



Employee Handbook

Administrative, Professional and Support Staff

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Employment Services

www.ecok.edu/es/

Mission Statement

East Central University's mission is to foster a learning environment in which students, faculty, staff, and community interact to educate students for life in a rapidly changing and culturally diverse society. Within its service area, East Central University provides leadership for economic development and cultural enhancement.

This document was published by East Central University as authorized by 74 O.S. §3105. A total of 50 copies were printed at a cost of \$108.79. An additional copy can be obtained via the University's website.

PRESIDENT'S STATEMENT

Greetings:

This handbook is provided to give you employment guidelines for what you need to know as staff members of East Central University. Knowing and following these policies and procedures will ensure that the campus is managed and operated effectively.

This manual provides you an easy way to find information about employment policies, benefits, and general information. These policies and procedures have been established either by ECU, the Oklahoma State Regents for Higher Education, or the Board of Regents of the Regional University System of Oklahoma.

A handwritten signature in black ink, appearing to read "Patricia Peterson". The signature is fluid and cursive, with a large initial "P" and "T".

President
East Central University

**EQUAL OPPORTUNITY POLICY/AFFIRMATIVE ACTION
COMPLIANCE STATEMENT
East Central University**

The President and employees of East Central University (ECU) reaffirm the policy as set forth in the previous statements of compliance with Title VI and Title VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990 as amended, the Family & Medical Leave Act of 1993 as amended, and the Civil Rights Act of 1991 and to the extent required by these and other state and federal laws and regulations, that no discrimination on the basis of race, color, religion, gender, age, national origin, disability, sexual orientation, genetic information, or status as a veteran will exist in any area of the University.

This policy statement further reaffirms commitment of continuing and expanding positive programs which will assure the strengthening of this policy, not only to the legal requirements of compliance, but also to further employment opportunities and advancement without regard to age, cultural/ethnic group, veteran status, disability, and gender. The President of East Central University assures that this commitment will embrace the development and maintenance of our Affirmative Action Compliance Program which will involve necessary efforts with respect to the recruitment, selection, placement, termination, training, and promotion of all employees and with respect to personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, education, tuition assistance, recreation programs, and other appropriate programs. Each person having administrative or supervisory responsibilities is expected to provide leadership in applying the Affirmative Action Plan.

East Central University explicitly prohibits acts of discrimination that violate individual civil rights or conduct that is founded in prejudice or hate. Discrimination/hate violence is unlawful and will subject those who engage in it to university discipline including discharge, as well as civil and criminal penalties.

No institutional policies are in effect at East Central University that deviates in wording or intent, from the above-stated administrative policy.

It is the intent of the University that printing of all appropriate publications for public distribution will include the following equal opportunity statement:

East Central University, in compliance with all applicable Federal and State laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, genetic information, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admission, employment, financial aid, and educational services. The following person has been designated to handle inquiries regarding the non-discrimination policies: Employment Services Director, 1100 E. 14th, Adm 160, Ada, OK 74820, (580) 559-5217

PREFACE

The Staff Handbook contains information about employment conditions, opportunities, policies, and procedures. It is to be used as a working guide throughout your employment at East Central University. Employment at East Central University is "at-will" in nature. This means that the University/or the employee may terminate an employment relationship at any time, for any reason or for no reason, with or without "cause," or notice. All employees of the University are employed "at-will" unless employed pursuant to a written employment agreement signed by the President stating otherwise. The information contained in this handbook does not create, or intend to create, an employment contract, expressed or implied. Employment is entered into voluntarily without specified length of employment.

The Vice President for Administration and Finance has designated the Employment Services Office to provide administrative interpretation of these policies and act in a staff advisory capacity.

These policies are effective immediately upon approval of the President of East Central University and may only be modified, altered, revoked, or amended in writing by the President.

It is the responsibility of each supervisor to enforce all provisions of these policies with respect to employees under his/her supervision. These written policies and procedures will assist each supervisor in providing a fair and equitable environment for his/her employees. It will also help to ensure uniformity of Employment Services policy interpretation and application throughout the University.

These policies and procedures do not give rise to vested or implied contractual rights nor create any property rights at any time during employment with the University. The University retains the right to unilaterally impose, change and/or abandon policies within the handbook, except the "at-will" employment policy. Employees will be notified of such changes through normal communication channels.

After reading this handbook, should you have any questions, please do not hesitate to discuss them with your supervisor or call the Employment Services Office.

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of employment.

TABLE OF CONTENTS

Mission Statement.....	i
President’s Statement.....	ii
Equal Opportunity Policy/Affirmative Action Compliance Statement.....	iii
Preface	iv
1 Employee Benefits	1
1.1 Employer-Paid Insurance.....	1
1.2 Retirement.....	2
1.3 Optional Benefits/Section 125 Plan.....	3
1.4 Workers’ Compensation Insurance.....	4
1.5 Unemployment Compensation.....	4
1.6 Comprehensive Automobile Liability Insurance	4
1.7 Professional Liability Policy Statement.....	4
1.8 Tuition Waiver Program	5
2 Leaves of Absence	5
2.1 Annual Leave.....	5
2.2 Sick Leave.....	6
2.3 Sick Leave Sharing Program	7
2.4 Holidays	8
2.5 Leave Without Pay.....	8
2.6 Family and Medical Leave Act.....	9
2.7 Extended Medical Leave.....	10
2.8 Medical Termination.....	10
2.9 Military Leave.....	10
2.10 Voting Leave.....	11
2.11 Jury Duty.....	12
2.12 Court Duty	12
2.13 Inclement Weather.....	12
3 Hours of Work	12
3.1 Workweek.....	12
3.2 Flextime	13
3.3 Overtime/Compensatory Time for Non-Exempt Employees.....	13
3.4 Work Breaks	14
3.5 Lunch Period.....	14
3.6 Tardiness	14
3.7 Absenteeism.....	14
3.8 Outside Employment	15
3.9 Abandonment of Position	15
4 Wage and Salary	15
4.1 Exempt and Non-Exempt Classifications	15
4.2 Salary Increases	16
4.3 Performance Appraisal Process	16
4.4 Pay Day.....	16
4.5 Holiday Pay.....	16
4.6 Garnishments	16
5 Employment/Termination Policies	17
5.1 Definitions	17
5.2 Employment Categories.....	17
5.3 Recruitment and Selection Procedures	18

5.4	Employment Testing.....	20
5.5	Probationary Period	20
5.6	Vacancies.....	21
5.7	Verification of Degrees.....	21
5.8	Direct Appointment	21
5.9	Interim or Acting Appointments.....	21
5.9.1	Nepotism.....	22
5.9.2	Promotions and Transfers	22
5.9.3	Re-Employment	23
5.9.4	Reinstatement.....	23
5.9.5	Retirees Returning to Work	23
5.9.6	Termination.....	23
5.9.7	Reduction in Workforce.....	23
5.9.8	Termination Exit Process.....	23
5.9.9	Leave Policy for Employees Appointed to Externally Funded Accounts.....	24
5.10	Closeout Procedures for Externally Funded Projects	24
5.11	No-Cost Extensions	24
5.12	Reference Check	25
6	<u>General Information</u>	25
6.1	Confidentiality Statement	25
6.2	Tape Recording Policy.....	26
6.3	Access to Personnel Files.....	26
6.4	Violence in the Workplace.....	27
6.5	Weapon Policy	27
6.6	Conflict of Interest	28
6.7	Driver's License Procedure.....	29
6.8	Drug-Free Policy.....	29
6.9	Assumption of Privacy and Internet Use	29
6.10	E-mail Policy	31
6.11	Cellular Phone/PDA Policy	31
6.12	Personal Cellular Phones	31
6.13	Safety Issues for Cellular Phone Use.....	31
6.14	Special Responsibilities for Managerial Staff.....	32
6.15	Voice Mail Policy	32
6.16	Ethics Policy	32
6.17	Identification Cards.....	32
6.18	Incident Policy	33
6.19	Infectious Disease Policy Statement.....	33
6.20	Keys	33
6.21	Lost/Misplaced/Stolen or Discarded Items	34
6.22	Loyalty Oath	34
6.23	Parking Permits.....	34
6.24	Posting of Notices in University Buildings.....	34
6.25	Private Sales Solicitations.....	34
6.26	Sexual Harassment, Sexual Violence and Sexual Relationships	34
6.27	Tobacco Free Campus.....	35
6.28	Use of University Equipment.....	35
6.29	Use of State Vehicles and Private Automobiles	35
7	<u>On-The-Job-Injuries</u>	36
7.1	Accidents and Emergencies	36

7.2	Employee Injury Policy Procedure	36
7.3	Workers' Compensation	36
8	<u>Disciplinary Action</u>	37
8.1	Positive Discipline	37
8.2	Oral Reminder	37
8.3	Written Reminder (Warning)	37
8.4	Disciplinary Leave	38
8.5	Discharge	38
8.6	Retaliation	39
8.7	Whistle Blower	39
9	<u>Grievance Procedure</u>	39
	Exhibit I Code of Ethics	42
	Exhibit II Sexual Harassment/Misconduct Policy	43
	Exhibit III Title IX Grievance Process	45

1. EMPLOYEE BENEFITS

East Central University has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. This portion of the Employee Handbook contains a very general description of the benefits to which you may be entitled as an employee of ECU. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents available for your examination from the Employment Services Office. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official plan documents will govern in all cases.

For more complete information regarding any of our benefit programs, please refer to the Summary Plan Descriptions provided to you separately or contact the Employment Services Office. If you lost or misplaced those descriptions, please contact the Employment Services Office for another copy.

1.1 EMPLOYER-PAID INSURANCE

These benefits are provided to all regular, full-time employees and faculty working 75% FTE (full-time equivalent) or more.

1.1.1 Health, Dental, and Vision Insurance

Coverage for health, dental, and vision insurance is effective the first day of the month after employment begins. Employees may be required to pay a portion of his/her premium depending on his/her plan selection. Under provisions of HIPAA regulations, new employees may be subject to pre-existing conditions. Please contact the Employment Services Office if you have any questions regarding the HIPAA regulations.

Employees and his/her covered dependents are eligible to continue health insurance after terminating employment with East Central University through provisions of COBRA, a federally mandated program. Please contact the Employment Services Office for specific information regarding COBRA continuation and cost. For information regarding insurance coverage for a retiring employee, refer to section *1.2.5 Retiree Insurance*.

1.1.2 Life Insurance

Group basic term life insurance coverage is effective the first day of the month after employment begins. Coverage is equal to two (2) times the employee's annualized base salary up to a maximum coverage of \$250,000. The value of group term life insurance in excess of \$50,000 is considered taxable compensation.

1.1.3 Long-term Disability Insurance

Eligibility: The University provides coverage on all full-time employees after six full months of continuous full-time employment.

Qualifying Period: An insured staff member must be totally disabled due to injury or illness for a period of 180 days in order to qualify for monthly disability benefits.

Monthly Benefit: The monthly benefits will be 60 percent of the insured employee's monthly salary, not to exceed a maximum benefit of \$8,000 per month. This benefit is subject to a "combined maximum limit" which is defined as: The total combined amount of benefits payable under this plan and benefits payable as the result of disability or retirement provisions of governmental and employer-sponsored plans may not exceed 60 percent of an insured employee's monthly salary, subject to a \$50 minimum monthly benefit. Benefits are integrated with workers' compensation insurance, Social Security, and Oklahoma Teachers' Retirement System disability benefits.

1.2 RETIREMENT

1.2.1 Social Security

All employees of the Board of Regents of the Regional University System of Oklahoma and the universities it governs who are not classified as students, are covered by the Social Security Act of 1935 (as amended).

1.2.2 Oklahoma Teachers' Retirement System

Membership in O.T.R.S. is mandatory for all regular faculty members, executive officers, professional staff, supervisory staff, managerial staff, administrative staff, and administrative officers. East Central University pays the employee's contributions to the Oklahoma Teachers' Retirement System. Contact the Employment Services Office for further details.

The Rule of 80 and the Rule of 90: The Rule of 80 shall mean the age an employee may retire with unreduced O.T.R.S. benefits when the sum of the member's age and the number of O.T.R.S. years equals eighty (80), as defined and calculated by O.T.R.S.

For members who join after July 1, 1992, the "Rule of 80" became the "Rule of 90".

Normal Retirement: Normal retirement shall mean the attained age of sixty-two (62) at date of retirement with at least five (5) O.T.R.S. contributing membership years and at least ten (10) defined Service Years in the Oklahoma State System of Higher Education. These service years must immediately precede the defined date of retirement, or the attained age when the sum of the employee's age at defined date of retirement and the number of creditable O.T.R.S. years total eighty (80) and at least ten (10) defined Service Years in the Oklahoma State System of Higher Education.

Early Retirement: Early retirement shall mean the age of fifty-five (55) at date of retirement with at least five (5) O.T.R.S. contributing membership years and at least ten (10) defined Service Years in the Oklahoma State System of Higher Education, or thirty (30) years of O.T.R.S. creditable service and at least ten (10) defined Service Years in the Oklahoma State System of

Higher Education immediately preceding defined date of retirement. A calculated S.R.A. (see, 1.2.4 below) for early retirement would be the same as normal retirement, except actuarial reduction factors (as used by O.T.R.S.) will be used for the calculation of the T.R.A. off-set and the S.R.A.

Compulsory Retirement: In accordance with the January 1, 1987, amendments contained in the Federal Age Discrimination in Employment Act, it shall be the policy of the Board to prohibit compulsory retirement based on age of employees forty (40) years of age or over.

These are general statements. For specific information regarding the regulations as governed by O.T.R.S., please contact O.T.R.S.

1.2.3 Voluntary Retirement Annuity

Any full-time employee of East Central University may make pre-tax employee-paid contributions to a deferred compensation plan as defined by Internal Revenue Code, Section 403(b).

1.2.4 Supplemental Retirement Program

In accordance with the Regional University System of Oklahoma (RUSO) policy 5.4.5 (Annex E), an employee hired by one of the Oklahoma regional institutions of higher education prior to July 1, 1995, may qualify for a supplemental retirement benefit. For further information, please contact the Employment Services Office.

