employee
Performance Improvement Plan. An employee may be placed on a PIP at any point
during the disciplinary process. This allows the employee a specified time to conform to
university policy, but stresses the probability of further disciplinary action if the causal
behavior is not corrected.

a. Manager consults with HRS about the appropriateness of the action.

b. Manager meets the employee to discuss the problems as outlined in the position
description/performance appraisal.

c. Manager sets a review date to reevaluate the employee’s performance. The review
period shall be set generally at one (1) to three (3) months.

d. Manager meets with employee throughout the PIP period and at the end of the
review period to compare the work performance during the review period.

e. If performance is satisfactory, the employee is informed that he/she is no longer
on review.

If performance is not satisfactory, the employee is informed that his/her
employment will be terminated.

f) Termination

This is an involuntary separation from employment with MU. This action shall usually be
taken as the final step in the disciplinary process. However, specific circumstances may
dictate termination as the only step. Termination shall be communicated in writing
outlining the actions being taken and citing previous disciplinary steps. The termination
of an employee shall constitute the most severe type of disciplinary action authorized
under this policy. This action should only be taken when a manager has determined that
an employee is unsuited for employment at MU. When this determination has been made,
the procedures outlined in the above paragraphs under Suspensions will be followed to
provide a letter of termination.
HR XIV  ABSENTEEISM AND TARDINESS

Purpose and Scope

The efficient management of MU depends on the punctuality of every employee. Excessive lateness can seriously hamper the productivity of any department. It is understood that circumstances often beyond the individual’s control can occasionally cause tardiness. Occasional, isolated instances of tardiness shall not seriously affect the efficient operation of a department. However, excessive or chronic lateness can be a serious problem and shall be dealt with accordingly.

A. Late Arrival

a) Work

An employee shall be at his/her respective work area, ready to commence work, at the start of his/her scheduled shift, or he/she shall be considered late to work. An employee who reports late, without authorization, may be subject to disciplinary action.

b) Meal Period

An employee shall return to his/her respective work area on time following his/her meal period, or he/she shall be considered late. An employee who returns late, without authorization, may be subject to disciplinary action.

B. Early Departure

An employee shall not leave his/her workstation before the scheduled close of his/her shift or work period. An employee who leaves early, without authorization, may be subject to disciplinary action.

C. Unscheduled Absence

It is the policy of MU to expect regular attendance from all employees. Attendance, in addition to being essential to the efficient operation of a department, is also a measure of an employee’s overall performance on the job. Regular attendance is essential if the university is to provide quality educational and customer service while minimizing possible stress and fatigue for all employees.

The efficient operation of MU depends upon each employee conscientiously reporting to work on all scheduled workdays. Chronic or habitual absence shall be considered excessive absenteeism. Absenteeism may be considered excessive when an employee absents himself/herself on regularly scheduled workdays, whether or not such absences are considered to be excused or unexcused. Absentee criteria are conditioned on the number of hours an employee is regularly scheduled to work each week and on the employee’s normally scheduled days off.

a) Full-time Employees/ Part-time Employees

a. An employee who has accumulated repeated absences during the calendar year.
b. An employee who has accumulated repeated absences before or after vacations, holidays, weekends or any other scheduled day(s) off during the calendar year.

c. A doctor’s note may be required after the second separate incidence of absence attributed to sickness within the calendar year.

d. Any repeated pattern of absence

e. Any absence without cause.

D. Notification

Whenever possible, an employee shall call his/her department head or manager to advise that he/she is going to be late or absent from work. A department head or manager may excuse an employee’s lateness if in his/her judgment the lateness was unavoidable.

E. Enforcement

When it appears that a pattern of absences or tardiness is beginning to develop and is impacting the work environment or business operations the manager should begin to document the behavior and follow the progressive Discipline Process outlined in Section HR XIII.

F. Job Abandonment

An employee shall be considered to have quit voluntarily after an absence of three consecutive business days without notification.
HR XV  EMPLOYEE DEVELOPMENT AND WELFARE

A. Employee Development

It is the responsibility of HRS to collaborate with managers, employees, and others, to foster and promote development programs to improve the quality of service to the MU Community to enhance their knowledge, skills, and abilities.

B. Administration of Employee Development Program

a) HRS will:

   a. Recommend standards for training programs and programs for approval as meeting such standards.

   b. See that training is carried out as approved and provide certificates or other forms of recognition to persons who satisfactorily complete courses and programs.

   c. Assist managers in developing and conducting training to meet the specific needs of their units and in developing and utilizing other techniques for increasing employee efficiency.

   d. Develop and conduct managerial management training and other types of training and employee development programs common to all units.

   e. Assist managers in establishing standards of performance and procedures for evaluating employee efficiency and effectiveness.

   f. Make available information concerning job requirements and training opportunities in order to assist employees to enhance their performance in their present positions, and in preparing themselves for other opportunities.

   g. Keep a record of all approved training courses and programs and a record of employees who successfully complete such courses and programs.

