



Employee Handbook
Administrative,
Professional and Support Staff

Published January 2011

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 that reads "John R. Hargrave". The signature is written in a cursive style with a large initial "J" and "H".

John Hargrave, J.D.
President

**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, 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 deviate, 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, genetic information, status as a veteran, or special disabled 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 office has been designated to handle inquiries regarding these non-discrimination policies, practices, or procedures: Employment Services, Room 160, Administration Building, ext. 217.”

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.

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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 and Accidental Death & Dismemberment (AD&D) 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 ECU 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 support staff shall be entitled to annual leave. Annual leave accrues as follows:

0-5 years	(12-60 months)	10 working days	.83 days per month
6-10 years	(61-120 months)	12 working days	1.00 days per month
11-15 years	(121-180 months)	15 working days	1.25 days per month
16-20 years	(181-240 months)	17 working days	1.42 days per month
21 years +	(over 241 months)	20 working days	1.67 days per month

ECU professional staff shall accrue annual leave at the rate of 1.67 days per month (20 working days per year). Professional 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.

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 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 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) 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 may be 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). 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. Sufficient information must be provided 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. 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 FMLA leave.

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.

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

Flexitime 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 flexitime 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. Flexitime 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 will be utilized before the end of the fiscal year during which it was accrued. 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 shall be the policy of East Central University to limit the number maximum compensatory time accrual for employees other than campus police and physical plant employees to 60 hours (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 amount limited by this policy (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

Each department will assume the responsibility for maintaining adequate overtime/compensatory records for its eligible employees. Compensatory balances for campus police and physical plant employees must be maintained and documented on a monthly spreadsheet submitted to the Benefits Coordinator in the office of Administration and Finance.

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

All employees should be evaluated following his/her sixth month of employment by his/her appropriate supervisor. The employee will be evaluated again one year after employment and normally at one-year intervals thereafter. These reports on an employee's progress become a permanent part of his/her personnel file. This file is referred to for salary review and promotional considerations, and also used as background material should a supervisor feel the need to discuss improvement in an individual's work.

4.4 PAY DAY

All salaried employees shall normally be paid the last working day of the month. Any questions concerning payroll dates should be directed to the Business 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, 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 own 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.
- Evaluation of work performed.

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

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, 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/clientservices/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/PDA 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 or 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

The University condemns sexual harassment in any form, and is committed to providing a harassment free work environment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context: (1) when submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic standing; (2) when submission to or rejection of such conduct is used as the basis for employment or academic decisions; or (3) when such conduct unreasonably interferes with one’s work or academic performance or creates an intimidating, hostile, or offensive work/academic environment. Employees alleging sexual harassment should report it to employee’s supervisor and the Employment Services Office within 180 days. 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 policy.)

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.

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.

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 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

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. Procedures for grievances related to sexual harassment are outlined in the ECU Sexual Harassment Policy contained in Exhibit II of this Handbook.

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 any, 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.

**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

Print Name

Date

SEXUAL HARASSMENT POLICY

I. 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 ensuring an environment for all employees and students which is fair, humane, respectful, and 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, including students, faculty, and staff, is a violation of both law and Board policy, and will not be tolerated. Sexual harassment is a particularly sensitive issue which may affect any member of the University community and as such will be dealt with promptly and confidentially by the University administration. The Board reserves the right to deal administratively with sexual harassment issues whenever it deems it appropriate to do so. (RUSO policy 5.6)

All employment or academic decisions at East Central University must be made purely on the basis of ability and qualifications related to job and academic performance, devoid of unreasonable considerations of sex. Toward this end, all members of the academic community should support the principle that sexual harassment represents a failure in ethical behavior, and that sexual exploitation of professional relationships will not be condoned.

DEFINITION OF SEXUAL HARASSMENT: (RUSO policy 5.6 continued)

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, or
- (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 prohibited by this policy may include, but is not limited to:

- unwelcome sexual flirtation; advances, or propositions for sexual activity;
- continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes; sexually degrading language to describe an individual;
- remarks of a sexual nature to describe a person's body or clothing;
- display of sexually demeaning objects and pictures;
- offensive physical contact, such as unwelcome touching, pinching, brushing the body;
- coerced sexual intercourse;

- sexual assault;
- actions indicating that benefits will be gained or lost based on response to sexual advances. (RUSO policy 5.6 continued)

For the purpose of further clarification, sexual harassment includes but is not limited to:

- 1) Making unsolicited written, verbal, electronic, physical, and/or visual contact with sexual overtones. (Written examples include but are not limited to: suggestive or obscene letters, notes, invitations. Verbal examples include but are not limited to: derogatory comments, slurs, jokes, epithets. Electronic examples include but are not limited to: e-mails, text messages/instant messages, faxes. Physical examples include but are not limited to: assault, touching, impeding, or blocking movement. Visual examples include but are not limited to: leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.)
- 2) Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not sexual harassment.)
- 3) Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example, within the work environment either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance evaluation will be prepared; or suggesting that probation will be failed.
- 4) Within the work environment, engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee.
- 5) Offering favors for educational or employment benefits such as grades or promotions, favorable performance appraisals, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc. in exchange for sexual favors.