1.2.5 Retiree Insurance

East Central University will continue to pay for group health and life insurance coverage for retirees through the month they become Medicare eligible or age 65, whichever comes last. To be eligible, the retiree must have 10 years of continuous, full-time employment with the Regional University System of Oklahoma immediately preceding the date of retirement and be qualified under provisions of Oklahoma Teachers' Retirement System. **This policy does not apply to any employee hired on or after July 1, 2009.** When the retiree is eligible for Medicare Insurance, the retiree may continue the health insurance plan under provisions of a Medicare supplement, with the retiree paying any required premium. Dependents may continue insurance as long as they were covered dependents when the employee retired. Contact the Employment Services Office for further details.

Employees should contact the Employment Services Office three to six months prior to their planned date of retirement.

1.3 OPTIONAL BENEFITS/SECTION 125 PLAN

East Central University also offers several optional benefits services paid by the employee. Many of these benefits are deducted on a pre-tax basis. Contact the Employment Services Office for information on any of these services and benefits.

Products and Services include, but are not limited to:

- 1) Direct Deposit of payments to savings account

- 2) Payroll deduction of United Way contributions
- 3) Cancer insurance
- 4) Daycare expense reimbursement
- 5) Medical expense reimbursement
- 6) Dependent Life Insurance
- 7) Long-term care protection
- 8) Additional term life insurance
- 9) Short-term disability protection
- 10) Accident insurance

1.4 WORKERS' COMPENSATION INSURANCE

All University employees are covered by Workers' Compensation Insurance. Injuries which are in the course of the performance of compensable work for the University are covered under this program. Workers' compensation covers all employees. There is no enrollment required, and the cost of the premium is paid entirely by the University. (See Section 7.3 for filing instructions and section 2.2 for sick leave provisions)

1.5 UNEMPLOYMENT COMPENSATION

The University is self-insured with the Oklahoma State Employment Security Commission (OESC) to provide Unemployment Compensation benefits following employment separation for individuals determined to be eligible by the OESC.

1.6 COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE

The State of Oklahoma provides automobile liability coverage under the Governmental Tort Claims Act, effective October 1, 1985, subject to the limitations of that act, as determined by the State Office of Risk Management. All employees acting within the course and scope of his/her employment are covered at state expense. Further information is available from the State Office of Risk Management or the Employment Services Office.

Additional mandatory "driver and vehicle requirements for motor vehicle operations" are defined by and can be obtained from the State Office of Risk Management. Coverage is determined by and contingent upon compliance with these requirements.

1.7 PROFESSIONAL LIABILITY

The State of Oklahoma through the Department of Central Services, Office of Risk Management, provides professional liability insurance in the following categories:

- Directors and Officers Liability - (D&O) "Covers State of Oklahoma (including its Agencies), Directors, Officers, Trustees, Employees, and Volunteers"*
- Educators Legal Liability - (ELL) "Covers State of Oklahoma Universities, Colleges, and Board of Regents" *
- Employment Practices Liability Extension - (EPL) "Applies to both D&O, and ELL policies" *

The professional liability insurance "provides coverage in the event of allegations citing errors, omissions, or breach of duty within the scope of their duties." *

In the event an employee is threatened with litigation, that employee should immediately notify his/her supervisor and the Employment Services Office.

* State of Oklahoma: Directors and Officers, Educators Legal Liability, and Employment Practices Liability Discussion, February 29, 2008.

1.8 TUITION WAIVER PROGRAM

All full-time University employees are eligible to participate in the Tuition Waiver Program. The waiver may be used by the employee, their spouse, and/or dependent(s).

Dependent

The applicant must be a dependent of a full-time employee of the University, a dependent of a vested retiree of the University, a full-time employee's spouse who is not a full-time employee of the University, or the dependent of an employee who has died while in the service of the University. (Vested means vested in the Oklahoma Teachers' Retirement System.)

Eligibility of a dependent is based on the IRS-approved guidelines to determine dependent status. For general purposes *“dependent” means individuals over half of whose support for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer. You must be allowed by the IRS to legally claim the “dependent” in the taxable year. Any exception to this requirement must be considered on an individual basis. The final determination will be made by the Vice President for Administration and Finance.*

The waiver will only cover tuition, not fees or books, and is limited to fifteen (15) hours per semester and six (6) hours in the summer. Intersession courses are included with the semester. All standard East Central University admission requirements must be satisfied prior to entry into any class, and retention standards must be maintained in accordance with University catalog(s). Financial aid received by the student is applied to tuition costs prior to the application for the tuition waiver. Please contact the Employment Services Office for additional information and an application regarding the Tuition Waiver Program.

2. LEAVES OF ABSENCE

2.1 ANNUAL LEAVE

ECU full-time staff shall be entitled to annual leave. Annual leave for non-exempt staff accrues as follows:

0-3 years	12 working days	1.00 day / 8 hours per month
4-6 years	15 working days	1.25 days / 10 hours per month
7-10 years	18 working days	1.50 days / 12 hours per month
11 + years	20 working days	1.67 days / 13.34 hours per month

ECU exempt staff shall accrue annual leave at the rate of 1.67 days per month (20 working days per year). Exempt staff are employees tasked to assist in the management of the administrative operation of the university. They are exempt from overtime provisions of the Fair Labor Standards Act. If the employee's status of exempt is changed due to the University's

classification or actions, the employee shall retain their leave accrual. If an employee transfers to a non-exempt position, then their leave accrual will revert to their years of service as noted in the table above.

Annual leave may not accumulate beyond sixty (60) days in any given fiscal year. Holidays and other non-working days falling within one's annual leave, and compensatory time off for overtime, shall not be charged against one's accumulated annual leave.

An employee cannot extend their termination date beyond either the last day actually worked, or the exhaustion of accrued annual leave.

If an employee resigns or is discharged, full payment for unused annual leave and compensatory time (when applicable) will be made provided the employee has worked for a continuous six-month period prior to the end of employment, except in the case that the employee was appointed to an externally funded account; for more information see section 5.9.9 *Leave Policy for Employees Appointed to Externally Funded Accounts* of the handbook.

Annual leave will not be earned by an employee during leave of absence without pay, unpaid FMLA, suspension without pay, layoff, or removal from the payroll for any reason (employees eligible for military leave see *sec. 2.9 Military Leave*). Annual leave is granted at the convenience of the University by the President of the university, unless delegated to the administrative department head on request of the employee. The desire of an employee as to the time he/she will take leave will be respected insofar as this can be done without inconvenience to the University.

No employee may be paid extra for working during annual leave unless the University has a particular need for his/her services during the time, and then only with written approval by the President or Vice President responsible for the department.

A University Request/Approval of Leave Form must be completed in advance and approved by the supervisor before annual leave is taken.

An employee shall only be allowed to use annual leave that has been accumulated before the beginning of the month for which leave is requested. It is the responsibility of the department supervisor and the employee to ensure that sufficient time has been accrued to cover the time requested prior to the request and approval of the leave. The monthly *Leave Status Report* will provide accurate annual balances.

A compensatory time balance (see 3.3) must be exhausted before using annual leave unless this action will result in a loss of annual leave due to maximum accrual.

2.2 SICK LEAVE

Sick leave is a period of time during which an employee is unable to work because of illness, injury, or medical, surgical, dental or optical examinations, or treatment to the employee and/or immediate family member(s), or because the employee has been exposed to a contagious disease and presence at work would jeopardize the health of others.

All requests for sick leave must be made in writing, setting forth the exact time of absence. Requests for sick leave should be made in advance, when possible. If this is not possible, notify the department supervisor as soon as possible but no later than the beginning of the work period, and submit a Request/Approval of Leave Form immediately upon return to work. The employee

must notify the supervisor each day the employee is unable to work. Sick leave may be denied for failure to notify the department supervisor promptly, or if the employee has been abusing the sick leave privilege. If the illness is prolonged, the department supervisor must be provided with a doctor's statement on a monthly basis so that work may be planned. If an absence due to illness lasts for three or more consecutive working days, a current and signed doctor's statement may be required upon return to work. A doctor's statement may be required for each day the employee is unable to work, at the University's discretion.

A full-time employee (75% FTE or more) accrues sick leave at the rate of 7.50 hours for 75% to 10 hours per month for 100%. Unused days may be accumulated up to 1,040 hours (130 working days).

Sick leave will not be earned by an employee during leave of absence without pay, unpaid FMLA, suspension without pay, layoff, or removal from the payroll for any reason (employees eligible for military leave see *sec. 2.9 Military Leave*). Sick leave will not be paid on any illness or injury incurred while committing a crime, nor will it be paid on any illness or injury resulting from paid employment elsewhere. There will be no payment for any unused accrued sick leave balance at time of termination or reduction of hours which makes an employee ineligible for sick leave accrual.

While the University pays for authorized sick days, the University expects the employee to be honest in requesting and using sick leave. Employees suspected of abusing his/her sick leave benefit may be required to bring a doctor's statement for any sick leave used.

Under no circumstances should an employee claim sick leave benefits to work on another job or for any other reason not covered in the definition of sick leave. Any abuse of this benefit will be taken into account during performance appraisals. Appropriate disciplinary actions will be taken if sick leave abuse is discovered, up to and including termination.

2.2.1 SICK LEAVE AND WORKERS' COMPENSATION

In accordance with workers' compensation court guidelines, an employee who has filed a claim can be required by the employer to use sick leave for a claim related doctor's appointment.

2.3 SICK LEAVE SHARING PROGRAM

Program:

The purpose of this policy is to allow ECU employees to donate sick leave to fellow ECU employees who are suffering from, or have a relative suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause the employee to take leave without pay or terminate employment. Donations made under this policy are gifts. This policy does not create an entitlement or expectation of shared leave for specific and/or eligible employees. Receipt or donation of shared leave is not intended to constitute or obligate debt or reciprocity. Donations to the Leave Sharing Program shall be for one year; the Leave Sharing Program's balance returns to zero at June 30th of each fiscal year, and all unused sick leave remaining in the Leave Sharing Program will become null and void.

Any request to use leave from the sick leave sharing program is subject to review by the Employment Services Office. Exceptions will be at the approval of the appropriate administrative channels up to the Office of the President. The Employment Services Office may request

additional information in connection with a request for leave. Approval of any request may be conditioned upon the receipt of medical or other information relevant to the request.

Donors:

To donate leave, an employee must maintain a sick leave balance of no less than 30 days. Total annual donations may be made in amounts no greater than five days at a time with a cap of five days in a given fiscal year.

Donors are to keep in mind that employees who retire with benefits from Oklahoma Teachers' Retirement under the "Rule of 80" and "Rule of 90" will receive an extra year of service if they have 120 or more days of accumulated sick leave at the time, of retirement. For more information contact O.T.R.S. **Donations are irrevocable.**

Recipients:

Recipients of leave donations must have received no disciplinary actions for abuse of sick leave, and must have exhausted all earned vacation, and compensatory time. A recipient cannot receive more than 25 days of sick leave in a 12 month period. Under the program, they will receive their normal pay and benefits, but will not accrue additional leave time while utilizing leave share. Donated leave may only be used for the purposes specified in this policy.

Guidelines and Limitations:

- All donations of leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating paid leave for the purposes of the Leave Sharing Program.
- An employee's total of all unused paid leave and donated time shall not exceed one semester off work, unless approved by employee's immediate supervisor and Vice President.
- An employee's eligibility to receive donated leave through the Leave Sharing Program ends upon their return to full-time benefit accrual status.
- Persons involved in the administration of the ECU Leave Sharing Program are responsible for protecting the privacy of leave recipients and donors. All communications with either group will be kept confidential.

To participate in the Leave Sharing Program as a donor or recipient, the employee must complete the appropriate application form, available in the Office of Employment Services. The Employment Services staff will secure all signatures, approvals and required documentation.

2.4 HOLIDAYS

East Central University observes certain holidays to be announced by the President of East Central University. Employees scheduled to work on a University-approved holiday will be granted an equal amount of time off with pay on a date mutually agreed to by the employee and department supervisor, if he/she was in a paid status on both the day before and the day after the holiday.

2.5 LEAVE WITHOUT PAY

Leave without pay is an absence from duty granted to the employee for which no pay is received. Leave without pay may not be used unless all accrued annual leave and compensatory time have been exhausted. In the case of illness or absence for medical leave, sick and annual leave must be

exhausted. Any exceptions to this policy must be approved in advance by the President of the University. Neither vacation nor sick leave will be earned during leave without pay. Leave without pay must be requested in writing, setting forth the exact time to be absent and the reason for absence. Leave must be approved by the department supervisor and may be refused if approval is not in the best interest of the department or University. Leave without pay can be canceled by the University upon five workdays written notice. The employee may return to work before the end of the leave with written approval of the department supervisor. Leave without pay should benefit both the employee and the University. Such arrangements should be rare in occurrence and be limited to a specified length of time.

2.6 FAMILY AND MEDICAL LEAVE ACT

East Central University is, to the extent required by law, in compliance with the Family and Medical Leave Act (FMLA) of 1993, and the expansion of FMLA under the Support for Injured Service Members Act of 2007. The following procedures and rules are in effect for employees:

To be eligible for FMLA leave, an employee must have worked for ECU for at least 12 months, which do not have to be consecutive, and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. An eligible employee will be granted up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons: 1) for the birth of a son or daughter, and to care for the newborn child; 2) for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child; 3) to care for an immediate family member (spouse, child, or parent - but not a parent "in-law") with a serious health condition; 4) when the employee is unable to work because of a serious health condition; 5) exigent circumstances arising in connection with a covered family member's active duty or call to active duty in the Armed Forces; 6) to care for an injured or ill service member (extended 26 workweeks to care for injured or ill service member). Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

Spouses employed by ECU are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 workweeks (extended 26 workweeks to care for a covered service member with a serious injury or illness) during a 12 month period. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

The FMLA permits employees to take leave on an intermittent basis, or to work a reduced schedule under certain circumstances: 1) 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; or 2) 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 needing intermittent/reduced schedule leave for foreseeable medical treatment must request his/her supervisor to schedule the leave so as not to unduly disrupt operations, subject to the approval of the employee's health care provider. In such cases, ECU may transfer the employee temporarily to an alternative job with the equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Eligible employees seeking to use FMLA leave must provide: 1) a 30-day advance notice of the need to take FMLA leave when the need is foreseeable; or 2) notice as soon as practicable when the need to take FMLA leave is not foreseeable. The employee is not required to use the term “FMLA leave.” However, sufficient information must be provided for ECU to understand that the employee needs leave for FMLA-qualifying reasons. In addition, where ECU was not made aware that an employee was absent for FMLA reasons and the employee wants the leave counted as FMLA leave, timely notice (generally within two business days of returning to work) that leave was taken for an FMLA-qualifying reason must be given to the supervisor and also communicated with Employment Services. The employee is required to exhaust accrued paid vacation and/or sick leave for any of the situations covered by FMLA prior to being granted unpaid FMLA leave.