C. Employee Welfare

HRS will collaborate with managers, employees, the Faculty Council, Staff Council, and others, to promote measures directed toward more sanitary, safe, and healthful working conditions, toward better facilities for recreation, toward greater security and economic advantage as by means of group insurance, and toward any other means of bettering the conditions and improving the morale of MU employees.
## HR XVI RECORDS MANAGEMENT

### HR XVI-1 Recordkeeping Requirements

HRS is required by Federal law to hold employee personnel records. The records to be kept by HRS adhere to this law by maintaining information that can legally be the basis for employment-related decisions in the file. Employment decisions include hiring, firing, performance, promotion, demotion, layoff, training opportunities, and all other actions taken regarding employees.

Recordkeeping practices by HRS adhere to the following chart:

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Record Specification</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hiring Records</strong></td>
<td>Job applications, resumes, records relating to refusal to hire, advertisements about openings, promotions, or training opportunities</td>
<td>One year</td>
</tr>
<tr>
<td><strong>Basic Employee Information</strong></td>
<td>I-9 for all, and work permits for minors</td>
<td>Three years after hire or one year after termination (whichever is later)</td>
</tr>
<tr>
<td><strong>Payroll Records</strong></td>
<td>Name, address, Social Security Number, date of birth, job classification, occupation, daily schedules, pay rate, weekly compensation, amounts and dates of payments, daily and weekly hours, overtime hours and pay, annuity and pension payments, benefits, deductions, and additions</td>
<td>Four years</td>
</tr>
<tr>
<td><strong>Tax Records</strong></td>
<td>--------------------------------------------------------------------------------------</td>
<td>Four years</td>
</tr>
<tr>
<td><strong>Employment Action</strong></td>
<td>Hires, separations, rehires promotions, demotions, transfers, layoffs, recalls training opportunities employment test results</td>
<td>One year from date of action</td>
</tr>
<tr>
<td><strong>Health, Medical, Safety Data</strong></td>
<td>Job related illnesses and injuries</td>
<td>Five years</td>
</tr>
<tr>
<td><strong>Health, Medical, Safety Data</strong></td>
<td>Requests for accommodation of disability</td>
<td>One year</td>
</tr>
<tr>
<td><strong>Health, Medical, Safety Data</strong></td>
<td>Medical exams, toxic substance exposure records, or blood-borne pathogen exposure records</td>
<td>Thirty years</td>
</tr>
<tr>
<td><strong>Health, Medical, Safety Data</strong></td>
<td>Family Medical Leave Act (FMLA)</td>
<td>Three years</td>
</tr>
</tbody>
</table>
HR XVI-2  Personnel Records

HRS shall maintain an accurate, current, and complete personnel record for each employee. The following information is the minimum requirement for each personnel record:

a. Application form and copies required license or certification documentation
b. Personnel Action Forms and other employment status forms
c. Benefits forms
d. Payroll forms
e. Receipts for manuals and training
f. Performance appraisals and other pertinent documents such as letters of recommendation, commendation and information requested to be included by the employee and approved by HRS.

Information collected for the personnel file shall be obtained to the greatest degree possible directly from the employee. An employee is permitted to inspect their personnel file. A formal request is required and an appointment will be made at the mutual convenience of the employee and HRS. The file will remain in HRS at all times. In order to guarantee confidentiality and security of all personnel records, HRS will only release a file to authorized MU personnel with approval of HRS. The file will remain in the HRS at all times.

A. Confidentiality

An employee may examine, under supervision, all records contained in their personnel file. An employee may not make copies of the records he/she examines but may make written notes. The single exception is application materials provided originally by the employee; copies of these forms may be made for the employee by a member of the staff of HRS.

Prior to divulging personal information to anyone other than the employee's department head, approval shall be obtained from the Assistant VP or HRS.

Employees who discuss any confidential information with unauthorized persons are subject to termination.

B. Changes in Personal Information

Consistent with the identification policy of MU, it is necessary to have all personnel records up-to-date at all times. Therefore, it is the responsibility of an employee to advise both HRS and his/her department head and/or manager of all changes in personal information.

Employees who make changes in the following must complete Change of Name or Address Form, or provide by email:
a. Name  c. Marital status
b. Address/Telephone Number  d. Number of dependents

These changes should be reported within five (5) working days after they occur.
HR XVII  GOVERNANCE

Shared governance is a concept widely used in higher education. Under the principles of shared governance, faculty and staff contribute in a meaningful way to important decisions affecting the university and its employees. Marymount has three difference mechanisms through which shared governance is operationalized across respective groups: Faculty Council, Staff Council, and university committees.

