

# Personnel Policies

University of Science and Arts of Oklahoma

## ***ABOUT THESE POLICIES***

The Board of Regents of the University of Science and Arts of Oklahoma takes pride in the family of people who make up the University community. The cooperative effort of all members of the administration, faculty, and staff are needed to foster continued growth in the long heritage of learning opportunities at USAO. The efforts of these professionals provide a framework on which the University community can grow.

This publication explains the policies under which decisions are made in the University. All employees are urged to regard these policies with the same respect for the University's betterment as was shared by the Board of Regents in their formulation.

## **Equal Opportunities Policy**

This institution, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, or status as a veteran in any of its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services.

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January, 2009

# CHAPTER 1 - ADMINISTRATION

## 1. ADMINISTRATION

*Included in this section are policies which specifically affect administration at the University of Science and Arts of Oklahoma. General information affecting all employees may be found in Chapter 4. Information published in this section is subject to change as approved by the USAO Administration and/or Board of Regents.*

**1.1 THE PRESIDENT** - The President implements policy established by the Oklahoma State Regents for Higher Education, but is immediately responsible to the USAO Board of Regents. The President's duties are discharged in conformity with the policies approved by these boards. He or she is the chief officer of the University's administration, administrative staff, faculty, professional and general staff. He or she presides at administratively-called faculty and staff meetings and recommends to the USAO Board of Regents promotions, continuations and dismissals. He or she recommends new policies or modification of old ones. The President is responsible to the Board of Regents for efficient and economical administration; to the parents for the well-being of students; and to the state for a quality program of education.

### **1.2 PROCEDURES FOR SELECTION OF PRESIDENT**

**1.2.1. The Screening Committee** - A Screening Committee shall be appointed by the Chairperson of the Board of Regents and shall be composed of three members of the Board of Regents, two administrators, two faculty members, two students, two members of the community, two members of the Alumni Association, the Vice President for Administrative Affairs who is the personnel and affirmative action officer for the University, and such additional members as the Chairperson deems appropriate. This committee will review applications, interview candidates, and make recommendations. This is an advisory committee to recommend, without vote or veto power. That ultimate responsibility shall lie with the Board of Regents of the University of Science and Arts of Oklahoma.

**1.2.2. Evaluative Criteria** - All candidates applying for the position of President of the University of Science and Arts of Oklahoma should possess:

- A commitment to the liberal arts concept and the will and ability to provide leadership for innovative programs in liberal arts.
- An earned doctorate or equivalent experience as determined by the USAO Board of Regents.
- A demonstrated background of successful administrative experience.
- The ability and drive to lead and to communicate in a dynamic, democratic and open way with all segments of the University.

**1.2.3. Salary** - The salary shall be competitive with the average in the Oklahoma State System of four-year colleges and universities.

**1.2.4. Materials Required** - All candidates applying for the position of President of the University of Science and Arts of Oklahoma should submit the following materials:

- A letter of application;
- A biographical data sheet;
- Credentials containing up-to-date letters of recommendations;
- A statement of philosophy of liberal arts education.

**1.2.5. Application Procedure** - Candidates should apply to the personnel officer in the Vice President for Administrative Affairs Office and not to the individual members of the Board of Regents.

**1.2.6. Application Deadline** - Applications will be accepted until a closing date which will be selected and set by the Board of Regents.

### **1.3 ADMINISTRATION AND ADMINISTRATIVE STAFF**

The following positions are considered University Administration:

- President
- Vice President for Academic Affairs
- Vice President for Administrative Affairs and Student Affairs
- Vice President for Business and Finance
- Vice President for University Advancement
- Chief Information Officer
- Assistant to the President

The following positions are considered Administrative Staff:

- Registrar and Director of Admissions
- Director of Alumni Development
- Director of Annual Giving and Grants
- Director of Financial Aid
- Director of Physical Plant
- Director of Media and Community Relations
- Dean of Students and Director of Student Services

## **1.4 PROCEDURES FOR SELECTION OF ADMINISTRATION AND ADMINISTRATIVE STAFF**

### **1.4.1. Appointments**

The personnel officer is responsible for initiating the search for the President, the Administration and the Administrative Staff. In each instance, openings will be published widely, both within and outside the University, using such media and procedures in keeping with the University's policy of equal employment opportunity. No advertisement for a position may be published except through the personnel office.

Salaries of full-time administration and administrative staff are paid in twelve equal installments, on the last business day of each month following the effective date of appointment. Normally

the President will send each administrator and administrative staff member a written notice of his or her salary for the upcoming fiscal year, following appointments by the Board of Regents.

**1.4.2. Resignations**

Administrators and administrative staff shall provide at least one month's notice of resignation.

**1.5 SCHEDULE OF APPOINTMENTS, REAPPOINTMENTS AND NON-REAPPOINTMENTS**

Regular, full time administrative appointments are for a period of one year - July 1 through June 30. Continued employment requires reappointment by the Board of Regents.

Employee reappointments for the new academic year are normally made in regular meetings of the Board of Regents according to the following schedule:

Appointment of President - January meeting

Appointment of Administrators and Administrative Staff - February meeting

Appointment of Faculty - March meeting

Appointment of Professional and General Staff - April meeting

Notice of non-reappointment will be given within ten days following action by the Board of Regents. Terminations will be made by following policy administered through the personnel office.

## CHAPTER 2 - FACULTY

### 2. FACULTY

*Included in this section are policies which specifically affect faculty at the University of Science and Arts of Oklahoma. General information affecting all employees may be found in Chapter 4. Information published in this section is subject to change as approved by the USAO Administration and/or Board of Regents.*

**2.1 SELECTION OF FACULTY** - A brief outline of the procedures in the employment of academic personnel is as follows:

- The division chair will make a request to the Vice President for Academic Affairs to fill an existing vacancy or for the creation of a new position. The Vice President for Academic Affairs, in consultation with the division, will consider the request as it relates to the current needs of the University. In so doing, a determination will be made whether the position should be a tenure-track or non-tenure track appointment. Non-tenure track appointments may be in the best interests of the University during times of change in faculty needs and composition.
- If the Vice President for Academic Affairs approves this request, the Vice President for Administrative Affairs (the University personnel officer) will be informed of the vacancy and pertinent information including tenure or non-tenure track, starting time, academic and experience requirements, and a complete job description including all responsibilities.
- The Vice President for Administrative Affairs will circulate notices of vacancy. A minimum of six weeks is required for advertising the vacancy; twelve weeks is recommended and is more desirable. Under extraordinary circumstances, a formal declaration of emergency may reduce minimum times.
- All applications for the advertised position will be submitted to the Vice President for Administrative Affairs. Applications will be maintained in the Administrative Affairs office.
- At the close of the advertising period, the Vice President for Administrative Affairs will arrange the appointment of a search committee to review applicant dossiers. A minimum of three individuals must be interviewed; five is preferable. During the interviews, the chair may involve members of the faculty other than the search committee and solicit their opinions and recommendations.
- Following the interviews, the chair will recommend to the Vice President for Academic Affairs, who will then recommend to the President.
- After an offer has been extended and accepted by the President of the University, the Vice President for Academic Affairs will inform the Vice President for Administrative Affairs, giving the salary and starting date of the appointment. At this time, the Administrative Affairs office will initiate action papers for the appointment. The appointment is subject to the approval of the Board of Regents at the next regular meeting.

Similar procedures, although perhaps not so extensive, may apply to short-term appointments.

## **2.2 SALARIES**

**2.2.1. New Appointments** - Salaries for new faculty will be set at the time of appointment by the Board of Regents upon the recommendation of the President. The President, in formulating a recommendation, will consult with the appropriate vice president, chair, or supervisor. Factors to be considered include:

- Current level of salaries at USAO and other senior colleges in Oklahoma and surrounding states.
- Qualifications based upon education and experience.
- The position and rank to which appointed.
- The demands of the current job market.

**2.2.2. Reappointments** - Salaries for faculty in continuing appointment will be set by the Board of Regents, annually, usually in the month of June, upon the recommendation of the President. The President, in formulating a recommendation, will have the advice of committees, the appropriate vice president, chair, or supervisor. Factors to be considered include:

- A cost of living increase for all personnel.
- A performance increment based upon overall performance and service to the University, as determined by evaluations of faculty and recommendations of the appropriate vice president, chair, or supervisor.
- Salary adjustments to remove inequities.

**2.3 FACULTY RESPONSIBILITIES** - In a very real sense the faculty is the University. What the faculty does or fails to do is crucial to the reputation and success of the University of Science and Arts of Oklahoma. Every faculty member should be committed to teaching. It is the instructors' responsibility to:

- a. Carry on a consistent testing program as a basis for sound student evaluation.
- b. Evaluative techniques or procedures should be used often enough so that no student can complain of unjust evaluation.
- c. Keep abreast of the developments in teaching fields and in the community, state, nation, and world so that instruction is up-to-date and integrated with life outside the classroom by relevant applications.
- d. Develop or assist in the development of new courses of instruction and keep established courses constantly up-to-date.
- e. Cultivate a sympathetic interest in the scholastic and personal welfare of students.
- f. Encourage student scholarship.
- g. Maintain a schedule of office hours for student conferences, which is to be posted and filed with the Vice President for Academic Affairs.
- h. Work through organizational lines with division chair, the Vice President for Academic Affairs, and the University President in planning, coordinating, and carrying out the entire University program. Instructors are to keep administrators informed of all matters relating to the instructional program and are to cooperate in carrying out University policies.
- i. Recommend books for purchase by the library and assist in the selection of texts.

- j. Maintain accurate student records and turn in promptly and in good form such reports as are requested by administrative offices.
- k. Attend all faculty meetings, convocations, and commencement exercises unless advance arrangements have been made for absence and participate as fully as possible in all University-wide functions.
- l. Be familiar with the philosophy, policies, regulations, procedures, and announcements of the University as set forth in the University Calendar, the University Catalog, and the Faculty Handbook.
- m. Perform such duties as may be assigned, recognizing that it is the policy of the University to equalize cocurricular assignments as much as possible and to consider personal abilities and preferences in making them. Cocurricular assignments are not extra but are a part of the teaching load, and the cocurricular program is considered an integral and valuable part of the educational offerings of the University. Instructors should support the cocurricular program and encourage student participation in cocurricular activities.
- n. Assist the President and Vice President for Academic Affairs in such other ways as requested.

#### **2.4 ACADEMIC ADVISING**

A student who declares a major when entering the University of Science and Arts of Oklahoma is assigned a faculty advisor from the student's major area. The student will keep the same advisor unless circumstances arise which would make a change more suitable to the student.

A student who has not declared a major is assigned to a general academic advisor until the student has a declared major. A student should be encouraged to declare a major by the time 60 hours have been completed.

All full-time faculty members should participate in advising students. Advisors are expected to help students plan their academic programs, giving students ample opportunity for self-expression and independent thought. Advisors should also assist students with problems and encourage students to participate in campus activities that meet their needs and interests.

A student will graduate under the requirements of the catalog in effect at the time of the first enrollment in the University, if the student meets those requirements within the normal time required. Former students who have been out of school for one year or more will graduate under the regulations in the catalog in effect at the time they reenter.

#### **2.5 FACULTY EVALUATION**

Regular and systematic evaluation of faculty is conducted to aid in the improvement of the quality of instruction. The process of faculty evaluation should include self-evaluation and assessment by division chairs and the Vice President for Academic Affairs. Peer and student evaluations will also be considered.

The following materials will be used in the process of faculty evaluation. The steps of the evaluation process with completion dates are:

- a. "Annual Report" - The Annual Report is designed to promote objectivity in the data gathering portion of the evaluation process. It is to be completed by all faculty members and

submitted to their division chair by January 15. It requests specific and common information from all faculty, eliminating much of the subjectivity characteristic of other data gathering procedures. The report is for the period of January 1 to December 31, rather than the academic year. This permits the reporting of a complete year for all except new faculty members.