The University requires use of accrued paid leave while taking FMLA Leave. While using paid leave concurrently with FMLA leave, employees will exhaust sick leave first and annual leave only after sick leave has been fully exhausted.

ECU may require that the need for leave for a serious health condition of the employee or the employee’s immediate family member be supported by a certification issued by a health care provider. In such circumstances, the employee will have at least 15 calendar days to obtain the medical certification.

ECU will maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work. In some circumstances, ECU may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave. FMLA is one form of leave without pay, see sec. 2.5 Leave Without Pay.

Upon return from FMLA leave, the employee will be restored to his/her original job, or to an “equivalent” job, in terms of pay, benefits status, and other employment terms and conditions. In addition, an employee’s use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using (but not necessarily during) FMLA leave. The use of FMLA leave will not be a negative factor in employment actions.

For more information about FMLA or to obtain a FMLA request form, contact the Office of Employment Services. Additional information about FMLA can be found on the Department of Labor FMLA Poster.

2.7 EXTENDED MEDICAL LEAVE

East Central University may continue to require a physician’s statement periodically from employees on medical leave. Failure to provide a statement from the physician could lead to disciplinary action, including termination. Failure to return to work at the beginning of the next scheduled work day after being released by the physician may result in disciplinary action, including termination.

The actual position held by the employee may be held for a reasonable period of time after the exhaustion of paid leave, to be determined by the needs of the University and applicable law. After that time, the employee may be terminated.

2.8 MEDICAL TERMINATION

Employees who are unable to perform his/her essential assigned job functions, with or without reasonable accommodation, may be terminated if their continued absence would impose an undue hardship on the operation of the University. Failure to return to work at the beginning of the next scheduled work day after being released by the physician may result in disciplinary action, including termination.

2.9 MILITARY LEAVE

Per Oklahoma Statute 72 O.S. § 48, all employees who are members, either officers or enlisted, of the Reserve Components to include the Army and Air National Guard and the Army, Navy, Air Force, Marine Corps, the Coast Guard Reserves, or any other component of the Armed Forces of the United States, shall, when ordered by the proper authority to active or inactive duty or service, be entitled to a leave of absence for the period of such service without loss of status or seniority. During the first thirty (30) regularly scheduled work days of such leave during the federal fiscal year, the employee shall receive his full regular pay. During the remainder of such leave in any federal fiscal year, the President may elect to pay the employee an amount equal to the difference between his full regular pay and his military pay.

Prior approval must be obtained by submitting a notarized photocopy of the duty orders to the employee's supervisor. The supervisor must sign the notarized copy and forward it to the attention of the appropriate vice president, who will sign and forward to the President. A photocopy of the notarized document should be forwarded to the Employment Services Office for filing.

Per Oklahoma statute, O.S. Title 44, Section 209 and provisions of USERRA, all employees of the University who are members of any component of the Armed Forces of the United States shall, when ordered by proper authority to active duty or service, be entitled to a leave of absence for such active service up to five years (exception to the five year limitation may apply).

USERRA requires the following of employers:

- Allow employees to participate in military service
- Prompt reinstatement back into job following military service
- Accumulation of seniority, including pension plan benefits
- Reinstatement of health insurance
- Training or retraining of job skills, including accommodations for disabled
- Protection against discrimination

Service members also have responsibilities regarding military leave notice and reporting back to work.

Eligible employees may be entitled to certain benefits under the federal Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §4301 et seq. and the applicable regulations thereto. For more detailed information regarding the above policy and procedures, please contact the Employment Services Office.

2.10 VOTING LEAVE

Per Oklahoma statute, Title 26 7-101, East Central University is committed to giving all

employees a reasonable amount of time off with pay for the purpose of voting in national, state, and local elections. Therefore, any registered voter employed at the University may be granted two (2) hours of time during the period when the election is open in which to vote, and if the employee is located in the county or at such distance from the voting place that more than two (2) hours are required in which to attend such elections, then the employee shall be allowed a sufficient time in which to cast his/her vote. No employee shall be entitled to such time to vote unless he/she notifies his immediate supervisor orally or in writing of the intention to be absent on the day preceding the election day. Upon proof of voting, such employee shall not be subject to any loss of compensation or other penalty for such absence. The University shall select the hours which the employees are allowed to attend the elections and shall notify each employee which hours he/she is to have in which to vote. This policy shall not apply to an employee whose work day begins three (3) hours prior to the time of closing the polls. The employer may change the work hours to allow such three (3) hours before the beginning of work or after the work hours. The Act does not apply to school board or bond elections.

2.11 JURY DUTY

Jury duty will be reported on a Request/Approval of Leave Form but will not be counted against sick leave or annual leave.

Employees summoned to be on jury duty must submit a copy of the summons with the Request/Approval of Leave Form. After completing jury duty, evidence of having served on a jury for the time claimed must be submitted to the department supervisor.

2.12 COURT DUTY

When an employee is subpoenaed to appear in court, he/she must submit a copy of the subpoena to the Employment Services Office. At that time a ruling will be made as to how the leave will be charged after consultation with the appropriate supervisor. Employees subpoenaed as a witness for the Federal Government, State of Oklahoma, or a political subdivision thereof, or in private litigation as a representative of the University, are entitled to leave with full pay. Employees subpoenaed in private litigation to testify as an individual will be required to use annual leave, compensatory time, or leave without pay.

2.13 INCLEMENT WEATHER

Because of the unpredictable nature of Oklahoma weather, combined with the large number of commuter students at East Central University, on occasion administrative offices will be closed and classes will have to be canceled or delayed. When classes are canceled or a late starting time is announced, all local media are called by the designated University official as soon as possible. The closing or late opening of administrative offices will be announced separately from the class changes.

If the President of the University deems it necessary to close or delay the opening of University offices due to inclement weather conditions, all REGULAR FULL-TIME employees will be given University-paid leave time for such absence. If an employee is required to work during this time, appropriate compensatory time will be given. This leave will not be deducted from any of the accumulated leave balances of the employee. PART-TIME HOURLY AND FULL-TIME/TEMPORARY employees, including students, WILL NOT be paid for this time off. The department supervisor has the authority to allow hourly employees additional work hours over the

weekend or during a following workweek to compensate for hours lost due to the time that the University was closed.

3. HOURS OF WORK

3.1 WORKWEEK

For payroll record-keeping purposes, the workweek at East Central University begins at 12:00 a.m. Saturday and ends at 11:59 p.m. Friday. The workweek is defined as being 40 hours. Administrative office hours are normally 8:00 a.m. to 5:00 p.m. Monday through Friday.

3.2 FLEXTIME

Flextime is an alternative work pattern that allows departmental supervisors the flexibility to vary the arrival and departure times of departmental employees. This arrangement allows variations in the length of the workday/workweek. All flextime decisions are subject to departmental approval; control and supervision and all exceptions will be handled by the department's supervisor on a case-by-case basis. Flextime should benefit both the employee and the University. Such arrangements should be rare in occurrence and be limited to a specified length of time.

3.3 OVERTIME/COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

The University's policy is to give compensatory time off in lieu of payment of overtime worked. This policy should be followed in every possible situation.

3.3.1 Accrual

When a non-exempt employee works more than 40 hours during the work week (see section 3.1), he/she will be given compensatory time at the rate of one and one-half hours for each hour worked over 40. Accrual of compensatory time must be approved in advance by the employee's supervisor except in cases of emergency. For the purpose of computing compensatory time, all paid leave, i.e., annual leave, sick leave, etc. as well as compensatory time used will not be counted as actual hours worked. **Payment** of overtime is at one and one-half times the hourly rate. For salaried, non-exempt employees, hourly rate = monthly salary divided by 173.

3.3.2 Authorized and Utilization

Compensatory time accrued for overtime hours worked will be utilized at a time mutually agreeable to the employee and his/her supervisor. This time will also be utilized with the least amount of disruption of University operations and departmental hardship. Use of compensatory time must be approved in advance by the employee's supervisor except in cases of emergency. **Payment** for overtime hours worked must be approved in advance by the Vice President of Administration and Finance. *A compensatory time balance must be exhausted before use of annual leave unless this action will result in a loss of annual leave due to the accrual maximum.*

Compensatory time should be utilized before the end of the fiscal year during which it was accrued if possible. In accordance with FLSA (Fair Labor Standards Act) standards, the maximum compensatory time accrual for non-exempt employees is 240 hours (160 hours of actual overtime hours worked). Non-exempt campus police may accrue a maximum of 480 hours (320 hours of actual overtime hours worked). Although these are the maximum number hours allowed by law, it is desirable to limit the number maximum compensatory time accrual for

employees other than campus police and physical plant employees to 60 hours when possible (40 hours of actual overtime hours worked); campus police and physical plant employees may accrue a maximum of 81 hours (54 hours of actual overtime hours worked). *The applicable Vice President must approve, in advance, the accrual of hours beyond the desired 60 and 81 hours, but may not approve any additional hours that exceeds the limit established by law.*

When an employee transfers from one department to another, he/she is required to use accrued compensatory time prior to the transfer unless circumstances prevent the use of compensatory time. The Vice President of Administration and Finance must approve overtime **payment** of those hours. In addition, when an employee takes a medical leave of absence, accrued compensatory time can be added to other appropriate leave time for additional time off when necessary. This additional time must be approved by the employee's supervisor.

3.3.3 Recordkeeping Requirements

Non-exempt employees are required to complete a monthly time record to record actual work, leave and compensatory time. The time record is to be approved by their supervisor and submitted to the payroll office by the tenth (10th) day of the succeeding month.

3.3.4 Employment Separation

Upon employment separation, a non exempt employee shall be paid for unused compensatory time in accordance with applicable law.

3.4 WORK BREAKS

A brief paid break from work is extended to employees as a privilege and not a right. Breaks should be arranged with the supervisor or department supervisor. A work break should be no more than 15 minutes twice a day. Break time cannot be accumulated, added to lunch period, or otherwise used to shorten the workday or workweek.

3.4.1 Accommodations for Working Mothers

East Central University will provide a reasonable place for nursing mothers to express breast milk in accordance with applicable law. The University will provide a reasonable break time and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. A secure and private room will be accessible for nursing mothers for each time she needs to express breast milk for up to one year after the child's birth. The employee will request and arrange, with her supervisor, appropriate and reasonable break times or flexible scheduling for nursing or expressing breast milk.

All employees, supervisors, and administrators will assist in providing a positive atmosphere of support for nursing employees.

3.5 LUNCH PERIOD

The unpaid lunch break consists of one hour daily unless otherwise scheduled by the department supervisor to meet special needs. Employees may not forego the lunch period to shorten the workday or workweek.

3.6 TARDINESS

Employees are expected to be at his/her work stations at the scheduled work time. Habitual tardiness will be a matter for disciplinary action, including termination.

3.7 ABSENTEEISM

Employees who are absent from work shall be responsible for notifying his/her supervisor when they are absent and indicating when they will report back to work. The employee will notify the supervisor personally as soon as possible, but no later than the beginning of the shift. Any employee who fails to comply with this rule will be subject to disciplinary action, including termination. Excessive absenteeism will be reflected in the employee job performance evaluation and may lead to disciplinary action, including dismissal.

3.8 OUTSIDE EMPLOYMENT

A person who accepts full-time employment at East Central University assumes a primary professional obligation to the University. Any other employment or enterprise in which an employee engages for income must be understood to be definitely secondary to his/her University work. Employees may not re-arrange work schedules to accommodate outside employment. Working outside the University's assigned and authorized employment will not be permitted when the working hours of such employment are contemporaneous with the employee's regular hours at the University without approved leave that is either leave without pay or accrued annual leave.

Outside employment must not be a conflict of interest or have the perception of being a conflict of interest with his/her University work. If outside employment becomes a problem for the employee to perform his/her University work in a satisfactory manner, the employee will be asked to take corrective action, not to exclude the termination of outside employment. Any employee working outside the University on a regular basis should advise his/her immediate supervisor.

3.9 ABANDONMENT OF POSITION

The University reserves the right to terminate employment after an employee has failed to report to work for three consecutive workdays without notifying his/her supervisor. Such employee will be considered to have resigned his/her position. The last day of work will be the effective termination date for payroll.

4. WAGE AND SALARY

The wage and salary program of East Central University is administered by the Employment Services Office and provides for salaries comparable to those paid for similar positions in the surrounding area, based on the University's ability to pay. The program also provides recognition for differences in individual ability and performance.

The Employment Services Office shall, upon need or request, conduct classification reviews on studies of any position or classification, and may revise the classification plan or any individual position classification according to findings.

4.1 EXEMPT AND NON-EXEMPT CLASSIFICATIONS

The Employment Services Office shall determine and specify those classifications which shall be exempt, subject to the provisions of the Fair Labor Standards Act. All classifications not specifically determined to be exempt shall be considered non-exempt classifications.

4.1.1 Exempt Classification

Exempt classifications are those classifications which shall neither be entitled to the earning of, accrual of, or credit for overtime. The department supervisor has the discretionary authority to arrange the work schedule of an exempt employee.

4.1.2 Non-exempt Classification

Non-exempt classifications are those classifications which shall be eligible for earning of, and credit for, appropriately authorized overtime. These employees must maintain a time record reflecting actual hours worked.

4.2 SALARY INCREASES

The salaries of all employees are reviewed annually. During the month of October of each year, pending approval, the employment verification is issued with approved salary.