HR XVII-1 Faculty Council

The Faculty Council at Marymount University is the primary mechanism through which the faculty collectively contribute to the governance of the university. In 1985, the Marymount University Faculty Association (Faculty Union) agreed to suspend the union resulting in the current structure of 'shared governance.' The faculty retain control over the curriculum and have a meaningful role in decisions affecting all academic policy, budget, faculty-related personnel policies, and strategic decisions for the university. The goal of shared governance is to promote a balance between the faculty and the administration and staff in the decision-making processes of the university for the good of the university and its students.

HR XVII-2 Staff Council

A. Purpose

MU Staff Council will exist to serve MU and its staff. The Council will foster a culture of community by helping to create a positive work environment. As a group, Staff Council acknowledges its call to support and further the mission and vision of the university by active participation in the life and governance of the university as described herein.

a. Promote communication among the staff, administration, faculty, and students.

b. Advance, enhance, and foster a spirit of unity and cooperation between staff, administration, faculty, and students.

c. It shall act as a forum for staff discussion of MU policies and procedures with the goals of identifying issues of concern and promoting opportunities for growth.

d. Accept and promote shared responsibility between staff, administration, faculty, and students to achieve the goals of MU.

e. Provide a forum for issues, concerns, interests, enhancements, and information that may apply to all staff members of MU. Recommendations from the Staff Council shall be forwarded to the university president and cabinet for consideration, input, or action.

f. Publicly recognize and promote exemplary achievement by staff members.

g. Identify various professional development opportunities for the MU community.
HR XVII-3 University Standing Committees

University wide Standing Committees are appointed by the university president and consist of representation across all divisions and faculty and non-faculty employees. Each standing committee has an expressed purpose and responsibility.

Assessment Committee

Appointed by the provost, the University Assessment Committee (UAC) oversees the systematic use of assessment and evaluation for the improvement of the Marymount experience. To achieve this goal the committee reviews both academic and administrative assessment activities. In addition it ensures fulfillment of external accrediting standards.

Benefits Committee

The University Benefits Committee is to act as an advisory body pertaining to medical, dental, vision and retirement contribution pertaining to faculty and staff. The committee reviews and makes recommendations to the cabinet, faculty council, and budget committees concerning employee benefits.

Budget Committee

MU has a University Budget Committee (UBC) consisting of the president, VPs, 5 faculty (from each school) and 1 staff council representative, as well as several ex-officio members. The UBC meets at the request of the president during the fall and spring of each academic year to develop the budgets for the next fiscal year, from July 1 through June 30. An outcome of the meetings is an Operating Fund (fund 10) and Capital Expenditure Budget recommendation for approval by the University Board of Trustees. There is no budgeting of restricted funds. Following Board of Trustee approval, the president announces the final budget, including tuition increases and approved operating expense to the MU community.

Catholic Identity Committee

Appointed by the president, The Catholic Identity Committee was created as part of the Strategic Plan Building the Institution of Choice 2013-2018 to achieve the university’s mission by identifying and developing the Catholic Identity at Marymount and explaining the meaning of Catholic Identity at Marymount University. The Committee created a document to provide a common understanding of Catholic Identity to help all units in supporting Marymount’s mission as a Catholic institution of higher education. The committee, which meets monthly, continues to seek ways to implement the goals established for the committee by the Strategic Plan.

Facilities Advisory Committee

The University Facilities Advisory Committee (UFAC) serves as an advisory committee to the VP for Financial Affairs of the university regarding physical facilities and physical plant matters in general.

In a consultative capacity, the UFAC will assist in the development of a long-range needs analysis for facilities, the development of the associated budgets, and the prioritization of those needs. As necessary, the committee will periodically assist in the updating and revising of the
Master Plan and physical space allocations. Annually, the Committee will assist with the development and/or revision of the Annual Operations and Capital Budgets.

As a standing Institutional Committee, the sponsor of the University Facilities Advisory Committee is the VP for Financial Affairs of the university. The empowerment limits of the UFAC are to review and make recommendations to appropriate administrators and other institutional committees and organizations, and to advise the VP for Financial Affairs of the university on matters relating to physical facilities in general.

**Retention Committee**

Appointed by the president, the Retention Committee’s purpose is to retain students by devising common sense, campus-wide strategies that empower students to persist to graduation. It is also the job of the Committee to make retention a campus wide activity that involves faculty and staff.