- b. "Annual Report, Administrative Review" - This is the final page of the Annual Report and is to be completed by the division chair and submitted (with a copy of the Annual Report) to the Vice President for Academic Affairs by February 15. The division chair will schedule a conference with each faculty member to discuss the Annual Report prior to submitting the Administrative Review.
- c. "Guidelines for Faculty Performance" - This document is available from the division chair. It should be consulted regularly by faculty as they plan their year's schedule of work and as they prepare the Annual Report. Refer to the introduction of the guidelines for further explanation of the document.

## **2.6 ACADEMIC RANK AND PROMOTION**

### **2.6.1. Requirements and Criteria for Rank**

- a. Professor
  1. Must have the earned doctorate or a terminal degree in the appropriate academic discipline or a minimum of 90 graduate hours; a minimum of ten years successful teaching experience, including a minimum of three years at USAO; a minimum of six full years in the rank as Associate Professor.
  2. Must have demonstrated excellent achievement in the three performance areas of teaching and student advising, research or scholarly development, and service.
- b. Associate Professor
  1. Must have the earned doctorate or a terminal degree in the appropriate academic division or a minimum of 60 graduate hours; a minimum of eight years successful teaching experience, including a minimum of three years at USAO; a minimum of five full years in rank as Assistant Professor.
  2. Must have demonstrated significant achievement in teaching and student advising and in one of the two performance areas of research/scholarly development or service.
- c. Assistant Professor
  1. Must have a terminal degree in the appropriate discipline. Normally, this degree will be the earned doctorate.
  2. Must have demonstrated a potential for significant achievement in the areas of teaching, research or scholarly development, and service.

- d. **Instructor**  
Must have a Masters degree in the appropriate academic discipline and a demonstrated potential for significant achievement in the areas of teaching, research or scholarly development, and service.
- e. **Adjunct Faculty**  
Appointed part time for a single trimester and for specified courses. Adjunct faculty must meet the approval of the discipline faculty for each course taught.
- f. **Special Appointments**  
Individuals who are not full-time regular members of the faculty; non-tenure track and appointed under special arrangements for a specific term; must meet the criteria for appointment as either instructor, assistant, associate, or full professor.

Definitions and expectations of faculty performance activities used as the basis for promotion decisions are outlined in “Guidelines for Faculty Performance.”

A person having less than the above minimum qualifications for rank may be hired to a rank or promoted in those rare cases where the attained level of expertise or scholarly and professional development clearly compensate for the deficiency in formal education.

An instructor who earns a terminal degree during a contract period or while on leave of absence will be promoted to the rank of Assistant Professor effective the following contract year.

**2.6.2. Criteria for Promotion**

- a. Superior teaching
- b. Competence in advising
- c. Service to the University
- d. Continuous professional growth
- e. Scholarly productivity

Some of these criteria can be evaluated by objective standards, such as degrees and publications, but the basis for recognition of a faculty member must ultimately rest upon the judgment of professional colleagues who have expertise in these areas.

While the overall record of performance since initial appointment is certainly important to consider, it is evidence of continued professional growth and development as a teacher and scholar since the last promotion which is to be the basis of justification for further advancement in rank.

**2.6.3. Procedures for Promotion** - When requirements for promotion to the next higher rank have been met, the following procedures apply:

- a. Upon the faculty member’s request, the division chair will submit the standardized promotion dossier folder by November 1 to all divisional full-time faculty service at or above the academic rank being sought. Qualified faculty will vote either “yes” or “no” and give written reasons; a vote given without reasons will not be counted. The faculty member whose request for promotion is being considered will not be present during a

division discussion and vote. A faculty member will vote on promotion only at the highest level of consideration. For example, a divisional faculty member also serving on the Faculty Promotion and Tenure Committee will not vote on or consider the application at the divisional level.

b. The division faculty's vote, with reasons, will be forwarded by November 15 to the division chair, who will forward the dossier, together with the faculty's and chair's recommendations with reasons, to the Vice President for Academic Affairs by December 1.

c. The Vice President for Academic Affairs shall forward the dossier and recommendations to the chair of the Faculty and Tenure Committee by December 5.

d. The promotion request shall be voted upon by the Faculty Promotion and Tenure Committee consisting of nine tenure faculty members chosen by the faculty of the University to serve three-year overlapping terms. This committee shall elect a chair from among its membership. This committee's recommendations, with reasons, together with all previous recommendations and the candidate's promotion dossier folder, shall be forwarded to the Vice President for Academic Affairs by January 15. A faculty member whose request for promotion is being considered will not be present during the committee's discussion and vote.

e. The Vice President for Academic Affairs shall submit a recommendation, together with all other recommendations and the dossier, to the President by February 1.

f. The President shall make a recommendation to the Board of Regents at the April meeting. The applicant will receive notification, in writing, of the Regents' decision within 15 days. If approved, promotion will become effective the following contract period.

An application not recommended for promotion at any stage of consideration will be so notified by the division chair or the Vice President for Academic Affairs before the dossier and recommendations are forwarded to the next stage. The notice will be in writing and will include reasons related to the Criteria for Promotion.

An applicant may, at any stage in the procedures, submit a written request to the division chair or Vice President for Academic Affairs withdrawing the application from further consideration.

An applicant not recommended for promotion may request, in writing, a hearing before the Academic Personnel Committee within ten days after notification. This committee will ensure that approved procedures have been followed.

**2.7. ACADEMIC TENURE** - Tenure is an arrangement under which faculty appointments by the Board of Regents of the University are continued until retirement. The faculty member is, however, subject to dismissal for adequate cause or to unavoidable termination due to financial exigency or change of institutional program. Tenure shall not apply to administrative positions, but a tenured faculty member appointed to an administrative position shall retain that tenure as a faculty member. Only full-time members of the faculty are eligible for tenure consideration. Qualified professional librarians shall be considered members of the faculty.

The Board of Regents recognizes that tenure is a manifestation of its intent to reappoint tenured personnel to the faculty of the University to existing or continuing positions when compatible with the annual budget for that year.

### **2.7.1. Criteria for Tenure**

- a. A terminal degree in the appropriate academic discipline and a minimum of 60 graduate hours. Normally, this degree will be the earned doctorate.
- b. Completion of the probationary period at the University as listed below. The probationary period applies to all tenure-track appointments and will not be changed except by mutual agreement of the faculty member and the University and by specific action of the Board of Regents. Probationary periods are as follows: Instructor - 6 years after appointment; Assistant Professor - 5 years after rank at original appointment; Associate Professor - 4 years after rank at original appointment; and Professor - 3 years after rank at original appointment. A probationary year consists of full-time service to the University during the fall and spring trimesters. Time spent on leave of absence does not apply to the probationary period, nor does time served in non-tenure track appointments.
- c. It is the faculty member's responsibility to provide evidence that his or her contribution is significant to the continuing program of the University, and to document through a tenure dossier file with supporting evidence successful performance at the academic rank currently held and promise of continuing successful performance. The candidate's tenure dossier file, like the promotion dossier file, must demonstrate substantial accomplishment in the three faculty function areas of teaching, research or scholarly development, university and professional development and service. However, the primary criterion for tenure approval is teaching effectiveness.

### **2.7.2. Procedures for Tenure**

- a. In the final probationary year, the faculty member will submit the standardized tenure dossier folder to the division chair who will forward it by November 1 to all divisional tenured faculty members. Only tenured faculty will vote "yes" or "no" and give written reasons; votes given without reasons will not be counted. The faculty member whose request for tenure is being considered will not be present during a division discussion and vote. A divisional faculty member will vote on tenure only at the highest level of consideration. For example, a divisional faculty member also serving on the Faculty Promotion and Tenure Committee will not vote on or consider the application at the divisional level.
- b. The division faculty's vote with reasons, will be forwarded by November 15 to the division chair who will forward the dossier, together with the faculty's and chair's recommendations with reasons, to the Vice President for Academic Affairs by December 1.
- c. The Vice President for Academic Affairs will forward the dossier and recommendations to the chair of the Faculty Promotion and Tenure Committee by December 5.
- d. The tenure request will be voted upon by the Faculty Promotion and Tenure Committee, and its recommendation, with reasons, shall be forwarded to the Vice

President for Academic Affairs by January 15. A faculty member whose request for tenure is being considered will not be present during the committee's discussion and vote.

- e. The Vice President for Academic Affairs shall submit a recommendation, together with all other recommendations and the dossier, to the President by February 1.
- f. The President shall forward the President's and all other recommendations, together with appropriate documentation, to the Board of Regents by March 1. The Board will make a decision in its March meeting. The applicant will receive notification, in writing, of the Regents' decision within 15 days. If approved, tenure will become effective the following contract period.

An applicant not recommended for tenure at any stage of consideration will be so notified by the division chair or the Vice President for Academic Affairs before the dossier and recommendations are forwarded to the next stage. The notice will be in writing and will include reasons related to the criteria for tenure.

An applicant may, at any stage in the procedure, submit a written request to the division chair or Vice President for Academic Affairs withdrawing a tenure application from further consideration.

When the recommendation to the Board of Regents is to deny tenure, the President shall so notify the candidate. The candidate may respond to such a recommendation in writing and may request a hearing before the Academic Personnel Committee within ten days after notification by the President. This committee's purpose is to ensure that approved procedures have been followed. The Academic Personnel Committee shall consist of five faculty members appointed by the President from the list of ten submitted by the Faculty Association officers.

The faculty member shall be notified by registered mail of the formal action of the Board of Regents. A faculty member denied tenure may request permission to address the Board of Regents directly according to published procedures.

### **2.7.3. Review of Tenured Faculty Members**

The University of Science and Arts of Oklahoma recognizes the need for a review of tenured faculty members to ensure continued professional development and accountability. Consequently, after every fifth year following the granting of tenure by the Board of Regents, tenured faculty members will be reviewed on the basis of the criteria on which tenure is granted.

### **2.7.4. Procedure of Review**

- a. By April 1 of the academic year preceding the year of the tenure review, the Vice President for Academic Affairs will notify the faculty member in writing of the upcoming tenure review.
- b. A brief Tenure Review Summary will be prepared by the faculty member. This Tenure Review Summary is to be supported by five Annual Reports over the previous five years and any other relevant documentation. The Tenure Review Summary will be presented to the division chair for division consideration by October 1.

- c. The Tenure Review Summary and the recommendation, with reasons, of the division will be forwarded by the division chair to the Vice President for Academic Affairs by November 1.
- d. The Tenure Review Summary and the division recommendation will be considered by the Vice President for Academic Affairs and forwarded, together with the Vice President's recommendation, to the President of the University by December 1.
- e. If a negative recommendation occurs at any point during the procedure, such a recommendation will be referred to the Faculty Promotion and Tenure Committee for review and consideration. The Faculty Promotion and Tenure Committee will then report its findings and conclusions back to the Vice President for Academic Affairs and to the President of the University.
- f. The President of the University will forward the Tenure Review Summary, the President's, and all other recommendations to the Board of Regents.
- g. The Board of Regents will act upon the tenure review recommendation by the February meeting. If the recommendation is positive, the faculty member will be notified in writing of a satisfactory review. If the recommendation is negative, the faculty member will be informed in writing of the problems and will be given a year to make the necessary corrections. At the end of this probationary year, another tenure review will immediately commence. If the second tenure review is still unsatisfactory, the faculty member will be notified by registered mail that proceedings will be initiated under paragraph one of Abrogation of Tenure.