Any adjustments are based on work performance, promotion, demotion, labor market conditions, legislative actions, and budget constraints.

4.3 PERFORMANCE APPRAISAL PROCESS

Supervisors are responsible for monitoring their employee's performance on a continuous basis. Supervisors must meet with their employees not less than monthly so that employees are both praised and counseled in a timely manner. Any written evaluation regarding insufficient or ineffective performance must be provided to Employment Services for inclusion in the employee's personnel file.

4.4 PAY DAY

All salaried employees shall normally be paid the last staff working day of the month. Any questions concerning payroll dates should be directed to the Employment Services Office.

4.5 HOLIDAY PAY

To be eligible for University-approved holiday pay, an employee must be a regular full-time (75% or more) employee and, if regularly scheduled to work on a holiday, the employee must be in paid status on both the day before and the day after the holiday. Some exceptions exist including police, custodial, Wellness Center, etc.

If a designated holiday falls within a vacation period, it shall not be charged against vacation time. Any regular full-time employee required to work on a holiday will be entitled to a substitute holiday off to be scheduled by the supervisor. If an employee is scheduled to work on a University-approved holiday and becomes ill, the employee will receive sick pay for that day.

4.6 GARNISHMENTS

Each employee is expected to take care of his/her financial obligations independent of the University.

The University will accept court-ordered wage assignments, garnishments, and tax levies and will process them in the legally prescribed manner.

5. EMPLOYMENT/TERMINATION POLICIES

5.1 DEFINITIONS

5.1.1 Employment

5.1.1.1 Initial Employment refers to placing an individual on the payroll for the first time.

5.1.1.2 Re-employment refers to placing a former employee on the payroll after a break in service of more than 90 days.

5.1.1.3 Reinstatement refers to placing a former employee on the payroll after a break in service of 90 days or less.

5.1.2 Promotion

The advancement of an employee to a classification with a higher pay range.

5.1.3 Transfer

A transfer occurs when an employee moves from one position to another position of equivalent responsibility within the same pay range.

5.1.4 Demotion

The movement of an employee to a classification with a lower pay range. A demotion may result in a pay decrease. Demotions may be disciplinary or non-disciplinary.

5.2 EMPLOYMENT CATEGORIES

Positions at East Central University are categorized as one of the following:

5.2.1 Regular Full-time Employees

Those employees who work at least 30 hours per week and maintain continuous regular employment status.

5.2.2 Regular Part-time Employees

Those employees who work less than 30 hours per week and who maintain continuous regular employee status. Employees in this classification may work more than 30 hours per week on occasion, but should not average over 30 hours per week.

5.2.3 Temporary Employees

Employment which is expected to last less than six months. Temporary employees are not eligible for benefits.

5.2.4 Student Employees

Student employee status applies to those employees currently enrolled in East Central University whose primary purpose for being at the University is to obtain an education.

Student employees should be enrolled in at least six hours for fall and spring and three hours for summer.

5.2.5 Requirements for E-Verify System compliance, in accordance with Oklahoma Statutes. Compliance activities are performed by the Employment Services Office.

- Employment eligibility verification (Form I-9) must be completed and signed when a newly hired employee has accepted his/her position.
- The newly hired employee must present original documentation to establish identity and employment eligibility within 3 business days of hire.
- Documentation presented must include a document with a photo. A list of acceptable documents will be provided to the employee with the Form I-9.
- Photocopies are not acceptable – the only exception is a certified copy of a birth certificate.
- The Employment Services Office will perform verification inquiries (E-Verify) within three business days of hire.

5.3 RECRUITMENT AND SELECTION PROCEDURES

POLICY: East Central University is an equal opportunity employer. The University hires individuals based on their qualifications and ability to perform the position without regard to race, color, national origin, gender, age, religion, disability, sexual orientation, genetic information, or veteran status. Each individual, while employed at ECU, is expected to make significant contributions to the overall strategic success of East Central University.

This policy has been established to assure complete communications, necessary records, and the employment of qualified personnel to provide proper controls in staffing complements, and to ensure compliance with applicable laws. The employment function is centralized and is coordinated through the Employment Services Office.

PROCEDURE: The hiring procedures for ECU (except as detailed in section 5.8) are outlined as follows:

1) **Authorization**

When a department director/chair opens a new or vacated position, the *Employment*

Request form should be completed and routed through appropriate administrative channels for approval. A current job description must be attached to the form. The **Employment Request** form also has a section to complete if external advertising is necessary. It is recommended that a closing date be listed on the request form. Upon receipt of authorization, the Employment Services Office will begin the search process for applicants by the procedures identified below. When chosen, the Employment Services Office will be notified of the Screening Committee Chairperson and members for the particular search.

2) Position Announcements

Unless a Direct Appointment is approved by the President (see 5.8 below) ECU employees are notified first for all regular exempt and non-exempt vacancies by campus-wide email sent from the Employment Services Office. Each vacancy will also be posted on ECU's Employment Services web page under "Prospective Employee Information." Vacancies will remain on the web site until the position is filled, or at management's discretion. Part-time and/or temporary vacancies will be posted on the web site only as requested by the department director/chair. Positions are advertised externally based upon need and budget requirements. The Employment Services Office is responsible for coordination and placement of all external advertisements.

3) Application Process

Interested individuals will follow the application process identified in the vacancy announcement. It is the responsibility of each applicant to send required materials to the Employment Services Office, room 160 1100 East 14th, Ada, Oklahoma, prior to the closing date (if identified). The Employment Services Office will process each application and notify applicants of any missing documents required to complete the applicant file. Each applicant file will be maintained by the Employment Services Office until the Screening Committee Chairperson, or his/her designee, picks them up to begin the screening process. Any application material received after the closing date of the vacancy will not be considered.

4) Responsibility of the Screening Committee

All applicants for a posted vacancy will be considered on the basis of his/her qualifications and ability to perform the job successfully. The Screening Committee will receive a committee packet in accordance with ECU's affirmative action guidelines. The Employment Services Office has additional information available upon request to assist the committee.

The Screening Committee will complete the following procedure in order:

- Review all applications and select those applicants who have the required knowledge, skills, and abilities identified in the vacancy announcement.
- After this initial screening, the committee will identify an average of 2-5 applicants for scheduled interviews, depending on the size of the qualified applicant pool.
- The committee packet includes guidelines for interview competencies. Utilizing these guidelines, the committee will determine the content of the interview questions and type of interview for each applicant. Committee members should

carefully review the "Appropriate/Inappropriate Questions" list included in the committee packet. A structured interview process is imperative to ensure that each applicant is interviewed without discriminatory treatment or bias.

- During each interview, the committee members may take notes on a sheet of paper other than the applicant's resume/application.
- After the interview process, the committee will determine those applicants who are best qualified for selection. The committee members will check and document professional references.
- At the same time the professional references are checked, the Committee Chairperson, or his/her designated committee member, will contact the Employment Services Office to request criminal background checks. The applicant's FULL NAME will be given. The Employment Services Office will notify the Committee Chairperson whether the criminal background check results on each applicant is "approved" or "not approved."

5) Applicant Selection

The committee will review all interview notes, all reference checks, and will choose or recommend to the appropriate Vice President and/or President the candidate for hire. Upon approval of the Vice President, the Screening Committee Chairperson will make a conditional offer to the successful candidate contingent upon background check results. A "Full-time Appointment" sheet will be completed by the hiring department director/chair and forwarded to his/her Vice President. If authorized, the Screening Committee Chairperson will contact the selected candidate to confirm the initial offer, and schedule a start date.

After the selection process is complete, the Screening Committee Chairperson should complete the *Applicant Selection Form* from the Committee Packet - all applicants for the position will be included on the form. Each applicant interviewed, but not selected, should be called personally to inform him/her of the committee's decision. The Screening Committee Chairperson will return all applicant files, documented references, and the completed *Applicant Selection Form* to the Employment Services Office. Employment Services will send notification letters to all applicants not interviewed.

6) Orientation

On the scheduled start date, the employee will receive a "New Employee Packet" with all required paperwork and information. A member of the Employment Services Office will review the packet contents with the employee, then take the employee to the University Center to obtain his/her identification card and parking permit. All required paperwork (payroll data, enrollments, etc.) will be completed and returned to the Employment Services Office within one week of the initial hire date.

5.4 EMPLOYMENT TESTING

Federal regulations require that employee selection testing, if prescribed by a department or the Employment Services Office, be validated to show a direct relationship between test results and job performance. Employment tests are not to be used until they have been approved by the Employment Services Office.

5.5 PROBATIONARY PERIOD

The probationary period is a time for demonstrating the skills and abilities to perform the duties assigned. Every supervisor should routinely keep notes on his/her employees' performance and especially document counseling sessions. As an employee's evaluation period approaches (during the sixth month), each supervisor should review those notes to consider whether the employee should be retained as a regular employee. The probationary period can be extended by no more than three months if the situation warrants it. Administrators will serve a one year probation period. The probationary period is an extension of the selection process.

If there is an interruption of service during the probationary period, the time lapse during the interruption shall not be included as part of the probationary period. Probationary employees will not have access to the Grievance Procedure.

Upon promotion to a new classification, transfer, or demotion, employees shall be placed in a six-month probationary period to allow the department supervisor a sufficient amount of time to measure the efficiency and productivity of the employee. Such probationary periods do not affect an employee's eligibility for accrual or use of University benefits.

If an employee fails to learn procedures or if the employee persists in poor work habits, a supervisor may recommend termination. It is the responsibility of all supervisors to carefully inform new employees of standards, rules, and procedures of the work place and provide them with appropriate positive direction during his/her orientation. An employee may be dismissed without prior notice at any time during the probationary period. Recommendations for dismissals shall be recommended to the appropriate Vice President.

5.6 VACANCIES

In an emergency situation, a person can be hired, with the approval of the appropriate vice president or the President, to temporarily fill a regular full-time/part-time position; however, the position should be opened for advertising.

Employees wishing to be considered for a vacancy should apply through the Employment Services Office.

5.7 VERIFICATION OF DEGREES

For positions requiring technical training, or positions of Director and above, all applicable academic degrees will be verified. When a tentative offer is made, the candidate will be asked to provide Aofficial@ copies of transcripts to the Employment Services Office. For purposes of expediency, the Employment Services Office may verify the degrees with the granting institution, but will still require that Aofficial@ transcripts be received and added to the employee's personnel file prior to the start of employment.

5.8 DIRECT APPOINTMENT

Direct appointments can be made with the approval of the President. This policy provides operational efficiency, equitable consideration, and opportunity for qualified employees to fill managerial level positions at East Central University.

Direct appointments will be used only in exceptional cases when the need to fill the position is immediate, or the field of eligible internal candidates is known, or a current employee has been effectively performing higher level duties for an extended period of time, or when it is considered to be in the best interest of the University to do so.

5.9 INTERIM OR ACTING APPOINTMENTS

It is the policy of East Central University to provide an interim salary increase for current staff who are serving in a temporary position of higher grade until the vacant position is filled.

The requesting department supervisor, dean, etc., through the appropriate Vice President and the Employment Services Office, will determine the salary for the interim classification on a case-by-case basis.

For information pertaining to process, procedures, and obtaining forms please contact the Employment Services Office.

Any acting or interim administrative appointment must be made using the following definitions and guidelines:

1) Acting appointment: (prior to a full search)

The appointing officer should consider as wide a range of candidates as possible. The appointment will be considered temporary, and will be made for a specific and reasonably limited period of time. An acting appointment is always made to allow an office or academic unit to continue to function under effective leadership while a search is underway. If the individual filling the position is a candidate for the position on a permanent basis, he or she shall be subject to the same process and review which are applied to other candidates for the position.

2) Interim appointment: (following a full search)

If a full search produces no suitable permanent candidate and a person from the qualified pool is chosen to serve on an interim basis for a specified period of time, that person may be reappointed permanently or promoted at a later date (in accordance with appropriate policies) without an additional search, provided there has been satisfactory performance during the interim period.

5.9.1 Nepotism

Being a relative of a University employee shall not prevent a person from being employed or advanced in University employment. However, no two persons who are related within the third degree of kinship shall be given positions in which either one is directly responsible for making recommendations regarding hiring, promotion, salary, or retention of the other. For all purposes involving the application of this policy, a relative within the third degree is defined as a parent, spouse, child, brother, sister, the foregoing as in-laws, and other close relatives by birth or marriage, such as, but not limited to aunt, uncle, nephew, or niece.

Neither of the two persons so related, who hold positions in the same budgetary unit, shall be employed in an executive or administrative position in that same unit.

5.9.2 Promotions and Transfers

To provide equitable consideration and opportunity for qualified employees to fill job vacancies at East Central University, promotions and/or transfers can be made. An employee desiring a transfer to another position should contact the Employment Services Office. Arrangements for interviews and transfers will be made in agreement with the employee and supervisor.

The University encourages the upward mobility of employees to positions for which they are qualified and which meet his/her career interests and objectives. Any East Central University employee is eligible at any time to apply for vacant positions, regardless of length of service.

Promotions will be based on qualifications including experience, education, attendance, ability, and other job-related factors. Employees interested in promotional opportunities must provide the Employment Services Office with updated employment application material as positions open.

5.9.3 Re-employment

Those employees who terminate his/her employment under satisfactory conditions and who desire to return after the expiration of 90 calendar days may do so upon application and completion of proper documents with a recommendation from the department supervisor and approval by the President. The returning employee in this category would return with no restoration of previous benefits.

5.9.4 Reinstatement

Employees who are reinstated to a full-time position by the University within 90 calendar days following termination under satisfactory conditions, will have his/her previously accrued sick leave balance and vacation accrual rate restored to his/her employment record.

5.9.5 Retirees Returning to Work

Oklahoma Teachers' Retirement System regulations require a minimum of 60 calendar days between a retiree's last day of pre-retirement public education employment and any such post-retirement employment. Retirees may be considered for full or part-time employment, but only within the parameters established by the Oklahoma Teachers' Retirement System. Copies of the regulations and further information are available through the Employment Services Office.

5.9.6 Termination

Although both the separating employee and East Central University may terminate employment at-will, the University requests an employee give at least a ten work-day notice.