**Retirement Plan Committee**

The primary purpose of the Retirement Plan Committee is to oversee the investment portfolio and service providers to the “Plan”. The Retirement Plan Committee also has general responsibility and oversight for the administration and compliance of the “Plan”. The Retirement Plan Committee has been designated as a “named fiduciary” within the meaning of Section 402(a)(2) and 402(c)(3) of the Employee Retirement Security Income Act of 1974, as amended (“ERISA”). The Retirement Plan Committee will consist of the following MU employees:

- a. Chair of Committee - VP, Financial Affairs
- b. Faculty Council Representative
- c. Faculty Representative
- d. Staff Council Treasurer
- e. Executive HRS Director
- f. Benefits Manager

The Retirement Plan Committee members will serve at the appointment of the” Board of Trustees” and for a period of time established by the Board. The Retirement Plan Committee shall have the following responsibilities:

- a. Supervise the investment of the assets of the plan in accordance with ERISA.
- b. Establish an Investment Policy Statement for the “Plan” that provides a methodology for the ongoing retention and oversight of the “Plan” investments.
- c. Review and approve and/or replace investments in the “Plan” using the guidelines set out in the Investment Policy Statement.
- d. Review the plan fees and expenses for reasonableness from time to time.
- e. Meet on a regular basis to carryout responsibilities and document those meetings.
- f. Appoint other agents as the Retirement Plan Committee deems necessary or desirable in order to carry out its responsibilities
- g. Delegate such powers as the “Plan” allows and the Retirement Plan Committee deems appropriate.
h. Provide periodic reports to the Board of Trustees
i. Periodically review this Charter and make recommendations to the Board of Trustees
j. Conduct other activities within the scope of the Retirement Plan Committee’s purpose and authority as the Board of Directors may determine.

Retirement gift
Full-time employees who are retiring from active service and who are at least 55 years of age will receive a one-time gift from the university, based on the following schedule:

a. After 10-14 years of full-time service - $250
b. After 15-19 years of full-time service - $325
c. After 20-24 years of full-time service - $400
d. After 25 or more years of full-time service - $500

Strategic Planning Committee
Appointed by the President the Strategic Planning Committee is charged with creating a 5-year plan that identifies concrete actions necessary to achieve the university’s vision. Building the Institution of Choice, 2013-2018 is the strategic plan that both guides decision making and informs the university’s budgeting process. The Committee annually reviews the completed actions and revises the plan in order to move it forward.

Technology Committee
The purpose of the Technology Committee is to act in a cross institutional advisory capacity to:

a. Anticipate future technology needs for Marymount University in order to create and maintain a comprehensive technology plan that supports the University's Strategic Plan.
b. Formulate the university's capital technology budget and submit it to the University Budget Committee.
c. Formulate recommendations on university wide technology policies and procedures.
d. Assist Information Technology Services in the implementation of those policies and procedures.
HR XVIII DEFINITIONS

Academic Year

The time period one week before classes begin in the fall semester and ends one week after the last scheduled final exam in the spring semester. It also includes three days prior to the start of the spring semester.

Accident—Motor Vehicle

Any incident in which: (1) There is the loss of human life or personal injury; (2) The driver receives a citation under State or local law for a moving violation arising from the accident; or (3) Results in property damage.

Administrator

A university official who has managerial, budgetary, and decision making responsibilities over a university unit or department as a primary function of the job.

Adjunct Faculty

A part time faculty member assigned a one-semester or one-year agreement and does not accrue time toward tenure, promotion or sabbatical leave. An adjunct faculty teaches up to 12 credits per academic year.

Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration (or Alcohol Content)

The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol Use

The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Allocation

The assignment of a position to its appropriate class in relation to duties performed.

Appeal

An application or procedure for review of an alleged grievance submitted or instituted by an employee to a Grievance Committee or to other higher authority.

Appointing Authority

The officer, board, commission, person, or persons having the power to make appointments. The appointing authority is generally responsible for personnel administration within a given division, department, or unit.
Appointment

The offer to and acceptance by a person of a position.

Associate Dean

A full-time faculty member of the school who supports the school dean in administering the academic programs and services of the school.

Authorized official (Flexible Work Arrangement)

Cabinet members are responsible for approving fixed flex work arrangements or compressed work weeks for their direct reports and deans of academic units for staff in their schools/colleges. Direct reports to the cabinet are responsible for approving fixed flex work arrangements or compressed work weeks for any staff member in their units. Please contact HRS to determine the authorized official in the affected department.

Break in Service

Any separation from the service of Marymount University whether by resignation, lay-off, dismissal, unsatisfactory service, disability, retirement, or absence without leave of three days or more when the employee is subsequently reemployed. An authorized leave without pay shall not be considered as constituting a "break in service."