**2.7.5. Procedure for Appeal** - A faculty member who receives notice of termination as a result of tenure review proceedings may request a hearing before the Board of Regents. The request must be in writing and be submitted to the President of the University within 15 days after notification of the formal action of the Board of Regents to terminate the faculty member. The faculty member may be accompanied by an attorney at the hearing. (Regents 6-78, 12-78, 7-80)

**2.8 ABROGATION OF TENURE** - Tenure may be abrogated for any of the following reasons:

- a. Manifest incompetence in normal instructional and other institutional responsibilities as defined in job descriptions.
- b. Conviction of felony.
- c. Attempts to obstruct the legitimate operations of the institution as defined by state law and the State Regents for Higher Education.
- d. Bona fide lack of need for the instructor's services and/or financial exigencies.
- e. Manifest and repeated breaches of Professional Ethics of USAO.
- f. Moral turpitude. Definition of such turpitude should take into account local community standards, professional ethics, and the mores of general American culture. Behavior legitimated by law and by judicial decisions cannot be considered grounds for abrogation of tenure unless it directly results in the causes specified in items a, b, c, and e.

### **2.8.1. Procedure for Abrogation of Tenure**

*Preliminary Proceedings Concerning the Fitness of a Faculty Member* - When reason arises to question the fitness of a faculty member who has tenure or whose term of appointment has not expired, the appropriate administrative officer will discuss the matter with the individual in personal conference. The matter may terminate at that point; but, if an adjustment does not result, a written statement detailing exactly the grounds proposed for dismissal will be presented to the faculty member by the President of USAO in person within five working days. The faculty member may appeal directly to the USAO Board of Regents or may first call for a hearing before a committee of five tenured faculty members chosen by lot (see below). One or the other must be done within ten working days by written notification to the President of the University.

*Suspension of the Faculty Member* - Suspension of the faculty member during the proceedings is justified only if there is immediate harm to the individual in question, the academic profession, the students, or if the institution is threatened by the individual's continuance. This decision will be made by the President, but may be appealed first to a committee composed of Faculty Association officers. The committee may recommend to the President that suspension be continued or discontinued. Unless legal considerations forbid, any suspension will be with pay.

*The Hearing Before a Committee of Five Tenured Faculty Members Chosen by Lot* - The primary purpose of a hearing before this special committee is to protect the individual faculty member's rights with due regard for the integrity of the academic profession. It is at the discretion of the faculty member appealing whether to include this option as part of the abrogation proceeding. The committee will follow procedures as outlined for the Grievance Committee.

The President may accept or reject the decision of the committee. If the committee's decision is rejected within ten working days the President will state reasons in writing to the members of the committee, with a copy to the faculty member involved, or else the abrogation will be dropped.

*Consideration by USAO Regents* - The President of USAO will transmit to the Board of Regents of USAO the full report of the committee. Having accepted the principle of the committee hearing, acceptance of the committee's decision would normally be expected. If the USAO Regents choose to review the case, its review should be based on the record of the previous hearing, accompanied by opportunity for the faculty member to appear before the Board.

## **2.9 NONREAPPOINTMENT**

- A. Faculty members on tenure-track appointments shall be notified according to the following schedule in the event they will not be reappointed to the faculty the following year: (1) no later than March 1 before the expiration of the contract during the first academic year of faculty probationary service; (2) no later than December 15 of the second academic year of such service; (3) at least 12 months prior to the expiration of the faculty member's last contract in other cases; (4) in the event of an emergency occasioned by low enrollment which renders a program non-feasible or where loss of funds necessitates the reduction of programs, it may not be possible to conform to the

above schedule. Any faculty member who is terminated for such an emergency will be given formal notification as soon as the monetary situation is clear, but no later than the end of the contract period in April.

- B. Faculty members not on tenure-track appointments shall be notified by March 1 in the event they will not be reappointed to the faculty for the following year.
- C. A non-tenured faculty member may be dismissed prior to the completion of the contract for any of the causes set forth in the procedures applicable to tenured faculty members, but a failure to reappoint may be without stated cause during the first year of employment, provided the procedures included in this section with respect to notification have been followed. During the second and subsequent years, reasons for nonreappointment must be given, and the procedures for prior notification must be followed.
- D. When a faculty member will not be recommended for reappointment or tenure will not be recommended for an eligible candidate, the chair of the Board of Regents of the University of Science and Arts of Oklahoma will be notified by the President of the University at the time such decision is made.

**2.10 TERMINATION OF APPOINTMENT BY FACULTY MEMBER** A faculty member who elects to terminate appointment at the end of the current contract year is obligated to give notice in writing at the earliest possible opportunity, but no later than 15 days after receiving notification of the terms of appointment for the coming year. (Regents 3-79)

**2.11 CLASS SIZE AND FACULTY LOAD** - It is the responsibility of the division chair and faculty of the division to ensure that the proper courses are being offered. Small classes (under 10 students) shall be reviewed each term and for reasons of economy, if necessary, canceled.

During the Independent Study term the instructor will supervise no less than ten and no more than 25 students. Under certain conditions, exceptions to this rule may be made with the approval of the division chair and Vice President for Academic Affairs.

The normal instructional load for the first and second trimesters is 12 credit hours. Eight credit hours is the normal load for the ten-week summer session. The normal instructional load for the music department is 21 clock hours. Regular class lectures when performed in the music department shall reduce the 21 clock hours by the rate 7/4 hour-per-clock hour of lecture. Non-lecture instruction will be given teaching load credit as follows:

*Class 1 Non-lecture* instruction will generate teaching load credit on a hour-per-clock hour basis. Class 1 is defined as (a) leader of a discussion group and/or (b) non-lecture instruction in which there is a prior preparation on the part of both student and faculty, and an introductory lecture or explanation by the faculty member and during which the faculty member is required to be present continually.

*Class 2 Non-lecture* instruction will generate teaching load credit on a 2/3 hour-per-clock hour basis. Class 2 is defined as follows: non-lecture instruction in which there is a minimum of preparation on the part of the teacher and for which continuous presence in the room is not required, but for which the teacher must be available to the student for questions and/or help at all times.

*Class 3 Non-lecture* instruction will generate teaching load credit on a 1/2 hour-per-clock hour basis. Class 3 is defined as follows: non-lecture instruction which requires no prior preparation on the part of the teacher nor the student and during which the presence of the teacher is not required.

The chair of each division and the Vice President for Academic Affairs will determine the class rating for each non-lecture instruction period in the division.

In courses in which there are multiple instructors assigned or any other special cases, the credit toward the teaching load will be worked out in a conference between the Vice President for Academic Affairs and the division chair.

Unless otherwise specified, faculty assigned to teaching teams in courses in the Interdisciplinary Studies Program, or in other special instances which have the approval of the division chair and the Vice President for Academic Affairs, shall be given full credit teaching load.

The teaching load credit for student teacher supervision will be determined as follows: divide the total number of student teachers being supervised by two and round the quotient off to the next higher integer.

**2.12 ACADEMIC FREEDOM AND RESPONSIBILITY** - Academic freedom and responsibility are the liberty and obligation to study, investigate, present, interpret, and to discuss facts and ideas concerning all branches and fields of learning. No limitations are implied other than those required by generally accepted standards of responsible scholarship and the Code of Professional Ethics of USAO.

A University faculty member is an individual with citizens rights and enjoying full constitutional freedom, a member of a learned profession, and a representative of an educational institution. Faculty members may speak or write on any subject of interest; however, it should be made clear when acting as private citizens that they speak, write, and act as individuals and not as representatives of the institution.

Academic freedom entails professional responsibilities. It is expected that the faculty of USAO will accept their obligations. In the interest of promoting an atmosphere of free inquiry, the faculty member shall be objective in discussing controversial issues relevant to subject matter in the classroom.

In the solution of certain difficult problems, all members of the academic community must take note of their responsibilities to society, to the institution, and to each other, and must recognize that, at times, the interests of each may vary and will have to be reconciled. The use of intimidation, harassment of any kind, or other disruptive acts which interfere with ordinary institutional activities or with the freedom of all members of the academic community to pursue their rightful goals, are the antithesis of academic freedom and responsibility. (Regents 5-79)

**2.13 PROFESSIONAL ETHICS** - A faculty teacher and scholar accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. The individual must always:

- a. Encourage the free pursuit of learning by students.

- b. Hold before them the best scholarly standards of the discipline.
- c. Demonstrate respect for the student as an individual, respecting the confidential nature of the relationship between teacher and student and avoiding any exploitation of students for private advantage.
- d. Respect and defend the free inquiry of associates and refrain from criticizing colleagues other than on the merits of scholarly exchange.
- e. Maintain the prerogative to seek revision within the institution; however, one must use established administrative channels within the institution before seeking outside aid.
- f. Give due notice of intentions when considering interruption or termination of service.

**2.14 OUTSIDE EMPLOYMENT** - Employment by the University must be regarded as a full-time profession which demands the full interests and energies of the personnel employed. Thus, the institution is committed to the policy that all members of the teaching staff are on duty or are available for duty at all times during regular University workdays and periods of special activities: in the classroom, in the library, in their offices, in committee meetings, or involved in other University-related activities. Outside remunerative employment may be engaged in only with the approval of the President of the University. Outside employment includes: (1) professional work of a continuing nature such as research, supervising, consulting, or advisory services, or other regular continuing employment for which compensation, regular or occasional, is received; (2) specific work of usually limited duration, for which compensation is received.

Remuneration for services performed in any period during which the employee is not directly employed by the University is permitted. Lectures, speeches, or literary articles for which honoraria are received are not considered outside remunerative employment.

## **2.15 GRIEVANCES**

**2.15.1. Committee Composition** - The Grievance Committee consists of three members of the Administration appointed by the President of the University and three members of the tenured faculty appointed by the officers of the Faculty Association. Each year, three members are appointed to serve two-year terms, with the appointing authorities alternating in appointing one or two members. The administration shall appoint one member for one year and two members for two-year terms. Faculty representative shall appoint two members for one year and one for a two-year term.

**2.15.2. Procedures** - The members of the committee shall select a chair from among their number to serve for one school year. This position shall alternate between the administration and the faculty. No person shall serve on the committee for more than two consecutive years.

Grievances which cannot be resolved between the parties concerned will be submitted in writing to the Grievance Committee. The committee will investigate the problem and, within 15 days, submit in writing the grievance and the committee's suggested solution to the President of the University and to each of the concerned parties.

The President of the University will inform the committee and the parties of the decision reached and the proposed solution. If the problem has not been resolved within ten working days of the submission to the President, the faculty member(s) with the grievance may request, and will receive, a personal hearing before the President and the committee. Parties may have legal counsel present.

If, after all campus channels have been exhausted, no satisfactory solution has been reached, the party(ies) may request in writing a hearing before the Board of Regents of the University of Science and Arts of Oklahoma.

**2.15.3. Legal Liabilities of Committee Members** - Members of the Grievance Committee are absolved of any and all personal liability or responsibility for decisions made and actions taken by the committee.

**2.16 FACULTY EXIGENCY POLICY** - The University of Science and Arts of Oklahoma is committed to providing stable employment for all full-time members of the school's faculty, administration, and staff. However, a set of conditions could conceivably arise regarding the University's financial status which would necessitate reducing its employee workforce. The interruption of the service of faculty members through no fault of their own is an extreme measure to be invoked only in case of a demonstrable financial exigency. After consulting with officers of the USAO Faculty Association, any such reduction would be recommended by the President of the University and upon approval by the Board of Regents, would be implemented humanely and reasonably, in full accordance with the procedures herein set forth.