The letter of resignation will be submitted to the division or department supervisor, who will then submit it to the Employment Services Office and/or the President. The salary of an employee whose services are terminated before the end of the month will be prorated on the basis of work days during the month of termination. The employee must complete the exit process.

5.9.7 Reduction in Workforce

It is the policy of the University to provide stable employment to its employees. However, conditions may arise which necessitate a reduction in the University's work force. Employees, including those on leave, may be separated from University service when positions are discontinued because of insufficient funding, lack of work, program changes, or changes in the structure of departments, divisions, or other University administrative units.

5.9.8 Termination Exit Process

The employee must complete the exit process before the final pay check will be issued. Prior to the last day of work, the employee will schedule an exit interview with the Employment Services Office. The process includes turning in all University property, such as keys, identification card, parking permit, credit cards, library books, uniforms, clearing all University debts, clearing Information Technology (IT), and completing an exit interview. Upon termination, all financial obligations to the University must be settled.

An employee cannot extend their termination date beyond either the last day actually worked or exhaustion of accrued annual leave.

5.9.9 Leave Policy for Employees Appointed to Externally Funded Accounts

- 1) Employees appointed to externally funded accounts shall accrue annual leave and sick leave at a rate consistent with similar non-externally funded positions at the University.
- 2) Employees appointed to externally funded accounts are expected to use all accrued annual leave and sick leave during the specified period of appointment. Except as noted in item 3 of this policy, there shall be no payment for any accrued annual leave or sick leave for employees appointed to external funded accounts. All unused annual leave and sick leave shall be forfeited at the point of employment termination. Accrued sick leave may be documented for credit with the Oklahoma Teachers' Retirement System.
- 3) Employees appointed to externally funded accounts that terminate their appointment under satisfactory conditions and who have been employed by the university more than one-year in a benefits-eligible position may be compensated for accrued annual leave if the externally funded project contains a separate account with sufficient funds to pay for accumulated leave and if approved by the immediate supervisor, appropriate Vice President and the Office of Sponsored Programs. Total compensation shall not exceed ten (10) days of accrued annual leave.
- 4) If an employee appointed to an externally funded account transfers or is appointed to a non-externally funded account, the University may allow the employee to transfer all accrued annual leave and/or sick leave. Request to transfer annual leave and/or sick leave must be approved by the supervisor and appropriate Vice President of the position to which the employee is transferring.

5.10 CLOSEOUT PROCEDURES FOR EXTERNALLY FUNDED PROJECTS

- 1) At least 90 days prior to the termination of an externally funded project, the Employment Services Office shall notify any employees appointed to the externally funded project of the end date of the project and the subsequent termination of employment. The Employment Services Office shall initiate and coordinate termination processes to the extent required by

- the University and the State of Oklahoma.
- 2) Prior to termination of an externally funded project, the project director will work with the immediate supervisor to develop a plan for storage of and access to project records. These records shall be maintained by the supervisor in accordance with record retention requirements of the State of Oklahoma and the funding agency.
 - 3) Prior to termination of an externally funded project, the project director will work with the immediate supervisor to dispose of and/or to transfer any unused materials and equipment in accordance with policies of the University, the State of Oklahoma, and the funding agency.
 - 4) Prior to termination of an externally funded project, the project director will complete, or make to be complete, all project-related reports as required by the university, the State of Oklahoma, and the funding agency.

5.11 NO-COST EXTENSIONS

Project Directors of externally funded projects may request a no-cost extension to the extent allowed by the funding agency. Prior to submitting a no-cost extension to a funding agency, project directors shall prepare a justification and budget for the no-cost extension period at least 120 days prior to the ending day of the project. The justification and budget shall be forwarded to the immediate supervisor, appropriate Vice President, and to the Office of Sponsored Programs and Research for approval. After approval, the project director may then forward the request to the funding agency.

5.12 REFERENCE CHECK

All inquiries regarding a current or former East Central University employee must be referred to the Employment Services Office.

Should an employee receive a written request for a reference, he/she should refer the request to the Employment Services Office.

Under no circumstances should any ECU employee release any information about any current or former ECU employee over the telephone. All telephone inquiries regarding any current or former employee of ECU must be referred to the Employment Services Office.

In response to an outside request for information regarding a current or former ECU employee, the Employment Services Office will furnish or verify only an employee's name, dates of employment, job title, and department. Additional data regarding the employee shall not be furnished unless the employee or former employee authorizes ECU to furnish this information in writing that also releases ECU from liability in connection with furnishing this information, or ECU is required by law to furnish any information.

6. GENERAL INFORMATION

6.1 CONFIDENTIALITY STATEMENT

All East Central University records and information relating to ECU or its employees are confidential and employees must, therefore, treat all matters accordingly. No ECU or ECU-related information, including but not limited to documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf

of ECU) may be removed from ECU's premises without permission from ECU. Additionally, the contents of ECU's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose. Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside ECU. Employees who are unsure about the confidential nature of specific information must ask his/her supervisor for clarification. Employees will be subject to appropriate disciplinary action, including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

6.2 TAPE RECORDING POLICY

It is a violation of East Central University policy to record conversations with a tape recorder or other recording device unless prior approval is received from your supervisor or a member of upper-level management, or all parties to the conversation give their consent.

6.3 ACCESS TO PERSONNEL FILES

For the purpose of making employment decisions, the University maintains individually identifiable personnel and confidential files on persons who have been or who are its employees.

Individual employees are entitled to access his/her personnel and confidential files. Access to appropriate records shall be in accordance with the provisions of this policy, the University's Open Records Policy, and the States Open Records Act.

6.3.1 Contents

The Employment Services Office, as custodian of personnel and confidential files, shall determine information to be placed in the files. Only information as is germane to the person's employment with the institution shall be retained in these files. Examples of this type of information are:

- Information pertaining to bona fide occupational qualifications.
- Personnel actions, such as appointment, change of status, etc.
- Individuals may ask that materials relevant to his/her employment be included in his/her personnel file by written request to the Employment Services Office. An individual may not remove or add any records to his/her personnel file at the time of inspection.

6.3.2 Open Records Act

The following records shall be deemed confidential and may be withheld from public access:

- (a) Those relating to internal personnel investigations including, without limitation, examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation;
- (b) Those where disclosure would constitute a clearly unwarranted invasion of personal privacy such as, but not limited to, employee evaluations, payroll deductions, and employment applications submitted by persons not hired by the University;

- (c) Those specifically required by law or University policy to be kept confidential.

Personnel records not specifically falling within the exceptions provided above shall be available for public inspection in accordance with the Open Records Act.

- 6.3.3 Supervisors or administrators shall have access to the personnel files of persons employed or being considered for employment in his/her areas of responsibility on a need-to-know basis and shall have authority to share the information with others responsible for personnel recommendations and/or decisions. Further, other institutional officers or employees showing a legitimate need for the information shall be permitted such access.

Except as may otherwise be made confidential by statute or University policy, an employee (or his/her designee as authorized in writing and signed by the consenting employee) shall have a right of access to his/her own personnel and/or confidential file, under the following conditions:

- (a) Letters of evaluation and/or recommendation that apply to pre-employment qualifications, and/or promotions that are solicited in confidence or sent with the expectation of confidentiality shall be deemed confidential and unavailable to the employee unless otherwise ordered by a court of law.
- (b) An individual wishing to inspect his/her personnel and/or confidential file submits a written request for inspection to the custodian of the files.
- (c) An individual may not remove or add any records to his/her files at the time of inspection.

6.3.4 Correction of Records

An employee may dispute the accuracy of any material included in his/her personnel and/or confidential file. Such questions should be directed to the custodian of the file in writing. If the questions are not resolved by mutual agreement, the employee may initiate a formal challenge through the employment grievance procedures as outlined under section 9 *Grievance Procedure* of the handbook.

6.3.5 Duty to Update Records

To keep necessary University records up to date, it is extremely important that you notify the Employment Services Office of any changes in:

- Name and/or marital status
- Address and/or telephone number
- Number of eligible dependents
- W-4 deductions
- Person to contact in case of emergency
- Beneficiary designations

6.4 VIOLENCE IN THE WORKPLACE

ECU strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. All instances of violence must be reported to the employee's supervisor and/or the Employment Services Office. All complaints will be fully investigated.

ECU will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including immediate discharge.

6.5 WEAPON POLICY

The safety of the students, faculty, staff, and visitors of East Central University is of the highest priority. In compliance with 21 O.S. §1272, **no person, other than an authorized Peace Officer, may have in his/her possession a weapon of any kind while on the campus or while participating in any activity on behalf of East Central University.** University property includes all vehicles, buildings, offices, grounds, or other premises either owned, leased, or controlled by East Central University or its affiliates. Activities of East Central University include, but are not limited to, normal daily business and attendance at any authorized University-sponsored function.

This policy applies to all University faculty, staff, students, and visitors, whether or not an individual has been issued a license to possess a firearm under the provisions of the *Oklahoma Self-Defense Act*, or other similar state or federal statutes or regulations. Any employee found to be in violation of the concealed weapon policy is subject to disciplinary action including immediate termination of employment. A visitor to the University who violates this policy is subject to immediate removal from University property.

East Central University expects and demands that no dangerous weapon of any type be brought onto its campus without *prior written approval* of the President of East Central University.

6.6 CONFLICT OF INTEREST

An employee has an obligation and responsibility to report to his/her supervisor any outside business or financial activity which is or may be in conflict with the interests of the University or which interferes with the performance of his/her duties. Violations of this policy will be considered grounds for disciplinary action, including termination.

6.6.1 Employee Dating Policy (Also see **Sexual Relationship Policy, page 44**)

Policy:

The University strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to influence others.

Procedures:

- Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person anywhere on University premises, whether during working hours or not.
- Consensual relationship may easily be construed as harassment or exploitation at a later time. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the University disciplinary

- policy.
- Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another ECU employee. Disclosure may be made to the immediate supervisor or the Employment Services Office. This disclosure will enable the University to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

6.7 DRIVER'S LICENSE PROCEDURE

It is a University policy that employees who are required to operate a University motor vehicle on any public roadway while in the performance of his/her regular job duties must have a valid driver's license issued by the State of Oklahoma.

6.8 DRUG-FREE POLICY

In accordance with the federal Drug-Free Workplace Act, the University has established a Drug-Free Workplace Policy. East Central University recognizes its responsibility as an educational and public service institution to promote a productive work environment. This responsibility demands implementation of programs and services which facilitate that effort.

Federal law and the Board of Regents of the Regional University System of Oklahoma require the establishment of a Drug-Free Workplace Policy, with a signed acknowledgment of understanding and compliance, and the establishment of anti-drug programs that prohibit the use of illegal drugs in the workplace. For further detailed information, please contact the Employment Services Office.

6.9 ASSUMPTION OF PRIVACY AND INTERNET USE

Nothing contained within this Handbook may be interpreted as giving an employee an expectation of privacy. Offices, desks, computers, email, file cabinets, and other furniture and equipment provided by the State or from a grant, are not private although certain spaces may contain records that are specifically confidential. Each employee must ensure that there is clear access at all times to any materials or information which may be needed to conduct the business of ECU.

If you abuse your right to use the Internet, this right may be taken from you. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Your use of the Internet is governed by this policy.

There is no expectation of privacy. The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the University and may only be used for business purposes.

6.9.1 Monitoring Computer Usage

The university has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet,

monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users. The University cooperates fully with all duly constituted law enforcement agencies in cases of violation of applicable law. Use of University Network facilities, services, and information technologies does not alter basic codes of behavior of academic life.

6.9.2 Blocking of Inappropriate Content

The University may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by University networks, unless you have prior approval to view such sites as part of regiment research. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to university blocking software.

6.9.3 Prohibited Activities

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, sexual orientation or other characteristic protected by law), or violating ECU's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or sent or stored in ECU's computers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisors or the Employment Services Office.

Behaviors which are not permitted on university networks include but are not limited to:

- Violation of local, state or federal laws, RUSO or University policy
- Sharing confidential information on students or employees
- Assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition
- Engaging in practices that threaten the integrity of the University computer facilities, services and information technologies network (e.g., loading files that may introduce a virus or installing software not previously approved). Downloading and installing software is only allowed with prior approval from Information Technology. This also applies to the installation of hardware.
- Using others' accounts
- Trespassing in others' folders, documents, or files
- Intentionally wasting limited resources
- Employing the network for personal enterprises or business purposes
- Violating the ONENET Acceptable Use Policy (<http://lib.ok.us/client-services/category1/sub3/acceptableuse.htm>)
- Violation of the ECU Electronic Mail Acceptable Use Policy

The Network Supervisor will report inappropriate behaviors to the University administration who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations, or complaints will be routed to the employee's supervisor for appropriate action. Violations may result in a loss of access and/or disciplinary action, including termination.

6.9.4 Games and Entertainment Software

Employees may not use the university's Internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet.

6.9.5 Illegal Copying

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. For example, copying or downloading movies, music or other copyrighted materials is against the law. Peer-to-peer sharing of the copyrighted materials is also against the law.

6.9.6 Amendments and Revisions

This policy may be amended or revised from time to time, in writing, by the President as the need arises. Users will be provided with copies of all amendments and revisions.

Violations of this policy will be taken seriously and may result in disciplinary action, including termination, and possible civil and criminal liability.

6.10 E-MAIL POLICY

Computing services at East Central University are provided to promote administrative, educational, and research efforts of the faculty, students, and staff. All persons utilizing these services are responsible to ensure that computing services are used in an ethical and lawful manner.

Violations of electronic mail may result in the revocation of computer privileges. In addition, such actions may result in disciplinary review, sanctions, dismissal from the University, and legal action. Violations of the Electronic Mail Policy may constitute a criminal offense, punishable by local, state, or federal law.

Electronic mail communications are often the only contact you may have with a constituent. Therefore, email sent via any of the University's electronic communications systems must project a positive image of the University.

- All emails sent via the University's electronic communications systems should contain your name, title, and University contact information.
- No logos, slogans, quotes, or taglines including, but not limited to the ECU logo and tagline, should be part of an email signature.