II. GRIEVANCE PROCESS FOR ALLEGED SEXUAL HARASSMENT

TIMING OF COMPLAINT

Any complaint must be filed with the Affirmative Action Officer (AAO) 180 working days of the act of alleged discrimination or harassment. In rare occurrences time periods may be reasonably extended by the Affirmative Action Officer and/or the appropriate Vice President. In the event the complaint is against the AAO, the complaint should be filed with the appropriate Vice President. If the AAO is the respondent, then the AAO's duties and responsibilities herein shall be reassigned by the President.

A. INFORMAL MEDIATION OVERVIEW:

- 1) The complainant and the respondent exhaust the avenues of the informal mediation procedure before initiating formal grievance procedures.
- 2) The informal mediation procedure should generally not require more than 14 working days to complete.

- 3) The informal mediation procedure is designed to seek a departmental level resolution of the issues prior to the initiation of the formal grievance procedure.
- 4) Lawyers for the complainant or the respondent may not participate in the informal mediation procedure.
- 5) The complainant may withdraw the complaint at any point during the investigation or prior to the completion of a formal hearing. A written withdrawal request signed by the complainant is required.
- 6) Upon a clear showing at any stage of the investigation that immediate harm to any person is threatened by the continued performance of either party's regular duties or University responsibilities, the proper executive officer may suspend or reassign said duties or responsibilities pending the completion of the investigation.

B. INFORMAL MEDIATION PROCEDURE:

- 1) The complainant should discuss his/her concern with the respondent involved, and attempt to resolve the grievance.
 - (a) If the problem cannot be resolved, or the complainant is unwilling to talk with the respondent, the complainant may start the procedure by meeting with the supervisor of the employee; or
 - (b) If the supervisor is the subject of the grievance, the grievance procedure will start with the department supervisor.
- 2) The complainant shall meet with and discuss the grievance with his/her supervisor (or unit administrator or Vice President if appropriate) in an effort to resolve the grievance. If the grievance is not resolved, the appropriate supervisor and/or Vice President shall invite the complainant to submit a complaint in writing. The complaint must be submitted by the end of the second week after the incident was reported.
- 3) Once a written complaint has been filed, the employee's supervisor must inform the respondent of the complaint, and provide a copy of the complaint to the respondent within two working days of receiving the written complaint.
- 4) The supervisor shall discuss the matter with the respondent and require a written response to the allegations. The respondent shall respond within five working days of notification of the allegations.
- 5) Upon receiving the response, and within the next five working days, the supervisor may attempt to resolve the complaint, either by independent counseling of those involved, or by bringing the complainant and respondent together and discussing the problem. The supervisor has the discretion to choose a method for resolution. If a resolution satisfactory to the supervisor, the complainant, and the respondent is reached, the supervisor shall prepare a written agreement, which shall be signed and dated by each party and the supervisor. The agreement shall be transmitted to the next administrative level

and the appropriate Vice President. At that time, the informal mediation process shall be closed. The supervisor shall maintain a copy of the written record of the events. Any documents relating to the sexual harassment complaint shall be removed from the respondent's file one calendar year from the date of the resolution if no additional complaint of sexual harassment is made. If not resolved, the supervisor shall write his/her analysis of the situation and recommendation for resolution, and give copies to the complainant and respondent.