- If faculty reductions are anticipated, the President will present all the facts to the officers of the USAO Faculty Association, showing that no plant or equipment reduction is possible without severely impairing the University's educational functions. Through its officers, the USAO Faculty Association will have full opportunity to respond to the President's planned recommendations. After considering the Faculty Association's views the President of the University will make his final recommendations to the Board of Regents.
- The Vice President for Academic Affairs shall cooperate with the President and with the Affirmative Action Officer to ensure that the procedures herein are followed, should a state of exigency arise. Recommendations for terminating or furloughing a faculty member shall be initiated by the division chair and the Vice President for Academic Affairs, who will forward all such recommendations to the President who may also initiate such recommendations. The faculty member must then be notified by the Vice President for Academic Affairs, in writing, of a termination or furlough action.
- In accordance with the principle of inverse seniority, the order of termination or furlough for faculty shall be as follows:
  - a. Adjunct faculty
  - b. Temporary full-time faculty
  - c. Part-time faculty
  - d. Full-time faculty on non-tenure track appointments.
  - e. Non-tenured
  - f. Tenured, full-time faculty

- A faculty member receiving notice of pending termination or furlough may request, and shall be accorded within 20 days, a hearing before the Academic Personnel Committee. The Academic Personnel Committee will determine that the termination or furlough is consistent with the provisions of this policy. Within ten days the committee will report its findings and recommendations to the faculty member and the President. Failure to make a request, in writing, for a hearing to the Academic Personnel Committee within 20 days after receipt of notification shall constitute a waiver by the faculty member on the right to a hearing before the Committee.
- If tenure-track or tenured faculty member is terminated under this policy and, if the position is reactivated within three years, the terminated faculty member will have first choice in filling the position. No new faculty will be hired to fill reactivated positions in this period unless qualified faculty previously terminated under the policy decline reemployment.
- Upon being rehired, faculty terminated for financial exigency shall retain:
  - a. their former academic rank and tenure status,
  - b. their former salary plus all adjustments that would have accrued,
  - c. all unused sick leave,
  - d. all previously earned credit toward sabbatical eligibility, and
  - e. retention of seniority.
- Placement services will be provided for terminated faculty upon request and, for a period of three years after termination, the University shall continue all health and welfare benefits, providing the faculty member pays his or her contributions toward these benefits. (Regents 9-87)

**2.17 FACULTY AWARDS FOR SUPERIOR PERFORMANCE** - These awards are authorized in order to recognize and emphasize the value of research and scholarly activity. Of the three awards for faculty, one is for outstanding scholarly activity and two awards are for outstanding teaching. These awards are given on an annual basis. (Regents 10-78, 10-92)

## CHAPTER 3 - PROFESSIONAL AND GENERAL STAFF

### 3. **PROFESSIONAL AND GENERAL STAFF**

*Included in this section are policies which specifically affect professional and general staff at the University of Science and Arts of Oklahoma. General information affecting all employees may be found in Chapter 4. Information published in this section is subject to change as approved by the USAO Administration and/or Board of Regents.*

**3.1 EMPLOYMENT POLICIES** - The University's staffing plan is designed (1) to provide a policy assuring maximum utilization of available manpower resources, and (2) to reaffirm the University's policy that all appointments, promotions, and transfers will be conducted on the basis of individual qualifications and merit, without regard to race, color, nationality, sex, pay, age, religion, disability, or status as a veteran in any of its policies, practices or procedures. This is in compliance with Title VI of the Civil Rights Act of 1964 and other federal laws and regulations.

**3.1.1. Hiring New Employees** - All departments are to list vacancies with the personnel office. Recommendations for appointments, reappointments, promotions, and transfers will not be approved until candidates for such actions have been processed by the personnel office. This policy is expected to give (1) supervisory personnel an opportunity to make selections from the total of candidates available through the personnel office, (2) applicants total access to the employment opportunities of the campus, and (3) present employees with first opportunity for promotions.

#### **3.1.2. Definition of Employment Terms**

*Appointment:* The placement of an individual on the payroll for the first time.

*Reappointment:* The placement of a former employee back on the payroll.

*Promotion:* The advancement of an employee to a higher level position. This term does not apply to pay increases for work at the same level of employment.

*Transfer:* The relocation of an employee from one department to another or to a different position within the same department. A transfer may be effected with or without a promotion.

**3.1.3. Listing Vacancies** - When vacancies occur, it is the department supervisor's responsibility to contact the appropriate vice president for approval to fill the vacancy. The vice president will then notify the personnel office who will coordinate recruitment and screening procedures before referring qualified candidates for consideration. Following the search committee procedures, the department supervisor will then suggest applicant recommendations to the appropriate vice president who, in turn, will make such recommendation for employment to the personnel office.

Any individual directly contacting a department concerning a vacancy should be referred to the personnel office. Recommendations for appointments, reappointments, promotions, and

transfers will not be approved until the candidate's personnel action documents have been processed by the personnel office.

**3.1.4. Publication of Vacancies** - The personnel office will publicize vacancies in the following manners:

- Notice of vacancy will be posted on USAO E-Mail for two days prior to public posting in order that eligible employees may be informed first of promotional opportunities.
- Notice of vacancy will then be posted on the personnel office bulletin board.
- Notice of vacancy will be sent to the Oklahoma Employment Commission to be entered in their statewide system.
- Notice of vacancy for general staff will be sent to local newspapers for publication. Because most general staff vacancies are filled from the local area, these vacancies will usually remain open for two (2) weeks.
- Notice of vacancy for professional staff will be sent to local newspapers, as well as the state's larger papers for publications. These notices may also be sent to all institutions of higher education within Oklahoma, as well as in sister states. Vacancies for professional staff will remain open for two to four weeks, depending upon the search area and urgency in filling the vacancy.

#### **3.1.5. Promotions and Transfers**

Employees transferred with a promotion in title and responsibilities may be given a salary increase in keeping with the University's compensation plan for such position.

Salary increases may not be approved for employees transferring from one position to another at the same or lower paying positions. A decrease in salary may be appropriate when an employee accepts a transfer to a lower paying position.

An employee wishing to be considered for a promotion and/or transfer may register this interest with the personnel officer and the appropriate vice president by arranging for an interview and taking the necessary steps to update his or her application or personnel file. Transfer referrals may also be made when the change serves the mutual interests of the employee and the University. Generally, however, lateral transfers are discouraged.

Employees with less than six months of service in the position to which last appointed will not ordinarily be approved for promotion or transfer.

Departments accepting an employee by transfer will be notified of the employee's accumulated sick and annual leave, responsibility for which passes to the receiving unit.

The effective date of transfer ordinarily will not be sooner than two weeks following notification to the department from which the employee is transferring.

#### **3.1.6. Appointments**

All regular employment is authorized by the Board of Regents through the action of the President of the University. The President generally accepts recommendations for regular employment or termination from the appropriate vice president through the personnel office.

Salaries for new staff will be set at the time of appointment by the Board of Regents upon the recommendation of the President. The President, in formulating his recommendations, will consult with the personnel officer, appropriate vice president, and division chair or supervisor. Factors to be considered include:

- Current level of salaries at USAO and other senior colleges in Oklahoma and surrounding states.
- Qualifications based upon education and experience.
- The position and rank to which appointed
- The demands in the current job market.

Types of appointments include:

- *Regular Full-time* - positions that require 40 hours of work per week, are expected to continue for one year or more, and which include full USAO benefits.
- *Regular Part-time* - positions that require less than 40 hours per week, are expected to continue for one year or more, and which receive partial USAO benefits.
- *Temporary Full-time* - positions that are not to exceed 90 days and which do not receive USAO benefits.
- *Part-time as needed* - positions on an “as needed” basis and which do not receive USAO benefits.

### **3.1.7. Evaluations of Staff Performance**

Although the evaluation of personnel is a continuous process, all staff members are formally evaluated annually by their immediate supervisor. This evaluation occurs during the spring, prior to the April meeting of the USAO Board of Regents. It provides the supervisor with an opportunity to assess the employee for traits identified with job success. In addition, the immediate supervisor is encouraged to make comments on strengths and weaknesses of the employee. When weaknesses are listed, the evaluator will suggest methods for improvement. The completed evaluation is discussed with the employee and the employee is given opportunity to respond in writing to the information on the evaluation. The immediate supervisor signs the evaluation and the employee is afforded the opportunity to do the same. The completed form is forwarded to the appropriate vice president for review, then to the personnel office where it becomes a permanent part of the employee’s personnel record.

### **3.1.8. Reemployment**

Regular employees with two or more years of full-time, continuous employment who return to University employment within 120 days following termination under satisfactory conditions, may have their previous service time restored to their employment record.

### **3.1.9. Reemployment, Veterans**

When released from active duty under honorable conditions, the employee will be reinstated in the former position, if it still exists, or one of similar status and pay, without loss of seniority. An employee must, however, apply for reinstatement within 90 days after release from active duty and be physically and mentally capable of performing the duties of the job. If the job no longer exists, every attempt will be made for placement in a similar position on campus or preference will be extended for the next suitable position.

### **3.1.10. Probationary Period**

Each employee must demonstrate ability to do the job through satisfactory work performance during the period of probation, which is the first six months on the job. The employee may be recommended for dismissal at any time the work performance is not satisfactory. During the probation period, at two-month intervals, the supervisor will fill out an evaluation sheet and counsel with the employee. If the employee does not meet the requirements of the job, the supervisor will make the recommendation to the appropriate vice president who, in turn, may recommend termination to the personnel officer. Under unusual circumstances, the probationary period may be extended to allow the employee more time to become better acquainted with the job. An employee may not remain on probation longer than 12 months.

### **3.1.11. Working Hours**

The University is a complex organization whose staff works with students, faculty, and the public. Therefore, it is impossible to establish the same working hours for everyone. The workweek shall begin at 12:01 a.m. Saturday and terminate the following Friday at midnight. A full-time employee is expected to work a minimum of 40 hours every week. Customarily office hours are from 8:00 a.m. until 5:00 p.m. with one hour allowed for lunch. Some departments must operate more than 40 hours a week. This may necessitate some employees working at night, Sundays, or holidays on a rotating shift or on shifts which are regularly scheduled at hours other than 8:00 a.m. to 5:00 p.m.

### **3.1.12. Rest Periods**

University policy provides a fifteen minute rest period for each half day of work for all employees. It is to be arranged by supervisors within the work day. Rest period time does not accumulate.

### **3.1.13. Overtime**

The University normally does not ask its employees to work more than their regularly scheduled workweek. However, because of the varied activities and responsibilities of some departments, supervisors may find it necessary to ask an employee to work more than the customary working hours. In such cases, overtime will be compensated for in accordance with the Fair Labor Standards Act (FLSA), if applicable, as follows:

- Exempt Status - employees exempt from the provisions of the FLSA are not eligible for overtime compensation. Generally this includes all executive, administrative, and professional employees.
- Nonexempt Status - all employees not exempt under the FLSA are eligible for overtime compensation provided that any and all hours of work in excess of the employee's regular schedule have been pre-authorized by the appropriate vice president. Part-time employees will not be eligible for overtime compensation, unless the hours worked shall exceed the number allowed under the provisions of the FLSA.
- Part-time Employees - employees who are working part-time will not be eligible for overtime compensation unless the hours worked shall exceed the number allowed under the provisions of the FLSA.
- Compensatory Time - the general practice of the University is to grant compensatory time off from the job (1 1/2 hours for each hour worked) for work in excess of customary

working hours. Compensatory time must be taken within five (5) working days from the date(s) earned OR compensated for in accordance with the Fair Labor Standards Act.

- Fair Labor Standards Act - if an employee works more than 40 hours in a given workweek, that employee may receive compensatory time off at a rate of not less than 1 1/2 hours for each hour of overtime worked. An employee may not accrue more than 240 total hours of compensatory time for overtime hours worked. USAO provides comp time ONLY “pursuant to an agreement or understanding arrived at between the employer (i.e. prior written approval from the appropriate supervisor and vice president) and the employee **before** the performance of the work.”