Breath Alcohol Technician (BAT)

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Bullying

Repeated, deliberate abusive behavior, either direct or indirect, whether verbal, physical or psychological, conducted by one or more persons against another (or others). This means behavior is prohibited that is rude or unprofessional towards a customer, or anyone in contact with the company or being insubordinate, threatening, intimidating, and/or disrespectful to a manager/manager, coworker, customer, or vendor. Any such conduct may result in discipline.

Business Day

Calendar days exclusive of Saturdays, Sundays, and legal or Marymount University holidays.

Certified Laboratory

A laboratory, which has been certified by the State of Virginia and by the U.S. Department of Health and Human Services to perform job-related forensic testing for drugs and alcohol.

Class

A group of positions, which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specification and pay range.
**Class Series**

A number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series and each is usually given a designation either by Roman numerals, beginning with the lowest level as I, next level II, or by rank adjectives such as the junior, intermediate, or senior level, etc.

**Class Specification**

A written description of a class consisting of a class title, a general statement of the level of work, a statement of the distinguishing features of work, some examples of work, and the minimum qualifications for the class.

**Classification**

The grouping of positions in regard to: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience, and ability; (d) tests of fitness; (e) ranges of pay.

**Classification Review or Reclassification Review**

An evaluation of the duties and responsibilities of a position performed by Human Resources Services to determine the appropriateness of the present class. Appropriateness will be determined on the basis of: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay. The review will result in the position retaining its present class assignment; or being assigned to an existing lower class, or being assigned to an existing higher class; or being assigned to a new class created by amendment to the Classification and Compensation Plans.

**Classification Plan**

The official or approved system of grouping positions into appropriate classes, consisting of three parts: (1) a schematic index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.

**Commercial Motor Vehicle**

A motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

a. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

b. Has a gross vehicle weight rating of 26,001 or more pounds; or

c. Is designed to transport 16 or more passengers, including the driver; or

d. Is of any size and is used in the transportation of hazardous materials requiring placards.
Compensation

The standard rates of pay, which have been established for the respective classes of work, as set forth in the compensation plan.

Compensation Plan

The official schedule of pay approved by the Board of Trustees assigning one or more rates of pay to each pay grade.

Compensatory Leave

Time off in lieu of monetary payment for overtime worked.

Compressed workweek

A workweek is fixed but compressed into fewer than five full days (e.g., four days).

Confirmatory Test

a. For alcohol testing, means a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides a quantitative data of alcohol concentration;

b. For controlled substances testing, means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Consensual Relationship

Dating and/or sexual relationships willingly undertaken by the parties.

Continuous Service

Employment without interruption, except for absences on approved leave or absences to serve in the Armed Forces of the United States, or absences of less than one calendar year when followed by reemployment or reinstatement. Service prior to normal or early retirement from Marymount University shall not be counted.

Controlled Substances

Marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine).

Core office hours

A block of hours within the work day or work week, determined by the department based on their unit’s business needs, during which all employees are expected to be at work and available for meetings and other departmental activities. Faculty office hours are described in the Faculty Handbook.
Dean

The chief academic administrative officer of a specific school. The dean administers the school’s academic programs and services, and encourages and supports faculty scholarship, development, and research. The dean is also the chief fiscal officer for the school, responsible for managing and allocating financial resources. The school dean is also a member of the faculty and reports to the provost.

The senior student affairs administrative officer of specific student services, co-curricular and extracurricular programs. The dean is responsible for managing and allocating relevant financial resources for their departments. The dean reports to the vice president of student affairs.

Definition of Duties

The work requirements for each position in terms of the importance, difficulty, and extent of supervision and responsibility.

Demotion

Assignment of an employee from one class to another, which has a lower maximum rate of pay.

Department

An administrative branch including a line of work and a group of employees under the immediate charge of a chief executive officer or officers of a department, institution, court, board, or commission of the county government, which latter officer or officers shall be known as the department head.

Department Chair

A full-time faculty member who provides leadership for an academic department of the university. Chairs are responsible for maintaining the integrity of the curriculum, sustaining the viability of the academic major(s), directing the department’s advising program, and managing applicable accreditation processes. The expectation for service as chair is a three-year term, which may be extended. The chair reports directly to the school dean.

Direct/Power Relationship

Faculty– or staff–student relationships in which the faculty or staff member is in a position of actual or apparent authority in activities including without limitation, teaching, advising, mentoring, supervising, directing, evaluating, and/or conducting research with the student.

Disability

Disability is defined as having a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Dismissal

Separation from Marymount University employment for cause.
Division

A collection of administrative functions that are reasonably related based on function.

Division Vice President

A chief administrative officer of the university who oversees a university division. Also serves as a member of the President’s Cabinet.