- 6) The supervisor must forward the complaint, the response, the analysis and recommendation, plus any additional comments by the respondent or complainant, to the appropriate administrative supervisor or Vice President, with copies to the respondent and complainant within two working days.
- 7) Within five working days of receipt of the grievance records from the supervisor, the supervisor may attempt to resolve the complaint, either by independent counseling of those involved, or by bringing the complainant and respondent together and discussing the problem. The supervisor has the discretion to choose a method for resolution. If a satisfactory resolution is reached, a written agreement shall be prepared, and this document shall be signed and dated by each party. The agreement shall be transmitted to the appropriate Vice President. At that time, the informal mediation process shall be closed. The supervisor shall maintain a copy of the written record of the events. Any documents relating to the sexual harassment complaint shall be removed from the respondent's file one calendar year from the date of the resolution if no additional complaint of sexual harassment is made.
- 8) If not resolved, the supervisor shall respond by writing an analysis of the situation and recommendation for resolution, with a copy sent to the complainant and respondent. The supervisor shall forward his/her analysis and recommendation for resolution and the complete grievance file to the appropriate Vice President within five working days of the meeting.
- 9) Within five working days of receipt of the grievance records from the supervisor, the Vice President may attempt to resolve the complaint, either by independent counseling of those involved, or by bringing the complainant and respondent together and discussing the problem. The Vice President has the discretion to choose a method for resolution. If a resolution satisfactory to the Vice President and the complainant and respondent is reached, the Vice President shall prepare a written agreement, which shall be signed and dated by each party and the Vice President. At that time, the informal mediation process shall be closed. Any documents relating to the sexual harassment complaint shall be removed from the respondent's file one calendar year from the date of the resolution, if no additional complaint of sexual harassment is made. The Vice President shall maintain the written record of the grievance in accordance with the Confidentiality of Proceedings and Maintenance of Records section of this policy.
- 10) If mediation efforts are unsuccessful, as certified by the Vice President and forwarded to the complainant and respondent, then the formal process may begin.

C. FORMAL GRIEVANCE PROCEDURE:

- 1) Filing of Complaint: The complainant or the respondent may initiate the formal grievance process by submitting a written complaint to the Affirmative Action Officer within the Employment Services Office.
- 2) Timing of Complaint: Complaints must be filed with the Affirmative Action Officer within 14 working days of receipt of notice from the Vice President that the mediation efforts were unsuccessful.
- 3) Confidentiality of Proceedings and Maintenance of Records: All records made or maintained as part of the informal mediation or the formal grievance process shall be kept confidential. Any employee or student who discloses such confidential information shall be subject to severe disciplinary measures in accordance with established policy. The formal hearing shall be recorded. A copy of the recording shall be supplied to the complainant or the respondent, upon request.
- 4) In all aspects of the Formal Grievance Procedure, the Employment Services Office shall provide assistance to the Vice President.

A record of the complaint and all informal and formal proceedings shall be maintained for a period of five years from the date of final resolution.

- 5) Proceedings: Upon receipt of a complaint of sexual harassment, the Affirmative Action Officer is empowered to conduct an investigation. The investigation may involve interviewing the parties involved and gathering evidence. The investigation shall be completed as soon as possible after receipt of the complaint.

Upon a clear showing at any stage of the investigation that immediate harm to either party is threatened by the continued performance of either party's regular duties or University responsibilities, the proper executive officer may suspend or reassign either of the party's duties or responsibilities pending the completion of the investigation.

Upon completion of the investigation, the Affirmative Action Officer is authorized to take any one of the following actions:

- (a) Satisfactory Resolution: Resolve the matter to the satisfaction of the University and both parties. If a resolution satisfactory to the University and both parties is reached through the efforts of the Affirmative Action Officer, a written agreement shall be prepared and shall be signed and dated by each party and the Affirmative Action Officer. At that time the investigation shall be closed.
- (b) No Resolution: render a "no resolution" decision which automatically refers the complaint to the Advisory Council. Written notice of such finding shall be given to the complainant and respondent.

- (c) Dismissal: Find that no violation of the University's sexual harassment policy has occurred and dismiss the complaint, giving written notice of said dismissal to the complainant and respondent. The complainant may appeal the dismissal. The appeal is made by written request to the Affirmative Officer for a formal hearing. The appeal request must be made within 14 working days of the date of the notice of dismissal. If no appeal is filed within the 14 working day period, the matter is considered closed. The Affirmative Action Officer shall notify the appropriate Vice President of the appeal request. The Vice President shall initiate the process for a formal hearing.
- (d) Determination of possible violation of Sexual Harassment Policy: Make a finding of possible impropriety, and notify the parties that a formal hearing will be required. Disciplinary action shall be in accordance with established policy.

D. FORMAL HEARING:

A hearing may be conducted when the Affirmative Action Officer renders a no resolution decision, a complainant appeals a dismissal or when an investigation of the complaint results in the determination of a possible violation of the Sexual Harassment Policy.

- 1) Election of an Advisory Council: The Vice President shall appoint an Advisory Council comprised of five members, any three of which constitute a quorum for any purpose. The Council shall be composed of employees of the administrative staff, and at the initial meeting elect a chair.
- 2) The Vice President should provide each member appointed to the Advisory Council information prior to beginning his/her duties on the Council, to include:
 - (a) General grievance handling skills;
 - (b) Reviewing and clarifying the procedures to be followed on all sexual harassment complaints;
 - (c) Ensuring that the preponderance of the evidence standard is used;
 - (d) Discuss the principles of fairness and due process;
 - (e) When a student is the complainant, an explanation of the requirements of Title IX of the Education Amendments of 1972 and A Sexual Harassment Guidance: Harassment of Students by School Employees@ issued by the Office of Civil Rights of the federal Department of Education.