#### **3.1.14. Tardiness and Absences**

The University operates best when every employee is at work on time. Punctuality and attendance are very important to the efficiency of the organization. Supervisors should be told ahead of time of any reasons that would cause an employee to be absent or tardy the following day.

Disciplinary action can result if an employee is consistently tardy, absent, or leaves work early. If it is necessary for an employee to be absent from work, the supervisor should be notified in advance. In case of emergencies or sudden illness, an employee should call the supervisor as soon as possible or have someone else call and explain the absence. An employee absent with permission or without notifying the supervisor is subject to disciplinary action.

#### **3.1.15. Absence from Duty Report**

When absent from duty for any reason, an absence report must be filed with the immediate supervisor, who will approve or disapprove it (indicating the reason for disapproval) and forward the original to the personnel office. All requests for absence must comply with University policy and, except for personal illness, must be approved prior to the absence. In case of illness, the absence report must be filed with the supervisor immediately upon returning to work.

### **3.2 RESIGNATIONS - TERMINATIONS**

Should an employee wish to end his or her employment with the University, the employee should give at least two weeks’ (preferably four weeks’) advance notice to the department supervisor. If an employee voluntarily resigns with proper advance notice and has a good work record, consideration will be given for reemployment at a later date.

The department supervisor will send a recommended resignation to the appropriate vice president. If approved, the resignation will be forwarded to the personnel office for preparation of proper action papers to notify all concerned University personnel of the action taken.

The resigning employee **MUST** visit with the personnel office prior to submitting his or her letter of resignation to ascertain the proper last date of employment, complete COBRA forms (if applicable), and to complete other exiting procedures consistent with the position.

Employees may be recommended for discharge without notice and without further pay for willful violation of rules, misconduct, or similar causes. However, the personnel officer must be involved in this action.

### **3.3 CORRECTIVE DISCIPLINE**

The University's employment policies are intended to give each employee a full opportunity for job success. This objective is dependent upon good employee selection procedures, effective employee orientation and job training, periodic performance evaluations, and a constructive attitude toward employee discipline on the part of University supervisors.

Disciplinary action is viewed as an extension of performance evaluation and as a corrective procedure to assist employees in overcoming shortcomings, strengthening job performance, and achieving job success. Incidents of misconduct must be handled in ways which both support the concept of corrective discipline and minimize the interruption of University services. Discipline procedures are an accepted part of the employment policy. In the main, however, the University expects its supervisors to direct their efforts toward employee development. When corrective disciplinary action is necessary, the guidelines given below should be used to assure fairness and consistency throughout the University. The guidelines are not expected to be a rigid procedure, but are to be applied as steps through which all corrective disciplinary action must be taken to be complete. Depending upon the circumstances, some situations may be advanced to a higher level of corrective action in the guidelines.

It is important for supervisors to remember that three important things occur when discipline is applied properly:

1. Employees always know where they stand regarding offenses.
2. Employees know what improvement is expected of them and the time frame in which this improvement must be exhibited.
3. Employees understand what will happen next if improvement which was outlined in step 2 above has not been satisfactorily attained.

The inclusion of the personnel officer in all disciplinary procedures is vital. This individual will serve as mediator as well as protect the interest of both the employee and the University.

#### **3.3.1. Verbal Reprimand**

A verbal reprimand is normally used in a first offense. It should be given in private and should include a clear description of the offense and the change expected of the employee within a mutually agreeable time frame. A record of the oral reprimand must be documented by the appropriate supervisor and brought to the appropriate vice president who will forward the document to the personnel office for placement in the employee's personnel file.

#### **3.3.2. Employee's Warning Notice**

A warning notice is normally used in a second offense. It should be given in private and should include a clear description of the offense and the change expected of the employee within a designated time frame. A record of the warning notice must be documented by the appropriate supervisor and brought to the appropriate vice president who will forward the document to the personnel office for placement in the employee's personnel file. The employee's warning notice will include the employee's signature (indicating receipt rather than agreement with the action) and any comments the employee wishes to record.

### **3.3.3. Written Reprimand**

When a third offense occurs, a written reprimand is used. This document restates the problem as well as new or repeated solutions to the problem, with an affirmation that improvement is the responsibility of the employee and a condition of continued employment. Once again, a specific time frame is imposed. The conference is documented by the supervisor and brought to the appropriate vice president who will forward it to the personnel office for placement in the employee's personnel file. The written notification should include the employee's signature (indicating receipt rather than agreement with the action) and any comments the employee wishes to record.

### **3.3.4. Recommended Suspension (One to Five Days)**

Suspension involves removal of an employee from the University payroll for a brief period of time. The department supervisor sends the recommended suspension notice to the appropriate vice president who either approves or disapproves the recommended suspension and forwards the recommendation to the personnel office. Copies of the recommended suspension notice will be placed in the employee's personnel file and should include both the employee's signature and any comments the employee wishes to record. The personnel office will notify the employee in advance, in writing, of the dates of suspension and provide or offer the employee an opportunity to request reconsideration of the action by the suspending authority. The personnel office will also notify payroll, if the suspension holds.

### **3.3.5. Recommended Dismissal**

Dismissal is the most drastic step an employer can take toward an employee. It is imperative such action be given the most careful deliberation. Good administration, therefore, dictates that dismissal must be for a just and sufficient cause and should be invoked only after all practical steps toward retaining or rehabilitating the employee have been taken and failed.

Since the decision to dismiss the employee is a grave responsibility, it should not be made solely by one person. The immediate supervisor who is normally the person responsible for appraising performance must review with, and get approval from, the personnel officer and the appropriate vice president before recommending dismissal. Reasons for dismissal **must** be clearly defined to assure there is no misunderstanding. Broadly speaking, reasons for dismissal may be categorized under three major headings:

1. Unsatisfactory job performance
2. Misconduct
3. Restructuring of position and/or downsizing

Copies of the recommended dismissal notice will be placed in the employee's personnel file and should include both the employee's signature and any comments the employee wishes to record. Except in extreme cases requiring immediate dismissal, the personnel officer and the appropriate vice president will either approve or disapprove the recommended dismissal and forward the recommendation to the personnel office. The personnel office will notify the employee, in writing, the date of dismissal and provide an opportunity to request reconsideration of the action by the dismissing authority. The personnel office will notify payroll if dismissal holds.

An employee dismissed due to number 1 or 2 above, does not qualify for annual leave balance.

### **3.4 GRIEVANCE PROCEDURE**

“Grievances are not resolved by structure, but by the Grievance Committee. Party(ies) may have legal counsel present.

If, after all campus channels have been exhausted with no satisfactory solution reached, the party(ies) may request, in writing, a hearing before the Board of Regents of the University of Science and Arts of Oklahoma.

Members of the Grievance Committee are absolved of any and all personal liability or responsibility for decisions made and actions taken by the committee.

### **3.5 STAFF ACHIEVEMENT AWARDS**

Staff achievement awards are presented to professional and general staff in an effort to recognize outstanding performance. Regents amended the original establishment with the following: one quarterly award of \$300 will be given to a selected staff member and one annual award of \$500 will be given to a selected staff member.

### **3.6 FINANCIAL INCENTIVES FOR STAFF DEGREE COMPLETION.**

The University feels that it is important for educational institutions to encourage degree completion by all personnel. Therefore, members of the professional and general staff will be awarded a one-time stipend as follows: \$500 for receiving a baccalaureate degree and \$1,000 for receiving a master’s degree. The criteria for eligibility is: the staff member must be a regular employee of USAO when the degree is received. An award will be prorated if the employee is less than full time but at least .5FTE; and, the employee intends to remain at USAO after receiving the degree. (Regents 1-96)

### **3.7 STAFF IDENTIFICATION CARD**

All regular staff obtain an identification card at the beginning of employment. A current identification card will allow the employee and his or her family entrance to all University sponsored activities and events.

### **3.8 EDUCATIONAL ASSISTANCE PROGRAM**

The educational assistance program will waive one-half of the enrollment fees and all per hour student fees for employees, their spouses and dependents. Special fees for materials, private lessons, zero-level classes, late fees, etc. are excluded.

The waiver is limited to 16 hours per trimester or 140 total hours. Employees are limited to one course per trimester that is scheduled during normal working hours, and all such enrollments must be approved by the employee’s immediate supervisor. If approved, time missed must be made up at a mutually agreeable time. If the course is determined to benefit the institution, the class time may be considered as hours worked.

Continuing recipient must maintain a 2.5 grade point average and be making institutionally defined satisfactory academic progress (NOTE: Amended June 2009).

Request for waiver forms are available in the Administrative Affairs Office and must be completed by the end of the add/drop period each trimester. This program is subject to funding limits and/or changes in State Regents policies on fee waivers.

**3.9 PURCHASING PROCEDURES AND REQUESTS FOR SERVICES** - State law, to a great degree, determines the method by which state agencies may procure supplies, equipment and other services. These procedures are established in order to: (1) obtain needed supplies in an expeditious manner; (2) adhere to state requirements; and (3) assist the Business Office in preparing timely, meaningful and accurate financial reports to the departments, members of the administration, USAO Board of Regents, as well as various governmental agencies.

**3.9.1. Materials, Supplies and Services** - When materials are required, a purchase requisition form should be completed, signed by the department supervisor and appropriate vice president, and forwarded to the Business Office. If actual cost information is not available, an estimate should be supplied.

On issuance of a purchase request, one copy will be retained or returned to the ordering department. The ordering department should certify that materials or services have been received, certify the invoice and return it to the Business Office.

From information on the purchase requisition, a purchase order will be issued to a vendor. In most cases, the vendor suggested by the department will be utilized. However, in some instances, state purchasing regulations or other circumstances may require a vendor other than that indicated by the ordering entity to be selected.

**3.9.2. Travel** - At least two weeks prior to each proposed trip, a request for travel authorization should be prepared. all travel authorizations should be submitted to the appropriate administrator.

Requests for University transportation should be submitted to the Business Office at least one week in advance of the proposed trip. University vehicles will usually be available and will be issued on a first-come basis. The departmental budget will be charged for the use of these vehicles.

Reimbursement when driving a personal automobile will be at the prevailing state rate. Approval for the use of a personal vehicle must be obtained **in advance** and will only be approved if University transportation is not available.

Per diem for approved travel in Oklahoma and out of state is at the prevailing state rate. A travel voucher with lodging receipts should be submitted to the Business Office when the travel is completed.

**3.9.3. Printing Services** - Requests for services and materials from the Print Shop must be submitted to the Director of Printing Services with the appropriate departmental approval and

account number. All charges will be submitted to the Business Office by the Director of Printing Services to be charged to the individual department accounts.

**3.9.4. Physical Plant (Maintenance and Equipment)** - Requests for maintenance and equipment should be made in writing on a Service Request Form, available from your supervisor. The completed form should be given to your supervisor for processing. Emergency items should be reported by phone to the Physical Plant Office, extension 233. If there is no answer, the Vice President for Fiscal Affairs should be notified, extension 211. After office hours, notify Security at extension 307 or 311, or 224-0014 (Willard Hall) or 224-7998 (Sparks Hall).

**3.10 SECURITY** - USAO Security is responsible for assisting with the safety and welfare of all members of the University community. Specific responsibilities include protection of grounds and equipment, prevention of trespass on University property, enforcement of University policies and regulations, maintenance of civil order, enforcement of civil statutes on campus, and transportation of individuals to medical facilities in case of minor injury or accident.

### **3.11 TELEPHONE SERVICE**

**3.11.1. Emergency 911** - Emergency 911 calls made from offices at USAO must go through the PBX operator (Dial "0"). Emergency 911 calls can also be made from pay telephones on campus by dialing 911. A coin is not required.

**3.11.2. Disability Telephone Service** - Staff members are to make available office phones for disabled students. The spirit of the USAO disability policy is to provide whatever assistance is necessary to support disabled students.