6.11 CELLULAR PHONE POLICY

This policy outlines the use of personal cell phones at work, the personal use of University cell phones, and the safe use of cell phones by employees. Failure to follow the guidance provided may result in disciplinary action/and or termination.

6.12 PERSONAL CELLULAR PHONES

While at work employees are expected to exercise the same discretion in using personal cellular

phones as is expected for the use of University phones. Personal calls, including text messaging, during the work hours, regardless of the phone used can interfere with employee productivity, safety, and be distracting to others. Employees are directed to make personal calls during breaks and lunch period and to ensure that friends and family members are aware of the university's policy. ECU will not be liable for the loss of personal cellular phones brought into the workplace.

6.13 SAFETY ISSUES FOR CELLULAR PHONE USE

In compliance with SEC 11-901b of the Governor's Executive Order, in effect November 1, 2010, the operator of every vehicle, while driving, shall devote their full time and attention to such driving. The operator of the vehicle shall be cited if they are driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.

Employees whose job responsibilities include driving or equipment operation are expected to refrain from using their phone/communication device while driving or operating equipment. Safety must come before all other concerns. Under no circumstances are employees required to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

6.14 SPECIAL RESPONSIBILITIES FOR MANAGERIAL STAFF

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy. However, discretion regarding the level of appropriate personal cellular phone use will be left up to the corresponding supervisor.

6.15 VOICE MAIL POLICY

The Voice Mail system is the property of ECU. It has been provided by ECU for use in conducting ECU business. All communications and information transmitted by, received from, or stored in this system are ECU records and property of ECU. The Voice Mail system is to be used for ECU purposes only. Use of the Voice Mail system for personal purposes is prohibited.

Employees have no expectation of privacy in any matter stored in, created, received, or sent over the ECU Voice Mail system.

ECU, in its discretion as owner of the Voice Mail system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the Voice Mail system, for any reason without the permission of any employee and without notice.

Violations of ECU's Voice Mail policy may result in disciplinary action including discharge.

ECU reserves the right to modify this policy at any time, with or without notice. Any questions about this policy should be addressed to the Employment Services Office.

6.16 ETHICS POLICY

The State Ethics Commission was established under Article XXIX of the Oklahoma Constitution. The Commission is charged with promulgating rules of ethical conduct of

state officials and employees, including civil penalties for violations of such rules. State officers and employees are to comply with the Ethics Commission Act and the Ethics Commission Rules. The Rules and the Act deal with prohibitions against political activities, financial disclosure, conflicts of interest, and penalties and enforcement. For further detailed information, please contact the campus liaison.

6.17 IDENTIFICATION CARDS

The employee may obtain an identification card at no cost. The identification card admits the employee to certain designated University-sponsored events and library privileges. The identification card must be returned to the Employment Services Office at the time employment is terminated.

6.18 INCIDENT POLICY

East Central University is committed to maintaining a workplace environment that is safe and secure for all members of the University. Threats, threatening behavior, acts of violence and unwanted attention directed against other employees, visitors, or students by an employee of the University will not be tolerated.

All personnel are responsible for notifying his/her supervisor and/or East Central University Police Department of any threats which have been witnessed, received, or reported that another person has witnessed or received. Even without an actual threat, employees should also alert his/her supervisor to any behavior which can be regarded as threatening or violent when that behavior is job related or might be carried into the workplace. Employees are responsible for making this report regardless of the nature of the relationship between them and the person initiating the threat or threatening behavior.

The provision of a safe workplace and the protection of employees from threats to his/her safety cannot be effectively accomplished unless supervisors and/or East Central University Police Department are informed of these circumstances.

6.19 INFECTIOUS DISEASE POLICY STATEMENT

East Central University recognizes the need to analyze individual circumstances and respond to each person's infectious condition on a case-by-case basis. Responding to each case individually rather than developing a blanket policy is in the interest of flexibility, sensitivity, simplicity, and the balancing of legitimate interests.

Individuals will be permitted to work at and/or enroll in courses at East Central University unless the employee's personal physician, campus medical officials, or state or federal public health officials declare that an individual's disease represents a substantial risk to the health and safety of members of the university community. In such instances, appropriate measures will be taken to protect the institution and the individual.

For further detailed information, please contact the Employment Services Office.

6.20 KEYS

All requests for keys must be approved in writing by the chairperson, dean, or department supervisor and submitted to the Facilities Coordinator Office. This office is located in the

University Center.

Employees entrusted with keys are responsible for reporting any lost or stolen keys immediately. Employees may not copy nor have copies of keys made without written authorization from the Facilities Coordinator Office. **All keys must be returned to the Facilities Coordinator Office during the exit process or at the time of job change, office relocation, or lock change.**

6.21 LOST/MISPLACED/STOLEN OR DISCARDED ITEMS

Lost, misplaced, or stolen personal items such as jewelry, keys, clothing, etc., regardless of where found, should be turned in immediately to the information desk located in the university center. Student identification cards should be turned in to the same location. Do not turn in lost items to individual departments on campus. Student identification cards should be turned into the Student Development Office.

The procedure outlined below should be followed if an employee, while in the course of his/her duties, finds **discarded** equipment or items that appear to be of value:

Physical Plant Department or Purchasing Department will pick up the item, determine its value, and dispose of it properly.

6.22 LOYALTY OATH

Each new University employee must sign a State of Oklahoma Loyalty Oath in the Employment Services Office. The requirement extends to all employees and must be satisfied before an individual can be paid. (51 O.S. ' 36.2A)

6.23 PARKING PERMITS

All vehicles parked on University-owned or rented property must display the appropriate parking permit, which may be picked up at the Information Desk in the University Center. Vehicles found parked on campus without displaying the appropriate parking permit or parked in the “visitors” parking section will be cited. All employees are required to obtain a copy of the parking regulations and to follow the posted parking regulations.

6.24 POSTING OF NOTICES IN UNIVERSITY BUILDINGS

It is the policy of East Central University to provide the University with up-to-date information on University activities using various communication methods including the posting of notices (flyers). Flyers are not to be posted on painted walls, glass, or doors.

For information pertaining to process and procedures, please contact the office of the Vice President for Student Development.

6.25 PRIVATE SALES SOLICITATIONS

Outside sales solicitations or presentations in state facilities are not authorized whether or not employees are on duty. This restriction does not apply to private entities under contract with the State who are acting in an official capacity as agents of the State. **Employees are not to invite or entertain sales solicitors in the workplace.**

6.26 SEXUAL HARASSMENT, SEXUAL VIOLENCE AND SEXUAL RELATIONSHIPS

The University condemns sexual harassment and sexual violence in any form, and is committed to providing a harassment free and violence free work environment. Additionally, the Regional University System of Oklahoma has instituted a sexual relationship policy which is applicable to and effective for East Central University.

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context: a) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; b) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or c) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment. Employees alleging sexual harassment should report it to employee's supervisor and the Employment Services Office as soon as possible. All complaints concerning sexual harassment will be thoroughly investigated, with care taken to protect the rights of the complainant as well as the rights of the alleged harasser. A finding of sexual harassment will result in appropriate disciplinary action which may include a range of actions up to and including dismissal. (See Exhibit II for the complete Sexual Harassment and Sexual Relationship policy and Exhibit III Title IX Grievance Process.)

6.27 TOBACCO FREE CAMPUS

ECU is committed to the promotion of wellness and healthy living for its employees and students. Part of that commitment involves taking a role in discouraging the usage of tobacco, by prohibiting its use on campus, by offering information on cessation programs and by offering educational materials on the dangers of Oklahoma's biggest public health issue and one of the leading causes of death. As such, East Central University is designated as a tobacco-free environment. Effective August 1, 2012, Smoking and the use of all tobacco products are prohibited. Additionally, effective **December 23, 2013** the use of any electronic cigarette or vaping device shall be prohibited on any and all properties owned, leased or contracted for use by East Central University, including but not limited to, all buildings, land, and vehicles owned, leased, or contracted for use by East Central University.

6.28 USE OF UNIVERSITY EQUIPMENT

All University equipment, including vehicles, technological equipment, etc., is to be used for official business only. The department supervisor is responsible for equipment in the department and will designate the employees responsible for operating or using the equipment.

6.29 USE OF STATE VEHICLES AND PRIVATE AUTOMOBILES

Oklahoma statutes prohibit the use of state-owned vehicles for private purposes. Employees are expected to comply with all applicable laws, rules, and regulations while operating state-owned vehicles. It is the policy of the University that passengers shall not be transported in state vehicles unless they are on state business. When private vehicles are used for state business purposes, the University's liability insurance covers the employee. Passengers not on official business are not covered. The use of cell phones to text message or respond to e-mail is prohibited while operating a state-owned vehicle, while operating a private vehicle on state business, or while operating a

vehicle while using state owned equipment.

According to Oklahoma statute, the use of state-owned vehicles to ride to and from an employee's place of residence, except in the performance of official duty, is expressly prohibited. Employees of the University cannot be assigned a University-owned vehicle for use on a permanent 24-hour basis unless an exception under the statute has been granted. Requests for an exception must be submitted in writing to the President of the University through his/her Department Supervisor and/or Vice President. For additional information, refer to section 1.6 of this handbook or call the Employment Services Office. (Also see Safety Issues for Cellular Phone Use on page 31)

7. ON-THE-JOB INJURIES

7.1 ACCIDENTS AND EMERGENCIES

Maintaining a safe work environment requires the continuous cooperation of all employees. ECU strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

All employees will be provided care, first-aid, and emergency service, as required, for injuries or illnesses while on East Central University's premises. Employees should contact their supervisor, the nearest supervisor, and/or 911 in the event of an accident or emergency.

If an employee is injured on the job, ECU provides coverage and protection in accordance with the Workers' Compensation Law. When an injury is sustained while at work it must be reported immediately to the employee's supervisor, who in turn will notify the Employment Services Office and the Benefits Coordinator of the incident for completion of applicable paperwork. All accidents, regardless of severity, should be reported to the employee's supervisor immediately.

7.2 EMPLOYEE INJURY POLICY/PROCEDURE

It is the goal of East Central University to provide and maintain a safe and healthy work environment for employees. In the event of an employee injury, the following practices will help guide an employee based on the circumstances of his/her injury. There are two ways an injury report will be filed:

Risk Management

If an individual incurs an injury on University property and is not involved in compensable work for the University, a claim should be filed with the State of Oklahoma. The State Governmental Tort Claims Act provides coverage for those individuals who are on state property but not performing compensable work and are injured on state property. Claims to State Risk Management may be denied if the University was not negligent. Information is available in the Employment Services Office.

Workers' Compensation

If an employee incurs an injury during the course of the performance of compensable work for the University, appropriate Workers' Compensation Claim forms must be filed through the

Benefits Coordinator.

7.3 WORKERS' COMPENSATION

All East Central University employees are provided coverage under Workers' Compensation Insurance. Employees injured on the job to any extent should report immediately to his/her supervisor. **The supervisor is to immediately call the Benefits Coordinator Office to receive instructions and required forms.**

In cases of life-threatening injuries, the employee should be transported by ambulance to the nearest available emergency health care treatment center.

In cases of injuries incurred after 5:00 p.m., contact East Central University Police Department, (580)332-3875 or Ext. 555, who will in turn assess the situation and respond accordingly. This may include calling the ambulance service, fire department rescue unit, etc.

8. DISCIPLINARY ACTION

East Central University is an "at-will" employer. The contents included in this Handbook in no way modify or amend the right of the University as an "at-will" employer in originating or terminating employment of personnel. "At-will" employment is for no specified term and is terminable at the will of either the employee or employer. Promises or representations made by anyone except in writing by the President of East Central University concerning the conditions of employment, expressed or implied, do not negate the right of the University to terminate employment at any time, without notice and with or without cause.

8.1 POSITIVE DISCIPLINE

In order for the University to give each employee a full opportunity for work success, there must be good employee selection procedures, meaningful employee orientation, appropriate on-the-job training, periodic performance appraisals, and a positive employee discipline approach by supervisors, when necessary.

Disciplinary action is a corrective process to help employees, strengthen work performance, and achieve success. Problems must be handled in a way that supports the positive discipline concept and minimizes the interruption of University services. The University expects its supervisors to direct his/her disciplinary efforts toward positive employee development and success.

When discipline is necessary, the positive guidelines below should be used to assure fairness and consistency throughout the University. The guidelines are meant to be flexible, but will be suitable for most University discipline situations. All disciplinary actions can be coordinated with the direct supervisor and/or appropriate Vice President. Employee disciplinary notice forms are available in the policy manual located on the Employment Services website and the Employment Services Office.

8.2 ORAL REMINDER

An oral reminder involves a discussion between a supervisor and an employee about a minor work performance problem. The objective is to correct the problem by indicating how actual performance falls short of desired performance. The supervisor should record and maintain on file

the date of the discussion and a brief summary of the items discussed, including witnesses if appropriate. If the problem persists, a written reminder is appropriate.

8.3 WRITTEN REMINDER (WARNING)

If the offense is of a serious nature, a written reminder (warning) would be an appropriate action. The written reminder formalizes the discussion between the supervisor and employee; and it should include discussion as to how actual performance differed from that desired, how correction is to take place, a definition of the time frame within which correction is expected, and consequences if performance correction is not achieved. The employee is requested to sign the counseling/disciplinary form only to acknowledge receipt of the form. The employee should be provided with a copy of the form if he/she wants a copy. The original should be sent to the Employment Services Office for inclusion in the personnel file. If the employee refuses to sign the reminder, this fact should be duly noted on the reminder.

If an employee does not receive a written reminder for at least 12 months, the reminder should be considered inactive. Inactive reminders will not be considered in determining employee promotion or transfer.

8.4 DISCIPLINARY LEAVE

Suspension with or without pay may be recommended by the supervisor to the Vice President for serious alleged incidents pending an inquiry into the alleged behavior. An employee may be placed on a disciplinary leave of absence, with or without pay, when in the best interest of the University. A letter will be given to the employee by his/her supervisor stating the reason for and any conditions applied to the suspension.

Immediate suspension may be necessary when circumstances make the employee's presence dangerous to the employee or others, or when circumstances seriously impair the employee's effectiveness on the job.