- 3) **Hearing Guidelines:** It shall be the function of the Council to conduct a complete, fair, and impartial hearing, and to present its recommendations for disposition of the case including findings of fact and conclusions of law to the Vice President. The hearing shall be convened normally within 14 working days of appointment. The Council will not have the power to make a decision or agreement that is binding upon the University.

Members of the Advisory Council should meet to discuss the complaint. Unless the Council concludes that the complaint is without merit, the complainant and respondent should be invited to appear before the Council, and to confront any adverse witnesses. The complainant and respondent shall be entitled to observe the hearing, but they shall not be present in the Council's closed session at the conclusion of the hearing. The Council may conduct its own hearing, call witnesses, and gather whatever information it deems necessary to assist it in reaching a determination as to the merits of the allegations.

In arriving at a determination of the existence of sexual harassment, the evidence as a whole and the totality of the circumstances, and the context in which the alleged incident(s) occurred shall be considered. The Council may take into consideration the history of complaints that have been filed by the complainant, and any history of formal findings of unprofessional conduct or patterns of informally settled complaints against either the complainant or the respondent. However, previous allegations that were dismissed for lack of cause at the informal stage without appeal, or that resulted in no findings of sexual harassment or unprofessional conduct shall not be taken into consideration. All respondent employees of East Central University are prohibited from using East Central University stationery or letterhead to present testimony or solicit support for himself/herself during informal or formal proceedings.

- 4) **Satisfactory Resolution Prior to Hearing Completion:** In the event the matter is resolved to the satisfaction of all parties at any time prior to the completion of the formal proceedings of the Council, a written statement shall indicate the agreement reached by the parties, and shall be signed and dated by each party and by the Chairperson of the Council. The matter shall then be closed.
- 5) **Advisory Council's Findings and Recommendations:** At the conclusion of the hearing, the Council shall deliberate in closed session and make a recommendation to the Vice President. In addition to making a determination of the existence of sexual harassment or misconduct in accordance with established policy, the Council may recommend disciplinary action against the respondent and/or the complainant if the Council determines that discipline is warranted. The Council's recommendation shall be prepared and transmitted to the Vice President within 14 working days after conclusion of the hearing. The Council shall also transmit the grievant file, the recording of the hearing, and all material submitted by the complainant or respondent or witnesses to the Vice President. The recommendation of the Council is not binding upon the University.

Any disciplinary action recommendations shall be in accordance with established policy. Appropriate disciplinary action may include a range of actions up to and including dismissal.

- 6) Within 14 working days after receipt of the Council's recommendations and accompanying records, the Vice President shall render a decision in the matter of the sexual harassment complaint and inform the complainant and respondent of the decision. A copy of the decision shall be transmitted to the complainant, the respondent, the Chair of the Council, and the Affirmative Action Officer.
- 7) Appeal: Either party has the right to appeal this determination. The appeal is made by a written request to the President of the University for review of the Vice President's decision and must be made within 14 working days of the date of the decision. If no appeal is delivered to the President within the 14 working day period, the case is deemed closed.

Within 14 working days after receipt of a timely written request for review, the President shall render a decision in the matter of the sexual harassment complaint and inform the complainant and respondent of the decision. A copy of the decision shall also be transmitted to the Vice President, the Chair of the Advisory Council, and the Affirmative Action Officer. The decision of the President shall be considered final and binding.

In the event a lawsuit is brought against an employee by reason of any act done or omitted in good faith in the course of his/her employment, it is the duty of the Attorney General or staff attorney of such person's agency where the agency is authorized by law to be represented in court by a member of its own permanent legal staff, when requested by such employee to appear and defend the action or proceeding in his/her behalf. Such written request shall be made within 14 working days after service of summons on the employee and a copy of the request shall be transmitted by the employee to their respective Vice President, the RUSO General Counsel, and the Attorney General. See section 20f of Title 74 of the Oklahoma Statutes.

- 8) Procedure for Monitoring Final Resolution: The Vice President shall monitor the processing of both the informal mediation and the formal grievance procedure. The Vice President is to be notified by the Affirmative Action Officer or the Advisory Council of any problems or concerns either has with the progress of the grievance. The Vice President shall be responsible for identifying and initiating modification to any sexual harassment policy, procedure, or practice which is not in compliance with the law.

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