**3.11.3. Inter-Office Calls** - For inter-office calls, dial the three-digit number of the station desired. If you do not know the extension number, consult your faculty-staff directory.

**3.11.4. Local Calls** - Dial "9" to get an outside line, then dial your number. If after dialing "9" you receive a busy signal, all outside lines are busy; hang up and try again later.

**3.11.5. Personal Toll Calls** - Charges for personal toll calls *must not* be charged to the University. Charges for toll calls concerning University business will be charged to the appropriate department.

**3.11.6. Long Distance Calls** - Dial "0" for the USAO operator, and give the information for the long distance call. Charges for personal long distance calls *must not* be charged to the University. Charges concerning University business will be charged to the appropriate department.

**3.11.7. Transferring Calls** - Any call may be transferred to another station by pushing the receiver button, waiting for the tone, and dialing the extension number.

### **3.12 DELIVERY SERVICE**

When special deliveries are requested which require a street address, the following should be used:

University of Science and Arts of Oklahoma  
2108 South 19th Street  
Chickasha, OK 73018

### **3.13 POSTAL SERVICE**

Postal facilities are maintained in Lawson Hall. Intra-campus mail is routed through the post office. Official University mail will be processed through the postage meter in the Business Office. The official address for the University is:

University of Science and Arts of Oklahoma  
1727 W. Alabama  
Chickasha, OK 73018-5322

**3.14 HEALTH SERVICES** - Routine medical services are available to University staff in the Student Services Center, first floor, Troutt Hall. The Director of Health Services also coordinates USAO's wellness program. Staff is encouraged to visit with the Director concerning this program.

**3.15 RECREATION ON CAMPUS** - A number of recreational activities are available on campus for staff and their families. In addition to the University tennis courts located southwest of the campus, the facilities in the gymnasium are available at certain times. Swimming, basketball, volleyball, softball, baseball, badminton, weight room (Sparks Hall) and table tennis are among the activities available. A current identification card may be required for some activities.

**3.16 NASH LIBRARY** - The library is designed to be of service to the students, faculty and staff of USAO. Staff is encouraged to use the services of this facility. However, staff must follow the same rules and regulations as other users. Library hours are posted on entrance doors. Staff may present a current identification card for obtaining "check-out" materials.

**3.17 FOOD SERVICES** - Staff members are welcome in the Snack Bar during its regular hours. Food service in the cafeteria is open to the staff for all meals. Discount tickets for staff lunches are available at the cafeteria entrance. Discount tickets are for employees only -- guests, including family members, must pay regular door prices.

**3.18 STAFF POLICIES: AUTHORITY AND ADMINISTRATION** - Each staff employee is encouraged to discuss with the Vice President for Administrative Affairs, or his representative, the terms of employment, including hours, compensation and working conditions.

The responsibility for administration of staff employment policies and procedures is delegated to the Vice President for Administrative Affairs under the executive authority of the President of the University.

The authority for employment policies stems from public law, the Regents, and the President of the University. It is understood that any provisions made herein may be voided by action of a superseding authority.

## CHAPTER 4 - GENERAL POLICIES

### 4. **GENERAL POLICIES**

*Included in this section are policies which universally affect employees at the University of Science and Arts of Oklahoma. All policies, benefits, and benefit amounts published in this policy handbook are subject to change as approved by the USAO Administration and/or Board of Regents.*

**4.1 EQUAL OPPORTUNITY** The University of Science and Arts of Oklahoma, in compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Section 402 of the Readjustment Assistance Act of 1974, Americans with Disabilities Act and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admissions, employment, financial aid, and educational services.

**4.2 AFFIRMATIVE ACTION** The Affirmative Action Plan of the University serves to supplement the Regents' policy on equal opportunity as it pertains to employment and is an integral part of the employment policies of the University. The principal objectives are:

- a) To assure all persons equal opportunity for employment and advancement in employment regardless of race, religion, disability, color, national origin, sex, age, or political beliefs.
- b) To meet institutional responsibilities under the Civil Rights Act of 1964 and commitments as a federal contractor under Executive Order 11246 and Executive Order 11375.
- c) To take positive actions in the recruitment, placement, development, and advancement of women and racial minority members in University employment.

Each person having administrative or supervisory responsibilities is expected to provide leadership in applying the Affirmative Action Plan.

### **4.3 USAO'S INSURANCE PROGRAM**

**4.3.1 Eligibility:** All full time regular employees who are actively at work full-time and for full-time pay on the effective date of the policy or are on an officially-approved leave of absence. All new regular employees become eligible for all insurance except long-term disability (see paragraph 4.3.4) on the first day of the month following their date of full-time

employment. For purposes of insurance eligibility, “full-time” is defined as at least 75 percent of full-time equivalent.

**4.3.2 Major Medical, Health, and Dental Insurance** The University provides full time, regular employees with a choice of coverage for major medical, health, and dental insurance. The University pays the employee’s premium (not to exceed the premium of the HealthChoice). Employees may insure eligible dependents at their own expense and may obtain costs from the personnel office. Half-time regular employees are eligible to participate in this benefit, but are responsible for full payment of employee premium, as well as full payment for eligible dependents. (Regents 6-89)

Each April is open enrollment period for all regular employees. During this time an employee may elect a different type of coverage and/or enroll eligible dependents. This cannot be done outside the option period except under certain conditions such as marriage, adoption, new baby, or spouse’s loss of group coverage due to change in employment.

Employees covered by health and dental insurance MUST contact the personnel office in the event of termination of employment, divorce, death of dependent or a dependent becoming ineligible due to age or drop of student status. Federal regulations provide for Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) benefits in these situations.

**4.3.3 Group Life Insurance Program** This program is provided at employer’s expense for all full time regular employees in the amount of two times the employee’s contract salary. Salary for a summer contract is not considered in determining the amount of an employee’s insurance. Coverage is adjusted annually (on or about October 1) for salary adjustments that occur during the year. If you have any questions concerning the current group life insurance, please read your informational booklet. The current policy also contains a Living Benefit Rider, and employees may insure eligible dependents at their own expense which is payroll deductible.

On October 1 after the employee’s 65th birthday, the amounts of life insurance and accidental death and dismemberment benefits will be 65 percent of the amounts that would otherwise be in effect if the employee were under age 65. On October 1 after the employee’s 70th birthday, such amounts will be 35 percent of the amounts that would otherwise be in effect if the employee were under age 65. On October 1 after the employee’s 75th birthday, such amounts will be 25 percent of the amounts that would otherwise be in effect if the employee were under age 65. (Regents 10-91, 2-92, 9-93).

Employees may also obtain life insurance for themselves and eligible dependents through the State and Education Employee Group Insurance Program. The University does not contribute toward this benefit.

Premiums for employees and eligible dependents are available from the personnel office upon request and are payroll deductible.

For a retiring employee who has been employed full-time in the Oklahoma State System of Higher Education for not less than ten (10) years immediately preceding the date of retirement and has been a member of the Oklahoma Teachers’ Retirement System during that time and has

elected to receive a vested benefit under the provisions permitted by the OTRS laws, the University shall continue to pay the group life insurance premiums for the retiring employee until said employee reaches age sixty-five (65).

**4.3.4 Group Long-Term Disability Insurance Program** The University provides, at employer expense, group long term disability insurance coverage on all regular, full time employees through the Teachers Insurance and Annuity Association after a selected waiting period of three or six months of continuous full-time employment. A disabled employee will receive a monthly benefit of sixty percent (60%) of the employee's salary, with an additional 6 2/3rds percent credited to TIAA/CREF. All inquiries concerning this benefit need to be directed to the personnel office. (Regents 3-92, 10-92, 9-93)

**4.3.5 Unemployment Compensation** All University employees are covered by unemployment compensation insurance at the employer's expense. The Unemployment Compensation Commission determines a terminated employee's eligibility for unemployment payments based on the circumstances of the termination.

**4.3.6 Workers' Compensation** All employees of USAO are covered by Workers' Compensation automatically when they are placed on the payroll. Workers' Compensation covers only those accidental injuries and occupational diseases or infections arising out of and in the course of employment. Generally, all medical bills will be paid in full. However, the incurred costs are screened by the State Insurance Fund to insure the charges are usual, reasonable, and customary.

When an on-the-job accident occurs, the employee should go or be taken immediately to the Director of Health Services. If the Director is not available, the supervisor should be immediately notified so medical attention may be provided. It is the responsibility of the Director of Health Services and/or the immediate supervisor to notify the personnel office with pertinent information concerning the injury or illness. The personnel office will file all necessary paperwork and claims. *Please note: If an employee takes it upon himself or herself to go to a medical specialist and receives treatment without going through the proper channels and documentation procedure, the University reserves the right to visit with the medical specialist to determine whether the incident falls under Workers' Compensation guidelines. The possibility does exist that the employee will be responsible for all medical charges.*

**4.3.7 Social Security (FICA)** All University employees participate in the Federal Social Security Act. Deductions for social security are made in accordance with federal law. The University pays an amount equal to the deduction from the employee's wages as its share of this program.

**4.3.8 Section 125 Plan** The University extends the opportunity for all eligible employees to participate in the Section 125 (Cafeteria) Plan through American Fidelity Assurance Company. Company representatives are on campus in the month November to discuss individual needs and establish pretax benefits for the upcoming year. The personnel office schedules visits for each employee. You will receive plenty of notice concerning your individual visit. It is imperative that you attend your scheduled session. (Regents 12-92)

## **4.4 RETIREMENT**

**4.4.1 Oklahoma Teachers' Retirement System** Participation in O.T.R.S. is required of all faculty and administration (a/k/a "classified employees") as set forth in 70 O.S., Section 17-103. Full-time, regular staff (a/k/a "unclassified employees") have the option of becoming a member. The University participates in the monthly contributions for faculty, administration, and full-time, regular employees who earn up to \$40,000 in salary plus benefits. Once an employee passes this amount, the employee is responsible for 100% of the contribution. Part-time, regular employees may also participate, but will be responsible for total contribution. (Regents 9-78, 9-79, 11-87)

**4.4.2 Teachers' Insurance and Annuity Association/College Retirement Equities Fund** Full-time regular employees who are enrolled in the Oklahoma Teachers' Retirement System and have completed one year of service at USAO will receive a supplemental retirement annuity. The University will contribute to TIAA/CREF an amount to be vested immediately in the employee's account. This annuity does not restrict the employee from purchasing additional individual tax-deferred annuity contracts in accordance with applicable federal and state laws. (Regents 4-91, 7-92, 7-93)

Upon retirement, the annuity derived from the contribution to TIAA/CREF, plus Social Security and the entitlement from the Oklahoma Teachers' Retirement System, shall constitute the retirement pay to the retiring employee.

**4.4.3 Disability Retirement** An employee who is participating in the Oklahoma Teachers' Retirement System and has not less than ten years of service may be able to retire or be retired for disability reasons. Such retirement shall be in accordance with provisions of the OTRS. Disability retirement status will be subject to reconsideration in any year prior to regular retirement age. (Regents 3-92, 10-92, 9-93)

**4.4.4 Permanency of USAO Supplemental Benefits** The amount of USAO supplemental benefits established at the time of an employee's retirement shall not be changed in any way because of alter changes in benefits from federal social security or the OTRS.

**4.4.5 Retired Personnel - Emeritus Status Authorized** The USAO Board of Regents at its discretion may honor recommendations of the President granting retired faculty, administration, or professional staff members emeritus status and title after retirement. This title shall be wholly honorary and does not entitle said holder to compensation of any kind. Emeritus status shall apply only in cases where the member has been in the service of the institution for at least ten (10) years.