Driver

Any person who operates an owned or leased motor vehicle or a commercial motor vehicle. For the purposes of pre-employment testing, the term 'driver' includes a person applying to drive a commercial motor vehicle. This includes but is not limited to full time, part time, agents, and limited term employees. In every position requiring a Commercial Driver’s License, the employee is either driving or in a state of readiness on-call if required to drive.

Drug and/or Alcohol Test

A procedure to determine if a blood, breath, or urine specimen contains drugs, alcohol, or the metabolites of drugs or alcohol.

Eligible

A person who has successfully met required qualifications for a particular class.

Emergency Situations

To appropriately respond to emergency situations requiring transportation away from the MU campus for medical emergencies beyond the capabilities and hours of operation of the MU Student Health Center.

Emotional Support Animal

An animal that is be medically necessary, in order for a student with a disability to fully participate in university residential programs and/or residential services. ESAs are allowed only at the discretion and approval of the university.

Employee

An individual who is legally employed by the university and is compensated through the university payroll for his or her services. Individuals or groups compensated on a fee basis are not considered employees.

Employee Assistance Program (EAP)

A program for the university’s employees, which offers confidential assessment, counseling services and referral to other resources for treatment. Employees do not pay any fee for the services of EAP counselors. Employees may obtain EAP services on their own or be referred to the EAP by their managers.
Employee Subject to DOT (Department of Transportation) Regulations

Any employee required to have a Commercial Driver’s License (CDL) in order to perform the essential functions of his/her job.

Employer (for CDL)

Any person (including the United States, a State, the District of Columbia, or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle, including agents, officers, and representatives of the employer.

Evidential Breath Testing Device (EBT)

A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath. The device must be placed on NHTSA’s "Conforming Products List of Evidential Breath Measurement Devices".

Examination

The process of testing, evaluating or investigating the fitness and qualifications of applicants.

Extended Family Including Household Member

Includes parent in-laws, aunt, uncle, niece, nephew, first cousin.

Faculty

All persons whose principal responsibility at Marymount University is to directly provide or administer academic instruction or services. Additional information regarding faculty appointment categories can be found in Section 7 in the Faculty Handbook. Faculty can be full-time or part-time.

Fair Labor Standards Act (FLSA)

Legislation originally enacted by Congress in 1938, which establishes requirements with respect to minimum wage, overtime, and record keeping.

Fixed FlexTime

Agreed-upon starting and departure times that differ from the standard schedule for the department. The employee’s weekly pattern remains consistent from week to week.

Flex Arrangement, Flexible Work Arrangement, or Flexible arrangement

Work hours, workweek that vary from the standard schedule of the department in which the staff member works. Flex arrangements include flextime, compressed work week, and reduced work schedules.

Flex time

Agreed-upon starting and departure times that differ from the standard schedule for the department. The schedules may be fixed for a period or can vary from day to day.
**FLSA Eligible (FLSA Non-exempt)**

An employee who holds a position covered by the minimum wage, overtime, and recordkeeping provisions of the FLSA. FLSA non-exempt employees must be compensated with overtime pay or compensatory time for all hours worked over the FLSA threshold for overtime, as outlined in the definition of overtime.

**FLSA Exempt**

An employee who holds a position that is not covered by the mandatory overtime provisions of the FLSA.

**Full-Time Employee**

Employees hired to work a scheduled workweek of 30 hours or greater.

**Full-Time Position**

Any position, which is authorized to be filled for at least 2,080 hours in 12 consecutive months.

**Good Standing**

An employee who is meeting or exceeding performance expectations or is not on a Performance Improvement Plan.

**Hourly Rate of Pay**

The hourly rate of pay is shown on the university pay plans for the minimum, midpoint, and maximum of each pay range. Hourly rates are carried out to four places after the decimal. The hourly rate is derived by dividing annual salary by 2,080, which is the number of scheduled hours for a full time employee.

**Illegal Drug**

Any (a) illegal substance, including but not limited to, narcotics, hallucinogens, cocaine, marijuana, and designer drugs; and (b) controlled substance, including but not limited to amphetamines and barbiturates, that are used either without being prescribed by a licensed physician, in excess of the amount prescribed by a licensed physician, or prescribed to another individual.

**Immediate Family Including Household Member**

Includes employee’s spouse, son, daughter, parents, parents-in-law, siblings, grandparents, and children for whom the employee has legal guardianship or is designated as primary caregiver.

**Incumbent**

An employee occupying a position in service to Marymount University.

**Lay-Off**

Separation of an employee from a position to which he was legally certified and appointed as a result of the abolition of a position, reorganization, lack of work, or lack of funds.
Liberal Leave

Any unscheduled annual leave non-faculty employees may take in the event that extreme weather, or a similar emergency, prevents them from coming in to work as usual when the university is open.