After the inquiry is complete and an outcome is determined, an appropriate decision and/or decisions will be made regarding the suspended employee's future status.

8.5 DISCHARGE

This is the action taken when positive steps have been used but performance has not changed, or when an employee has committed a major offense.

A major offense includes dishonesty, threatening University operations, or the safety and well-being of individuals therein. This represents behavior that is unacceptable to the University. Examples include theft or willful destruction of University property, threatening or harassing others, fighting, falsifying University records, possession of illegal drugs and/or paraphernalia, insubordination, or other acts of misconduct, or any violation of state or federal statutes, knowingly or unknowingly.

Recommendation for discharge should be documented in writing and a copy sent to the department director and/or Vice President for review before any further actions are taken. Documentation should include the employee's name, date of the incident, explanation of the circumstances resulting in the recommendation for discharge, and reference to all previous disciplinary steps taken. The Vice President may conduct the hearing which includes the

following steps:

- 1) Review of documentation
- 2) Interview the employee
- 3) Interview the supervisor, department supervisor, and any other relevant persons
- 4) Final meeting with employee providing him/her an opportunity to present any additional information and question statements

NOTE: THE POSITIVE DISCIPLINE AND DISCHARGE PROCEDURES ARE TO BE USED AS GUIDELINES IN MAKING DISCIPLINARY DECISIONS. THE PROCEDURES DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP. THE UNIVERSITY RESERVES THE RIGHT TO TERMINATE AN EMPLOYEE AT ANY TIME.

8.6 RETALIATION

Retaliation Is Prohibited.

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to ECU (e.g., an outside vendor, consultant, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts, denigrating jokes, and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

ECU prohibits retaliation against any individual who reports discrimination or harassment, or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Contact the Affirmative Action Officer within the Employment Services Office immediately regarding acts of retaliation.

8.7 WHISTLE BLOWER

The Oklahoma Whistleblower Act (74 O.S. §840-2.5) protects employees who report wrongful governmental activities from retaliation. Employees shall not be disciplined or terminated for reporting actions taken by the employer that might violate the law. For further information contact the Employment Services Office.

9. GRIEVANCE PROCEDURE (excluding Title IX sexual misconduct, Title VII civil rights discrimination and Americans with Disabilities Act (ADA) violations)

Acts of alleged violations concerning sexual misconduct, civil rights discrimination or ADA violations are governed by the Title IX Grievance Process, Exhibit III of this handbook.

East Central University recognizes the right of employees to express legitimate concerns when the terms of his/her employment have been violated or when they have a legitimate complaint, question, or problem concerning working conditions. The issues resolution process is open to all employees. Wages and salary, job classifications, fringe benefits, and University policies do not qualify as grievance concerns.

Employees should attempt to resolve all complaints by informal discussions with his/her immediate supervisor within 14 working days of the occurrence giving rise to the complaint. If the dispute is not resolved at this level, then the employee may request an appointment to discuss the problem with the appropriate person at each administrative level up to and including the University President.

Should the employee still feel that his/her rights under University policy have been violated he/she may originate and file a formal grievance. The written grievance should be filed with his/her immediate supervisor unless the complaint is against the supervisor, in which case the complaint should be filed with the Employee Services Office or the appropriate Vice President within three working days of the final informal discussion with the administrative leadership, and should contain the following:

- (a) A clear and detailed, signed statement of the complaint
- (b) The specific remedial action or relief sought
- (c) A summary outlining with whom the points of dissatisfaction were discussed and with what results, and
- (d) The reason(s) why remedial action or relief is sought.

The respondent, if an employee, shall be provided a copy of the grievance within 14 working days of receiving the formal grievance. The person receiving the complaint shall respond in writing to the grievant's request(s) within three working days. If the grievant is still dissatisfied, he/she may submit the grievance to the department supervisor, or the appropriate Vice President. The supervisor or Vice President should respond to the grievant's request(s) in writing within three working days.

If the grievant is still dissatisfied, a formal written request for a Grievance Committee hearing should be submitted within three working days of the issuance of the response from the Director or Vice President.

The Director or Vice President shall appoint a grievance committee comprised of five members, any three of which constitute a quorum for any purpose, from among the full-time employees of the University within three working days.

The Grievance Committee shall be convened normally within five working days of appointment, and each member shall be instructed on procedures to assure that all aspects of the grievance procedure are clearly understood. This time may be extended by the Vice President for good cause.

- 1) The Committee shall elect a chairperson, who will be a voting member.

- 2) The grievant shall be heard first in all phases of the grievance hearing.
- 3) Length of hearing sessions shall be established in advance, and reasonable rest periods shall be assured all participants throughout the duration of the hearing.
- 4) A 15-minute time limit will be imposed for opening and closing statements.
- 5) A confidential tape recording of the proceedings shall be made by administrative clerical staff and shall be the official minutes of the hearing. This tape will be accessible to the parties involved, to members of the Grievance Committee, and to all authorized representatives on a need-to-know basis. A copy of the tape may be requested by either party, provided that the requesting party supplies a blank tape.
- 6) Either party shall have the right to call witnesses, and may be assisted by a person of his/her own choosing in preparing and presenting a grievance. Attorneys are excluded. Witnesses shall be heard individually, and shall be excluded from the hearing room when not actually testifying.
- 7) All testimony pertaining to the grievance hearing shall be held in confidence between the grievant and respondent, witnesses who appear before the committee, the Grievance Committee members, and other necessary officers of the university.
- 8) Only evidence pertinent to the grievance may be introduced into the hearing. Questions of pertinence shall be decided by the chairperson.
- 9) Both parties involved in the grievance must furnish six copies of all written documents pertaining to the grievance.
- 10) The Grievance Committee's recommendation shall be submitted to the University President within 14 working days after the hearing is completed. This time may be extended by the Vice President for good cause. Both parties shall receive copies of the committee's recommendation.

The University president shall have 14 working days to make a final decision on the grievance (which may be extended for good cause); thereafter, the final decision shall be communicated to the grievant and to the corresponding Vice President.

Exhibit I

**EAST CENTRAL UNIVERSITY, ADA, OKLAHOMA
CODE OF ETHICS**

Policy Statement:

The purpose of this Policy is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to certain types of payments and political contributions.

Prohibition of Improper Payments:

No employee of East Central University shall offer or make directly or indirectly, through any other person or firm, any payment of anything of value (in the form of compensation, gift, contribution, or otherwise).

As stated above, "kickbacks" or "bribes" intended to induce or reward favorable buying decisions and governmental actions are unacceptable and prohibited.

In utilizing consultants, agents, sales representatives, or others, East Central University will employ only reputable, qualified individuals or firms under compensation arrangements, which are reasonable in relation to the services performed.

Political Contributions:

East Central University will not make any contribution to any political party or to any candidate for political office in support of such candidacy except as provided in this Policy and as permitted by law.

This Policy is not intended to prevent the communication of East Central University views to legislators, governmental agencies, or to the general public with respect to existing or proposed legislation or governmental policies or practices affecting business operations.

Reporting Procedures:

- a) Any employee who is requested to engage in any activity which is, or may be contrary to this Policy will promptly report such information to their supervisor, or, if the employee was so directed by their supervisor, then to the applicable Vice President.
- b) Any employee who acquires information that gives the employee reason to believe that any other employee is engaged in conduct forbidden by the Policy will promptly report such information to the supervisor to whom the employee reports or, if the supervisor is engaged in such conduct, then to the applicable Vice President.

I have received and read a copy of this Sample Code of Ethics Policy Statement, understand all of its terms, and agree to be bound by the provisions contained therein.

Employee Signature Exhibit II	Print Name	Date
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SEXUAL HARASSMENT POLICY

Statement of Policy

The Policy Manual of the Board of Regents of the Regional University System of Oklahoma states that the Board affirms its commitment to an environment for all employees and students which is safe, fair, humane, and respectful and which supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to employee or student performance are damaging to this environment. Sexual harassment by any member of the university community is a violation of both law and Board policy and will not be tolerated. Employees must refrain from any harassment or discriminatory treatment of students and other employees. Sexual harassment will be dealt with promptly by the university administration. (RUSO Policy 5.6.1)

Definition of Sexual Harassment

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- a) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- b) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- c) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Examples of Prohibited Conduct

Conduct, whether in person, in writing, by telephone, through social media, by electronic means, or otherwise, prohibited by this policy includes, but is not limited to:

- a) Unwelcome sexual flirtation, advances or propositions for sexual activity;
- b) Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- c) Sexually degrading language to describe an individual;
- d) Remarks of a sexual nature to describe a person's body or clothing;
- e) Display of sexually demeaning objects and pictures;
- f) Offensive physical contact, such as unwelcome touching, pinching, brushing the body;
- g) Coerced sexual intercourse;
- h) Sexual assault; or
- i) Actions indicating that benefits will be gained or lost based on response to sexual advances.

Sexual Violence Prohibited

Sexual violence is a particularly pernicious form of sexual harassment. Sexual violence on campus, at university-related events, and against students or employees constitutes an emergency that will be

reported to proper law enforcement authorities. The University may immediately suspend any employee or student reasonably believed to have committed sexual violence against a person in violation of this policy, with notice and hearing to follow promptly. Each university shall establish procedures for timely reporting, investigation, and resolution of sexual violence incidents.

Definition of Sexual Violence

Sexual violence includes, but is not limited to, rape as defined by 21 Okla. Stat. § 1111; rape by instrumentation as defined by 21 Okla. Stat. § 1111.1; forcible sodomy as defined by 21 Okla. Stat. § 888, assault as defined by 21 Okla. Stat. § 641 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; battery as defined by 21 Okla. Stat. § 642 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; aggravated assault and battery as defined by 21 Okla. Stat. § 646 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; stalking as described by 21 Okla. Stat. § 1173 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; sexual battery as defined by 21 Okla. Stat. § 1123(B); any sexual act involving a child as described in 21 Okla. Stat. 1123(A); maliciously intimidating or harassing or attempting to maliciously intimidate or harass another person because of that person's sex or sexual orientation; or inciting others, or attempting to incite others to maliciously intimidate or harass another person because of that person's sex or sexual orientation.

Retaliation

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of prohibited sexual conduct with a student or employee, sexual violence, or other sexual harassment will be treated as a separate and distinct violation of the Board policy.

Sanctions

Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

SEXUAL RELATIONSHIP POLICY

Statement of Policy

RUSO affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. University employees, including administrators; faculty; coaches; extracurricular, extramural and intramural activities supervisors; graduate assistants; and staff should demonstrate respect for students as individuals and adhere to their proper roles as academic guides, counselors, and facilitators. Employees must refrain from any exploitation of students and other employees. Such use of power to create sexual relationships will be dealt with promptly by the university administration. (RUSO Policy 5.6.2)

Sexual Conduct with Students Prohibited

No employee shall engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any student whom the employee supervises, acts as academic advisor for, or over whom the employee has any power to determine the student's grade; honors; discipline; research opportunity; scholarship opportunity; acceptance in a graduate or other program of study; participation in arts, athletic, academic, or extracurricular competition; work-study assignment; or similar education-related matter. University employees' sexual liaisons with students in such situations exploit position,

abuse power, and fundamentally harm the academic relationship. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

Sexual Conduct with Supervisee Prohibited

Supervisors’ sexual liaisons with their supervisees may exploit position, abuse power, and fundamentally harm the working environment. No supervisor may engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any employee, not his or her spouse, whom he or she supervises, directly or indirectly. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

Definition of Sexual Conduct

Sexual conduct includes, but is not limited to, any sex act, erotic touching, romantic flirtation, conversation of a carnal nature, advance or proposition for sensual activity, erotically explicit joke, remark of a carnal nature describing a person’s body or clothing, display of an erotic object or picture, and physical contact reasonably believed to be of a sensual or flirtatious manner.

Sexual conduct does not include reasonable use or delivery of bona fide lecture and/or instructional acts, statements, or materials.

Sanctions

Sexual conduct with students or employees in violation of this policy will not be tolerated. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

Exceptions

Exceptions to sexual conduct prohibitions consistent with state and federal law may be granted in appropriate circumstances by the university president. The Board shall be notified of any such exceptions in a written, confidential personnel record at least one week prior to the next Board meeting. Exceptions involving presidents may be granted by the Board only.

GRIEVANCE PROCESS FOR ALLEGED SEXUAL HARASSMENT OR OTHER SEXUAL MISCONDUCT IS ADDRESSED IN THE TITLE IX GRIEVANCE PROCESS, EXHIBIT III

Exhibit III

TITLE IX GRIEVANCE PROCESS

I. STATEMENT OF POLICY

A. East Central University (University) is committed to an inclusive educational and employment environment that provides equal opportunity and access to all qualified persons. The University will continue its policy of fair and equal employment and educational practices without discrimination or harassment because of race, color, religion, national origin, genetic information, age, disability, gender, marital status, veteran status, sexual orientation, or any other characteristic protected by applicable federal, state, or local law. Discrimination or harassment in violation of this policy should be reported to the Affirmative Action Officer (Employment Services Office) in person at Room 160 Administration building, or by phone at (580) 559-5217 or fax at (580) 559-5484. After office hours or on holidays, the report may be made by contacting East Central University Police at (580) 559-5555.

B. The intent of these procedures is to ensure that discrimination and harassment based on these characteristics does not take place in the University community. Should it take place, it is the goal that such discrimination or harassment be promptly reported to appropriate University officials designated to receive such complaints.

C. Any employee (faculty or staff), student, applicant for employment or admission, visitor, or other non-affiliated individual who believes that he or she has been subjected to any form of unlawful discrimination or harassment may make a complaint. Unlawful discrimination includes sexual harassment as well as harassment based on an individual's membership in any other legally protected category as stated above. The University will conduct a fair and impartial investigation of such complaints, with due regard for the rights of all parties. Retaliation against any individual who has made a complaint, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of University policy. The purpose of these procedures is to ensure that all complaints are thoroughly and fairly investigated by authorized University officials who have the necessary expertise and training.