## **4.5 LEAVE POLICIES**

**4.5.1 Sabbatical Leave** A sabbatical leave provides opportunity for professional growth and intellectual achievement through study, research, writing, and travel. A leave may involve specialized scholarly activity, or serve to broaden cultural perspectives.

Sabbatical leave may be requested by full-time faculty members who have completed six years of full-time academic service at USAO. Leave may be granted at one-half salary for two trimesters, or three-fourths salary for one trimester.

Requests for leave must be submitted for division review and recommendation by October 1 of the year prior to the academic year for which the sabbatical is requested. The request shall state the purpose of the sabbatical, its inclusive dates, the anticipated results, and its expected contribution to the University.

After recommending approval or disapproval, the division will submit the application to the Vice President for Academic Affairs by October 15, who shall refer it with recommendation to the President by November 1. If the President approves the request, the application will be presented to the Board of Regents at the November meeting. The President will formally notify the faculty member of the decision no later than December 1. Sabbatical leave approved by the Regents will be subject to the availability of funds.

Faculty members receiving leave shall enter into a written agreement to return to the University and remain in its service for a period twice as long as the time for which sabbatical leave is granted, or to repay the University the amount of salary received while on sabbatical leave. IF the faculty members returns to the University for only a part of the time required, the amount to be paid the University shall be proportionately reduced.

Faculty members receiving leave shall continue to the University benefit plan (health, dental, retirement, disability, etc.). If the faculty member has dependent health and/or dental coverage, he or she will remain responsible for payment of these premiums. (Regents, 10-75, 8-76, 4-83, 3-87)

**4.5.2 Annual Leave** Annual leave benefits are available to budgeted nonfaculty employees. Although these employees are not eligible for annual leave with pay during the first six months of continuous employment, it is retroactive to the date of employment. Regular employees working less than full-time will earn annual leave benefits on a pro rata basis.

Annual leave for budgeted, non-faculty employees accrues according to the following schedule:

- a) 0-4 years of service receives 10 hours per month, cumulative to 30 days;
- b) 5-19 years of service receives 12 hours per month, cumulative to 60 days;
- c) 20+ years of service receives 13 1/3 hours per month, cumulative to 60 days.

Whenever possible, the University will grant earned annual leave at the convenience of the employee. However, departmental needs must be met and annual leave should not be scheduled nor taken without prior written request by the employee and approval of the employee's supervisor.

Cash payment to an employee in lieu of annual leave will not be permitted. Earned but unused annual leave will be granted to employees terminating their employment under satisfactory conditions, subject to a maximum of the applicable accrual rate. Unused annual leave will not include credit for University recognized holidays falling within the terminal pay period. (Regents 2-21-89)

**4.5.3 Sick Leave** Sick leave with pay accrues for fulltime, budgeted administrative, faculty, and staff at the rate of ten hours per month of service. Part-time budgeted staff receive sick leave on a pro rata basis. Although budgeted employees are not eligible for sick leave with pay during the first six months of continuous employment, it is retroactive to the date of employment. The maximum sick leave accumulation is 130 days.

Sick leave may be used for personal accidental injury, illness or pregnancy, or accidental injury or illness of the employee's immediate family. "Immediate family" shall include spouse, mother, father, children, brother, sister, mother-in-law, father-in-law, grandparents or grandchildren of the employee or spouse, or a person living in the employee's home who is part of the family.

All time lost from work because of personal illness or disability will be charged to earned sick leave. In case of extended illness or disability, and after all sick and annual (if applicable) leave have been used, the employee will be placed on "Leave Without Pay" until the employee recovers sufficiently to perform regular duties and returns to work. A release from the doctor must be filed in the personnel office prior to returning from extended illness or disability.

Up to three days absence may be charged to earned sick leave in cases of death of an employee's spouse, child, mother, mother-in-law, father, father-in-law, brother, or sister.

One day absence may be charged to earned sick leave for the death of a grandchild, grandparent of employee or spouse, brother-in-law, sister-in-law, aunt, uncle, niece, or nephew.

One-half day may be charged to earned sick leave for absence to act as a casket bearer.

If additional time is required, such time will be arranged with the employee's division head and vice president, and charged to earned annual leave (if applicable) or time off without pay. (Regents 2-21-89)

**4.5.4 Family and Medical Leave Policy** The University of Science and Arts of Oklahoma's Family and Medical Leave Policy is designed for employees to balance their work responsibilities while caring for family members or during serious personal illness or injury not covered under Workers' Compensation. All regular faculty and staff who hold continuous appointments with an FTE of .50 or greater can access accrued paid leave as provided by the University's leave policies. In addition, the aforementioned employees are eligible for up to a total of twelve (12) weeks of leave (combined paid and unpaid) during a twelve month period, in accordance with the following provisions.

## I Family Leave

- A. Purpose. Family leaves of absence may be taken for the following reasons:
1. Birth of a child of the employee and in order to care for said child;
  2. Placement of a child with the employee for adoption or foster care;
  3. To care for a spouse, child, or parent who has a serious health condition. A serious health condition is one that requires in-patient care and/or continuing treatment by a health care provider.
- B. Terms
1. Accrued paid leave, as provided by University policy, shall be used initially by the employee. When leave with pay is no longer available, the leave may be extended to a total of twelve (12) work weeks during a twelve month period by using leave without pay. During this time, University insurance benefits will continue, but additional leave with pay will not accrue.
  2. Family leaves for birth, adoption, or placement of a foster child must fall within the term of employment and are to be taken consecutively without interruption, ending no later than twelve months after the day of birth or placement of the child.
  3. Family leave to care for a seriously ill spouse, child or parent may be taken intermittently or on a reduced time basis (by working fewer days in a week or fewer hours in a day) if such schedule is needed for medical reasons. When family leave without pay is taken to care for a spouse, child, or parent, acceptable documentation from the health care provider will be required by the University.
- C. Maternity Leave
1. With pay. Maternity leave with pay is available to eligible employees through utilization of their accrued leave policy. An employee may continue normal duties through pregnancy or use available leave while unable to perform regular duties and shall suffer no penalty, retaliation or other discrimination.
  2. Without pay. Leaves for the birth of a child may be extended beyond that granted for the medical disability to a total of twelve (12) weeks through the utilization of accrued paid leave or leave without pay.

## II. Medical Leave

- A. Purpose. Medical leaves of absence are available to eligible employees in the event of serious personal illness or injury.
- B. Terms
1. Accrued paid leave shall be used initially by the employee. When leave with pay is no longer available, the leave may be extended to a total of twelve (12) work weeks in a twelve month period by using leave without pay. During this time, University paid insurance benefits will continue, but additional benefits will not accrue.
  2. Medical leave may be taken intermittently or on a reduced time basis (e.g. by working fewer days in a week or by fewer hours in a day) if such a schedule is

needed for medical reasons. The University will require acceptable medical documentation of illness or disability.

III. Procedures

Requests for family or medical leaves of absence must be in writing and must include the reason for the request and the anticipated time period for the leave. All requests for family and medical leaves of absence shall be made at least thirty (30) days in advance, to the extent practicable. If the leave is for planned medical treatment, the employee is expected to schedule the treatment so as to create minimum disruption for the employer. When leave is used for the employee's own serious health condition or to care for a spouse, child, or parent with a serious health condition, acceptable medical documentation from the health care provider will be required.

IV. Return to Work

Eligible employees who take family or medical leave of absence from a position within the University will be able to return to the same or equivalent position and employment benefits. In the event of budgetary or organizational changes during the period of absence, the employee shall be treated as if he or she was occupying the same position at the time of the change. If an employee does not return to work as agreed upon, unless other arrangements are made, he or she shall be considered to have resigned from the University effective the last day worked.

V. Extended Leaves of Absence Without Pay

A. Purpose. Leaves of absence without pay for personal reasons may be recommended by the department head to the appropriate vice president for approval when it appears to be in the best interest of the University and the employee.

B. Terms

1. Leave of absence without pay may not exceed one year in length.

2. A personal leave of absence without pay does not count as service time for computation of benefits, other than for retirement as specified, and insurance benefits will be paid by the employee. Leave without pay for monthly employees may not be for absences of less than one day's duration.

3. When employees are granted leaves without pay for personal reasons, the University is obligated to reemploy the individual in either the same or similar position with the recommending department. Therefore, prior to granting a leave without pay, departments should carefully consider whether they will be in a position to reemploy the individual at the conclusion of the leave. If the position cannot be held open or filled on a temporary basis, the department should make it clear in writing to the employee that the leave is being granted with the understanding that the University is not obligated to reemploy the individual at the conclusion of the leave.

NOTE: FMLA limits the leave that may be taken by spouses who work for the same employer to a combined total of twelve work weeks during any twelve month period. (Regents 7-19-94)

**4.5.5 Leave Without Pay** Leave without pay may be granted upon recommendation of the department supervisor when it seems in the best interest of the University and the employee. Leave without pay is not ordinarily granted until all sick and annual (if applicable) leave have been used. When on leave without pay, no holiday pay will be granted.

**4.5.6 Shared Leave Program.** The USAO shared leave program is a means for University employees to donate sick or annual leave to another university employee who is experiencing a serious and extraordinary illness or health condition, or who is required to miss work to care for an immediate family member who is experiencing such an illness or health condition.

### **I. Definitions**

- A. Recipient Employee—A recipient employee must be a regular full-time employee with at least one year of continuous service prior to the qualifying event. The recipient employee must have exhausted his/her sick and annual leave. A recipient cannot receive more than 480 hours of shared leave in a year and not more than 261 days of shared leave during total state employment.
- B. Donor Employee—A donor employee must be a regular full-time employee who has a balance of 80 hours or more in his/her annual or sick leave accounts. An employee may donate from either annual or sick leave but may not drop below an 80-hour balance in the category that is being tapped and may not donate more than 50 percent of their annual accrual in either category.
- C. Qualifying Illness or Health Condition—A serious, extreme, catastrophic or life-threatening medical condition is a period of incapacity requiring the employee to be medically unable to work for a period of seven days or more. The medical condition must involve continuing treatment or supervision by a licensed physician or health care practitioner. Normal pregnancy, common illness, and illness or injury covered by Worker's Compensation are excluded.
- D. Immediate Family Member—Individuals who live in the same household as the employee recipient and are related by kinship, adoption or marriage; or are foster children certified by the state; or an employee's parent or minor child regardless of whether they live in the same household.

### **II. General Procedures.**

- A. Shared leave is meant to cover only the duration of the serious health condition for which it was approved.
- B. The USAO shared leave policy is administered through the office of Administrative Affairs. Recipient request and donor request forms are available in the Office of Administrative Affairs. Any donated leave not used by the recipient during each occurrence as determined by the Vice President for Administrative Affairs shall be returned to the donor. The donated leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the original leave balance of each donor.
- C. State law requires conversion of the rate of pay between the donor employee and the recipient employee. The receiving employee shall be paid his or her regular rate of

- pay; therefore, one hour of donated leave may cover more or less than one hour of the salary of the recipient. The calculation of the leave value of the recipient shall be in accordance with the state's Office of Personnel Management policies, regulations, and procedures. The leave received will be designated as donated leave and be maintained separately from all other leave balances.
- D. No request will be considered without a physician's written verification of the qualifying illness or condition. The need for the leave and the expected duration of the condition must be clearly stated.
  - E. Participation in the shared leave program as a recipient or as a donor is to be treated as confidential information by the Administrative Affairs Office.
  - F. All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated or financially induced to participate in this program. Violations of this provision should be reported to the Administrative Affairs Office immediately.
  - G. The minimum donation will be eight hours.

**4.5.7. Absence From Work (Not Charged to Annual or Sick Leave)** In accordance with federal/state statutes, USAO recognizes the following situations as "absence from work" which are not charged to the employee's annual or sick leave. However, the employee needs to provide the appropriate vice president and personnel office with documentation covering the required absence.