Medical Review Officer (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Multi-Rater Option

The use of feedback from persons in addition to the immediate manager as part of the performance review process.

Non-Emergency Situations

To appropriately respond to non-critical situations requiring transportation away from the MU campus for medical treatment beyond the capabilities or the hours of operation of the MU Student Health Center using MU vehicle or commercial taxi cab services.

Omnibus Transportation Employees Testing Act of 1991

The federal law that requires drug and alcohol testing of drivers in various industries. By the authority of the Act, the Office of the Secretary of Transportation, U.S. Department of Transportation on February 15, 1994, has published rules requiring employers to test drivers who are required to obtain Commercial Driver’s Licenses for the illegal use of alcohol and controlled substances. Compliance with the law commences January 1, 1995.

Overtime (FLSA)

Time worked by an employee (excluding employees in law enforcement and fire protection as defined herein) in excess of 40 hours during his/her seven consecutive days work period. Non-FLSA overtime includes hours worked in excess of the employee’s scheduled hours but less than the eligibility requirement for FLSA overtime stated above.

Overtime Pay

Compensation paid to an employee for overtime work performed in accordance with overtime rules. The rate of pay for overtime compensation will be either 1 times the hourly rate or 1 and 1/2 times the regular rate of pay.

Part-Time Employee

An employee who is not regularly scheduled to work at least 2,080 hours in 12 consecutive months.
Part-Time Position

Any position that does not meet the definition of full-time position; an employee who works less than 30 hours per week. Part-time employees do not accrue annual or sick leave.

Pay Grade

The number indicating the pay range in the Compensation Plan.

Pay Grade Reallocation Review

An evaluation of a class performed by the Human Resources Services to determine the appropriateness of the present pay grade. The review will result in the class retaining its present pay grade assignment, or being assigned a higher or lower pay grade requiring amendment to the Compensation Plan. Such a review may include, but is not limited to pay factors including prevailing area levels of pay, internal evaluation of the relative worth of the class, and economic and related fiscal concerns.

Pay Period

The 14 consecutive calendar day period utilized for the calculation of paychecks and the crediting of leave earned.

Pay Range

Rates of pay assigned to a pay grade on the Marymount University pay schedule in the Compensation Plan.

Pay Rate

A specific dollar amount expressed as an annual rate, a biweekly rate, or an hourly rate, as shown in the Marymount University Pay Plan.

Pay Status

Any period in which an employee is actually working or using paid leave.

Performing (a safety-sensitive function)

Any period in which the employee is actually performing, ready to perform, or immediately able to perform any safety-sensitive function.

Point of Contact

Administrative support staff member who is responsible for direct interaction and communication with HRS for recruitment and hiring of employees.

Positive Time Reporting

The time and attendance reporting method for employees required to report all absences and hours worked.
Primary Position

When an employee holds more than one position at Marymount University one of the positions is designated as the primary and the other as the secondary for the purpose of calculating pay and benefits and tracking employment history. If the two positions are equal in pay and scheduled hours, the primary position is the one the employee occupied first. Otherwise, the primary position is the position with higher pay and/or hours.

Probationary Period

The working test or trial period of employment beginning with the date of appointment to a particular class.

Promotion

Assignment of an employee from one class to another, which has a higher maximum rate of pay.

Provost

The chief academic administrative officer of the university. At Marymount University, the provost is also the vice president for Academic Affairs and Enrollment Management.

Qualifications

The minimum educational, experience, and personal requirements, which must be fulfilled by a person preliminary to appointment or promotion.

Reasonable Suspicion

The evidentiary standard which must be met before a "for cause" controlled substance/alcohol test is required of an employee. In order to meet this standard, the appointing authority or designee must determine, based on specific objective facts and reasonable inference drawn from these facts, that there is a reasonable basis to suspect that a test would show the employee has a controlled substance/alcohol in his/her body. Reasonable suspicion must be confirmed with another manager or HRS representative.

Reduced Work Schedule

Reduced compensation in return for reduced work hours.

Reduction in Rank

Assignment of an employee from one class to another class, which has a lower maximum rate of pay. Same as demotion.

Reemployment

Reappointment of a former employee, who had completed the probationary period and was separated in good standing did not retire.
Refusal to Submit (to an alcohol or controlled substance test)

An employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process will be considered to have refused to submit to the test.

Regular Rate of Pay

The rate of pay to be utilized for the calculation of overtime pay in accordance with FLSA requirements. The regular rate is derived by dividing the total amount of eligible pay for the work period (including the hourly rate and shift differential) by the number of hours worked during the work period.