D. Any complaint should be referred to one of the individuals responsible for receiving or investigating such complaints. Any employee, other than those listed, who receives a complaint is responsible for directing the complainant or otherwise referring the complaint to the appropriate individual in a timely manner. All complaints, either written or verbal, must be referred to the appropriate office or official as set forth below.

II. DESIGNATION OF COORDINATORS

A. The University's Affirmative Action Officer/ Title IX Coordinator/Employment Services Director, and the Vice President of Administration and Finance are designated to coordinate and insure investigation of complaints arising under Title IX of the Educational Amendments of 1972 and Title VII of the Civil Rights Act. They are located in room 160, and room 163 of the Administration building, 1100 E. 14th, Ada, OK 74820. The telephone number is (580) 559-5217, or (580) 559-5215, fax number (580) 559-5484. Email complaints or inquiries regarding discrimination or harassment, or any issue involving Title IX or Title VII, may be sent to tanderson@ecok.edu, or jkilby@ecok.edu.

B. The University's Affirmative Action Officer/ Title IX Coordinator/Employment Services Director and the Vice President of Administration and Finance are designated to coordinate complaints arising under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). They are located in room 160 and room 163 Administration building, 1100 E. 14th, Ada, OK 74820. The telephone number is (580) 559-5217 or (580) 559-5215, fax number (580) 559-5484. Email complaints or inquiries regarding discrimination or harassment because of a disability, or any issue involving Section 504 or the ADA, may be sent to llofton@ecok.edu or jkilby@ecok.edu.

C. Hereinafter, these individuals are referred to as the "Coordinator" and "Deputy Coordinator."

III. INITIATING A COMPLAINT

A. The process outlined in this section applies to all complaints of discrimination, except those brought by students on the basis of disability. Students who wish to file a complaint alleging discrimination based on disability should file with Disability Services, in accordance with procedures set forth in section VI of the Disability Services Policies and Procedures.

B. Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual who believes that unlawful discrimination or harassment has occurred may initiate a complaint by either meeting with the appropriate individual in one of the offices listed below, or by submitting a written complaint to that individual or office. The information provided in the complaint should be as specific as possible regarding the circumstances that precipitated the complaint. The complaint should include the dates and places of the incidents at issue, the individuals involved, the names of any witnesses, any efforts made to resolve the matter informally and their results, and any other pertinent information.

C. As stated in section II above, the University has designated a "Coordinator" and "Deputy Coordinator" for Title IX, Title VII, and Section 504 complaints. These individuals share the primary responsibility for the receipt, investigation, and resolution of complaints of discrimination and harassment.

1. Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may initiate a complaint by contacting any of the individuals as follows:

• Ty Anderson, "Title IX/Title VII/Section 504 Complaint Coordinator". Employment Services Office, room 160 Administration Building, 1100 E. 14th, Ada, OK 74820. Phone: (580) 559-5217. Fax: (580) 559-5484. Email: tanderson@ecok.edu

• Jessica Kilby, "Title IX/Title VII/Section 504 Complaint Deputy Coordinator", Vice President of Administration and Finance, 163 Administration Building, 1100 E.14th, Ada, OK 74820. Phone: (580) 559-5215. Fax: (580) 559-5215. Email: jkilby@ecok.edu.

• Boomer Appleman, Dean of Students, 103 Administration Building, 1100 E.14th, Ada, OK 74820. Phone: (580) 559-5208. Email: bapplemn@ecok.edu .

D. Complaints by Students:

1. Students may initiate a complaint of discrimination or harassment against another student by contacting the Dean of Students.

2. Students may initiate a complaint of discrimination or harassment against a University employee, whether faculty or staff member, by contacting the Vice President of Administration or the Dean's office of the college where the harassment or discrimination is alleged to have occurred. The contact information for each college is listed below.

E. Complaints by Faculty or Staff:

1. Faculty or staff members may initiate a complaint of discrimination or harassment against a student by contacting the Dean of Students.

2. Faculty, staff members, applicants for employment or admission, visitors, or other non-affiliated individuals may initiate a complaint of discrimination or harassment by contacting those individuals listed in paragraph III.C.1.above.

3. Off-Site Locations: Any individual at an off-site location may initiate a complaint of discrimination or harassment to any of the offices above as appropriate, or to the on-site director of the program.

4. After-Hours or Holiday Complaints: In the event any individual wishes to initiate a complaint of discrimination or harassment after regular University office hours, or when offices are closed for University holidays, the individual may use email, leave a phone message, or may contact the East Central University Police at (580) 559-5555.

DEANS of COLLEGES:

• College of Health and Sciences, Office of the Dean, PES 101A, 1100 E. 14th, Ada, OK 74820. Phone (580) 559-5549.

• College of Liberal Arts and Social Sciences, Office of the Dean, Faust 140, 1100 E. 14th, Ada, OK 74820. Phone (580) 559-5424.

• College of Education and Psychology, Office of the Dean, Administration 213, 1100 E. 14th, Ada, OK 74820. Phone (580) 559-5350.

• Harland C. Stonecipher School of Business, Office of the Dean, Chickasaw Business and Conference Center 313, 1100 E. 14th, Ada, OK 74820. Phone (580) 559-5649.

• School of Graduate Studies, Linscheid Library and Distance Education, Office of the Dean, Linscheid Library, 1100 E. 14th, Ada, OK 74820. Phone (580) 559-5368.

F. In addition to the above methods to report discrimination or harassment, the Board of Regents of the Regional University System of Oklahoma, which governs the University, has established a "RUSO Tip Line" which is managed by EthicsPoint. The RUSO Tip Line allows concerns to be submitted anonymously.

1. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may report incidents of discrimination or harassment online using the RUSO Tip Line. The

complaining party should visit www.ruso.ethicspoint.com which is a secure server administered by EthicsPoint.

2. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individuals may also report incidents of discrimination or harassment by calling toll-free 866-898-8438. An EthicsPoint Contact Center Specialist will facilitate the call and compile the required information from the complaining party.

3. EthicsPoint will forward the required information to designated RUSO and University officials who will then conduct an appropriate investigation and resolution.

4. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individual is also encouraged to continue communicating any concerns directly to appropriate campus offices, as listed in paragraph III.C.1. above.

IV. INVESTIGATION AND RESOLUTION OF COMPLAINTS

A. The individuals and offices available to receive complaints, as noted above, were selected to give all members of the University community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These individuals and offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.

B. The Coordinator and Deputy Coordinators shall designate an appropriately trained individual to investigate complaints of unlawful discrimination or harassment. Athletic department personnel will not lead, guide, or make a pronouncement in the investigation or resolution involving a student athlete or athletic department personnel except to fully cooperate with the investigation and resolution.

C. If the individual accused of engaging in discrimination or harassment is a student, the complaint will be resolved by the Office of Student Development.

D. Notice of the complaint and an opportunity to respond will be given to all persons alleged to have violated the University's policies regarding discrimination or harassment. The investigation may otherwise involve meeting with the parties, interviewing witnesses, and requesting written statements from the parties.

E. The investigation should be completed promptly so that a decision can be rendered within 60 days of receipt of the complaint. If this is not possible, the investigator will inform the complainant of the status of the investigation within 60 days, the reason(s) for delay, and an estimated completion date for the investigation.

F. A confidential record of all complaints, including their disposition, will be maintained by the investigating unit. The Coordinator and Deputy Coordinator shall be informed of, and maintain a confidential record of the nature of all complaints of discrimination or harassment investigated, the names of complaining parties and respondents, and the final disposition of all complaints.

V. COMPLAINTS AGAINST FACULTY MEMBERS

A. Any employee who receives a complaint against a faculty member will refer the complaint to the Coordinator or Deputy Coordinator. An investigator will be designated as provided for in paragraphs IV.B above.

B. If the complaint also involves matters such as grades, curriculum, etc., the investigator will refer the complainant to University policies designed to address those issues.

C. The investigator will provide findings and conclusions in writing to the University Provost, and the Coordinator or Deputy Coordinators. The Provost will determine what action, if any, is appropriate.

VI. COMPLAINTS AGAINST STAFF MEMBERS

A. Any employee who receives a complaint against a staff member will refer the complaint to the Coordinator or Deputy Coordinator. An investigator will be designated as provided for in paragraph IV.B. above.

B. The investigator will provide findings and conclusions in writing to the Vice President of Administration and Finance. If the Vice President of Administration and Finance conducts the investigation another Vice President will be assigned the responsibility to determine what action, if any, is appropriate.

VII. CONFIDENTIALITY

A. Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the University's need to investigate the complaint and/or implement decisions made in order to resolve the complaint. It must be understood that in order to permit the University to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the University community, no representative of the University is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

B. Any individual who requests confidentiality before disclosing a complaint must be informed that because any apparent violation of University policy must be addressed, complete confidentiality may not be possible. An individual who insists on confidentiality as a condition of disclosing a complaint may be advised of the opportunity to consult with the Student Counseling Center, with whom such matters may be discussed in confidence. Consulting with the Student Counseling Center does not constitute the initiation of a complaint. Medical and mental health professionals are not representatives of the University for this purpose and are not authorized to investigate or respond to complaints.

VIII. APPEALS

A. If a conflict of interests is deemed to exist the Coordinator, Deputy Coordinator, Dean of Students or investigator(s) may recuse themselves, be recused by the Vice President of the department of the complainer or accused, or be recused by the other two members of the reporting body. If the complainer or accused consider the Coordinator, Deputy Coordinator, Dean of Students or assigned investigator to have a conflict of interest they may present a written appeal to the Vice President of the department of the complainer or accused, or the other members of the reporting body within three working days of being notified of the appointment and a determination will be made.

B. In the event that either the complainant or accused believe that the resolution of the complaint has not rectified the situation, an appeal may be made.

C. In the case of complaints against students, the process for appeal is governed by The Code of Student Conduct <https://www.ecok.edu/student-development/student-development-home/ecu-student-handbook>.

D. For faculty, staff or visitors to the University the appeal is made by a written request to both of the two remaining Vice Presidents of the University who did not make the original determination, for review of the decision. The appeal must be made within 10 working days of the date of the decision. The two Vice Presidents shall render a decision in the matter of the sexual harassment or sexual misconduct complaint and inform the complainant and respondent of the decision. A copy of the decision shall also be transmitted to the applicable Vice President and the Coordinator or Deputy Coordinator.

IX. REQUIRED PROCEDURES

A. These procedures shall constitute the grievance procedure mandated by the regulations that implement Title IX of the Education Amendments of 1972, Title VII Civil Rights Act of 1991 and Section 504 of the Rehabilitation Act of 1973 for employees.

B. The procedure for student grievances under Section 504 is set forth in section VI of the Disability Services Policies and Procedures.

INDEX
(Alphabetical)

Abandonment of Position	15
Absenteeism.....	14
Access to Personnel Files.....	26
Accidents and Emergencies	36
Annual Leave	5
Assumption of Privacy and Internet Use	29
Cellular Phone Policy	31
Close Out Procedures for Externally Funded Projects.....	24
Comprehensive Automobile Liability Insurance	4
Confidentiality Statement	25
Conflict of Interest	28
Court Duty	12
Definitions (Employment)	17
Direct Appointment	21
Discharge	38
Disciplinary Action.....	37
Disciplinary Leave	38
Driver’s License Procedure.....	29
Drug-Free Policy.....	29
E-mail Policy	31
Employee Injury Policy Procedure	36
Employee Benefits	1
Employer-Paid Insurance.....	1
Employment Categories.....	17
Employment/Termination Policies	17
Employment Testing.....	20
Equal Opportunity Policy/Affirmative Action Compliance Statement.....	iii
Ethics Policy	32
Exempt and Non-Exempt Classifications	15
Exhibits	42-49
Extended Medical Leave.....	10
Family and Medical Leave Act.....	9
Flextime	13
Garnishments	16
General Information.....	25
Grievance Procedure (except sexual misconduct, civil rights, ADA).....	39
Grievance Procedure for sexual misconduct, civil rights, ADA	45
Holiday Pay.....	16
Holidays	8
Hours of Work	12
Identification Cards.....	32
Incident Policy	33

Inclement Weather	12
Infectious Disease Policy Statement	33
Interim or Acting Appointments	21
Jury Duty.....	12
Keys	33
Leave Without Pay.....	8
Leave Policy for Employees Appointed to Externally Funded Accounts.....	24
Leaves of Absence	5
Lost/Misplaced/Stolen or Discarded Items	34
Loyalty Oath	34
Lunch Period.....	14
Medical Termination.....	10
Military Leave.....	10
Mission Statement.....	i
Nepotism	22
No-Cost Extensions	25
On-The-Job-Injuries.....	36
Optional Benefits/Section 125 Plan	3
Oral Reminder.....	37
Outside Employment	15
Overtime/Compensatory Time for Non-Exempt Employees.....	13
Parking Permits	34
Pay Day.....	16
Performance Appraisal Process	16
Personal Cellular Phones	31
Positive Discipline	37
Posting of Notices in University Buildings.....	34
Preface	iv
President’s Statement.....	ii
Private Sales Solicitations.....	34
Probationary Period	20
Professional Liability Policy Statement.....	4
Promotions and Transfers	22
Recruitment and Selection Procedures	18
Re-Employment	23
Reduction in Workforce.....	23
Reference Check	25
Reinstatement.....	23
Retaliation	39
Retirees Returning to Work	23
Retirement.....	2
Safety Issues for Cellular Phone Use.....	31
Salary Increases	16
Sexual Harassment, Sexual Violence and Sexual Relationships	34
Sick Leave Sharing Program	7
Sick Leave.....	6
Special Responsibilities for Managerial Staff.....	32
Tape Recording Policy.....	26
Tardiness	14
Termination.....	23

Termination Exit Process	23
Tobacco Free Campus.....	35
Tuition Waiver Program	5
Unemployment Compensation.....	4
Use of University Equipment.....	35
Use of State Vehicles and Private Automobiles	35
Vacancies	21
Verification of Degrees	21
Voice Mail Policy	32
Violence in the Workplace.....	27
Voting Leave.....	11
Wage and Salary	15
Weapon Policy	27
Whistle Blower	39
Work Breaks	14
Workers' Compensation Insurance.....	4
Workers' Compensation	36
Workweek	12
Written Reminder (Warning).....	37