Reinstatement

Reappointment of a former employee who had completed the probationary period and was separated in good standing, but did not retire, after a break in service of less than one calendar year to the position or class formerly held.

Restoration

A return to a position in a class in which status was formerly held where there has been no break in service.

Retrenchment

A reduction in employees due to financial exigency affecting the whole university or the reduction of an academic program or university function.

Safety-Sensitive Function—Commercial Vehicle

Any of those on-duty functions as are spent at the driving controls of a commercial motor vehicle.

Safety Sensitive Positions

Those positions involving hazardous tasks that, if performed improperly, could result in harm to others. Positions that operate university-owned or -leased equipment in the following departments are currently deemed safety sensitive by the university:

a. Marymount Campus Safety and Emergency Management (except administrative staff)
b. Marymount Transportation
c. Marymount Physical Plant
d. Commercial Driver’s License holders as required by the Federal Department of Transportation regulations.

The university may change this list if positions are added or changed to include hazardous tasks.
Salary

Agreed-upon and regular compensation for employment that may be paid in any frequency.

Scheduled Hours

The number of hours that an employee is scheduled to work on a recurring basis as reflected in the personnel record for the position occupied. Scheduled hours serve as the basis for planning and budgeting activities as well as leave calculation rules as specified in Section HR VII: Wages and Hours.

Screening Test (a.k.a. initial test)

In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.

In controlled substance testing it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Self-Assessment

The completion of a performance evaluation form by the employee to provide his/her assessment of their performance during the review period.

Separation

Leaving a position including resignation, lay-off, dismissal, unsatisfactory service, disability, and death.

Service Animal

In accordance with the Americans with Disabilities Amendments Act (ADA), a “service animal” is defined as a dog or mini-horse (shorter than 34”) that is individually trained to do work or perform specific tasks for the benefit of a person with a disability. The work or task the service animal performs must be directly related to the individual’s disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Social Media

Any web-based application that allow people to broadcast information to an entire network. The network can be “user-defined,” like Facebook, or open, like YouTube. Social media differ from e-mail and websites, and include internet forums, blogs and microblogs, online profiles, wikis, podcasts, pictures and video, email, instant messaging, music sharing, and voice over IP, to name just a few. Examples of social media applications are LinkedIn, Facebook, MySpace, Wikipedia, YouTube, Twitter, Instagram, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, ZoomInfo—this list is not all-inclusive.

Split Sample Testing

Division of the urine specimen in controlled substance testing into two separate containers, the primary specimen used for the screening test and split specimen used if the employee requests a second test after being informed of a verified positive screening test.
Staff
An employee of the university other than faculty. This category includes MU administrators.

Student
An individual enrolled or eligible to continue, in any full-time, part-time or non-degree seeking undergraduate or graduate program of Marymount University.

Substance Abuse Professional
A licensed physician (medical doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Suspension
An enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee.

Telework
A voluntary work arrangement in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee. Telework is simply a way of getting work done from a different location on a regularly scheduled basis.

Tenured Status
Receiving tenure means a faculty member becomes a permanent member of the academic body of the University with the right of continued employment.

Transfer
Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of different pay ranges, between positions of the same class, or between positions of different classes.

Unfit Condition
Behavior, including, but not limited to: (a) drowsiness; (b) sleepiness or sleeping; (c) slurred and/or incoherent speech; (d) unusually aggressive behavior; (e) unusually depressive behavior, (f) unusual and rapid changes in mood; (g) disorientation or inability to concentrate; (h) lack of coordination in walking or performing other tasks.

Uniformed Services Employment and Reemployment Rights Act (USERRA)
The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, or the Act), signed into law on October 13, 1994, clarifies and strengthens the Veterans’ Reemployment Rights (VRR) Statute. USERRA is intended to minimize the disadvantages to
an individual that can occur when that person needs to be absent from his or her civilian employment in order to serve in the uniformed services. USERRA expands the cumulative length of time that an individual may be absent from work for uniformed services duty and retain reemployment rights.

**Vacancy**

A position which has been newly established or which has been rendered vacant by the resignation, death or other removal of the previous incumbent.

**Veteran**

Any person who has received an honorable discharge and has (a) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (b) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

**Workday**

Days of the week and number of hours an employee is scheduled to work. Work schedules vary by operation and department or unit.

**Workweek**

The seven consecutive day period beginning at 12:00 a.m. Saturday and ending the following Friday at 11:59 p.m. during which an employee is scheduled to work.

**Work Period**

The period when an employee is scheduled to work. For all employees except law enforcement and fire protection personnel as defined herein, the work period shall be the work week which comprises one half of a pay period.

**Vice-President**

A senior executive administrator who serves as a member of the President’s Cabinet and is the chief administrative officer of a university division.