- a) Jury Service. Regular employees may elect one of two options. The employee may take leave without pay and retain the court's payment for service OR remit the court's payment to the Vice President for Fiscal Affairs and not be charged with any time off.
- b) A witness before a court, legislative committee of judicial body.
- c) Sufficient time for voting in school, city, county, state and federal elections.
- d) Military Service. Full time, regular employees are entitled to absence from work for the first 20 calendar days of military duty.

**4.5.8. Holidays** The University schedules the following paid holidays for all budgeted employees:

- New Years' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day (and following Friday)
- Christmas Day

In addition, the President of the University may declare other days as official University holidays.

If a holiday falls on Saturday, the Friday preceding will be observed. If a holiday falls on Sunday the Monday following will be observed. Nonexempt employees who must work on an official holiday will be paid at the compensatory rate of 1 1/2 hours for each hour worked or given compensatory time off at the rate of 1 1/2 hours for each hour worked. An employee on

annual leave status during the time a holiday occurs may exclude that day in calculating the number of annual leave days used.

In order to receive holiday pay, an employee must have worked the last regularly scheduled work day preceding the holiday and the first regularly scheduled work day following the holiday unless excused by his or her supervisor.

## *POLICIES AFFECTING ALL UNIVERSITY EMPLOYEES*

### **4.6 SEXUAL HARASSMENT POLICY**

**4.6.1. Statement of Policy** - The University is committed to creating and maintaining an environment for all University personnel and students which is free of objectionable and disrespectful conduct and communication. The University will not permit conduct of a sexual nature which interferes with individual rights and responsibilities or creates an intimidating or offensive atmosphere either for working or learning. Those individuals who hold positions of responsibility may exercise legitimate authority over others, but must avoid conflicts of interest and possible compromise or abuse of such authority. 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 University administration.

**4.6.2. Definition of Sexual Harassment** - Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended and Title IX of Education Amendments of 1972. The following definition from the Equal Employment Opportunity Commission Guidelines, November 10, 1980, identifies behavior which constitutes sexual harassment as:

“Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of instruction, employment or participation in other university activity; 2) submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or 3) such conduct as the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile or offensive university environment.”

### **4.6.3. Regulations**

1. It shall be a violation of University policy for anyone who is authorized to recommend or take action affecting faculty, staff or students to:
  - a) to make sexual advances or request sexual favors when submission to or rejection of such conduct is the basis for either implicitly or explicitly imposing or granting terms and conditions of employment or instruction which favorably or adversely affect the welfare of faculty, staff, and students.
  - b) to act or refuse to take action because of sexual favors, or to retaliate against a person who has rejected or reported sexual advances;
  - c) to act on the basis of sex with the intent or effect of unreasonably interfering with an individual’s performance or creating an intimidating or offensive environment;

- d) to disregard or fail to investigate allegations of sexual harassment, and to fail to take timely corrective action in the event misconduct has occurred.
- 2. Whenever there is an abuse of authority or neglect of responsibility involving sexual harassment, the supervisor is required to take prompt and corrective action through University Grievance Committee procedures.
- 3. The right to confidentiality of all parties involved in a sexual harassment charge shall be strictly adhered to insofar as it does not interfere with the University's legal obligation to investigate allegations of misconduct when brought to the University's attention and to take corrective action.
- 4. Filing a complaint or otherwise reporting sexual harassment shall not cause any reflection on the individual's status, nor shall it affect future employment, compensation, work assignments or student status.

#### **4.6.4. Procedures**

Procedures for reporting allegations are:

1. Report sexual harassment to immediate supervisor and, if necessary, to the next level of supervision and/or to the Affirmative Action Officer.
2. A member of the faculty, staff or student body alleging sexual harassment by anyone with supervisory authority, or failure by the supervisor to take timely action on the individual's complaint of being sexually harassed by someone not in a supervisory capacity, may file a written complaint with the Affirmative Action Officer.
3. If, after review and action by these parties, the complainant is not satisfied with the decision, a written complaint may be filed with the President who will refer the matter for recommendation to the appropriate grievance committee as provided for in the Faculty Handbook, the Staff Handbook, and/or the Student Handbook. (Regents 4-83)

**4.7 CAMPUS SECURITY ACT** - An addendum to the Title IV of the Higher Education Act of 1965 (HEA) by the Student Right-to-Know and Campus Security Act (P.L.101-542) requires all institutions of higher education to distribute an annual security report by September 1 of each year to current and prospective students and employees. In compliance with this, USAO provides students and employees with the following information:

- A statement of current campus policies regarding procedures and facilities for reporting crimes and emergencies and the institution's response to such reports.
- A statement of current policies concerning security of and access to campus facilities.
- A statement of current policies concerning campus law enforcement, including authority of security personnel and policies encouraging reporting of crime.
- A description of the type and frequency of programs to inform the campus community about security procedures and encourage individuals to be responsible for their own security.
- A description of programs about crime prevention.
- Statistics on the occurrence on campus of certain crimes.
- A statement of policy on monitoring and recording off-campus crime through local police agencies.
- Statistics on arrests for drug, alcohol, and weapons violations.
- A statement of policy on the possession, use and sale of alcohol.
- A statement regarding possession, use, and sale of illegal drugs.
- A description of drug or alcohol abuse education programs.

- A statement of policy regarding the institution's programs to prevent sex offenses, and procedures to follow when a sex offense occurs.

#### **4.8 ETHICS POLICY**

**4.8.1. Statement of Purpose** - From the beginning of its existence, the University of Science and Arts of Oklahoma has always embraced a basic policy that all officers and employees avoid any interest which conflicts with the interests of the citizens of the State, and the duties and responsibilities involved with public service. The Oklahoma Supreme Court has cautioned that public servants should refrain from becoming involved in situations which could cause criticism for unethical conduct. It is in this spirit that the Regents of the University of Science and Arts of Oklahoma have prepared this policy for use by Regents and employees of USAO.

**4.8.2. General Considerations** - In general, an officer's or employee's interest conflicts with that of the University when he or she places himself or herself in a position to benefit directly or indirectly through a misuse of his or her position. In any case of doubt, an employee should confer with the institutional officer designated to consider whether a particular matter could involve a potential conflict of interest, *before engaging in the activity in question*.

#### **4.8.3. Examples of Conflicts of Interest**

1. *Seeking or Accepting Gifts* - Under no circumstances may any Regent or employee of USAO seek or accept any compensation, gift, loan, entertainment, favor or service given for the purpose of influencing him or her in the discharge of official duties. Any Regents or employee who receives such a gift or who is offered such a personal benefit, the acceptance of which is prohibited, should return the gift to the donor with a letter to the donor explaining the policy of USAO, and personal benefits should be refused with an explanation of the policy. A copy of such correspondence should be placed in the employee's personnel file for any needed future reference.

2. *Improper Use of Office or Position* - It is improper for any Regent or employee of USAO to use his or her office or position in ways that are designed to obtain some special privilege or advantage for himself or herself or someone else, except in ways specifically addressed by law.

3. *Disclosure of Confidential Information* - No USAO employee or officer may give, release, or discuss confidential information obtained by the use of his or her official position to any person, group or business association not entitled to that information. Similarly, it is improper for any public employee to offer to reveal, give or discuss such confidential information to unauthorized persons or entities. No USAO officer or employee may use any confidential information obtained by the use of his or her official position for his or her own personal gain.

4. *Selling Goods and Services to State Institutions* - In general, no officer or employee of USAO may sell, offer to sell, or cause to be sold any goods or services to any agency of the State or to any business entity licensed by or regulated by the State, except where such business relationships are preceded by public notice and competitive bidding, with the employee being declared the lowest and best bidder for the acquisition.

5. *Outside Employment or Compensation* - No Regent or employee of USAO may receive or ask for any outside employment or compensation that would impair the

independence of judgment of the officer or employee in rendering services as a USAO employee, unless otherwise provided by law.

6. *Use of State Titles/Political Activities* - All citizens of this country have basic guaranteed rights as individuals to participate in civic and community affairs which may affect the welfare of society. At the same time, however, activities of this nature must not be represented or implied to represent that the individual is speaking on behalf of USAO. Regents and employees of USAO are guaranteed the right *as individuals* to register and vote as they may choose, express political opinions, make voluntary political contributions, or to otherwise participate fully in public affairs, including running for public office, except as prohibited by law. In so doing, however, Regents and employees of USAO should act in a manner which does not materially compromise the neutrality, efficiency, or integrity of their official duties.

**4.8.4. Conclusion** - No policy can answer all questions that might arise. Whenever in doubt as to the propriety of any given situation one should always err on the side of propriety. The keys are to disclose the potential or perceived conflict, seek advice or guidance from the appropriate officer before entering into the activity, or guidance from the appropriate officer before entering into the activity in question, and make a record of the matter for future reference use. It is hoped that officers and employees of USAO use this policy as a partial tool in determining whether a possible conflict of interest has arisen and, if so, the appropriate action to be taken in such a situation. (Regents, 2-21-89)

## **4.9 DRUG ABUSE POLICIES**

**4.9.1. Workplace Policy** - The University of Science and Arts of Oklahoma complies with all federal and state regulations regarding the unlawful manufacture, dispersal, possession and use of controlled substances. In compliance with the Drug-Free Workplace Act of 1988, USAO follows the procedures outlined below:

1. A statement is sent to all employees informing them that the unlawful manufacture, dispensing, possession or use of a controlled substance is prohibited in the workplace; and specifying the actions that will be taken against employees for violations.
2. A drug-free awareness program to inform employees about the following information is presented each year: a) dangers of drug abuse in the workplace; b) USAO's policy of maintaining a drug-free workplace; c) drug counseling and rehabilitation and employee assistance programs; and d) penalties imposed upon employees for drug abuse violations in the workplace.
3. Each employee applying for a federal grant or contract is notified that as a condition of involvement under the grant, the employee will: a) comply with the provisions in the statement described in paragraph 1; b) notify the University personnel director of any criminal drug conviction for the violation occurring in the workplace no later than five days after that conviction.
4. The personnel office has the responsibility of notifying the federal funding agency within ten days after receiving notice from an employee or otherwise receiving notice of the conviction.
5. The personnel office will take one of the following actions within thirty days of receiving notice under paragraph 3b that an employee has been convicted of violating the statement as

published under paragraph 1: a) take appropriate personnel action against such an employee up to and including termination; or b) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

#### **4.9.2. Drug Free School Policy**

*Purpose* - The Drug Free Schools and Communities Act Amendments of 1989 required an institution of higher education to certify to the U. S. Department of Education by 10-1-90 that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees in order to remain eligible for federal financial assistance of any kind. This policy was adopted by the University of Science and Arts of Oklahoma to comply with this statutory directive.

*Policy* - As set forth in local, state, and federal laws, and the rules and regulations of the University, USAO prohibits the unlawful possession, use or distribution of illicit drugs (“illicit drug use” is defined as the use of illegal drugs and the abuse of other drugs and alcohol, including anabolic steroids) and alcohol by students and employees in buildings, facilities, grounds, or other property owned and/or controlled by the University or as part of USAO activities.

*Internal Sanctions* - Any student or employee of the University alleged to have violated this prohibition shall be subject to disciplinary action including, but not limited to, expulsions, termination of employment, referral for prosecution and/or completion, at the individual’s expense, of an appropriate rehabilitation program. An appropriate rehabilitation program is considered to be a drug and/or alcohol abuse assistance/rehabilitation previously approved and/or certified by such purpose(s) by a federal, state, or local health, law enforcement, or other appropriate agency. Any disciplinary action shall be taken in accordance with applicable policies of the University.

*External Sanctions* - Local, state and federal laws provide for a variety of legal sanctions for the unlawful possession and distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

Federal law provides rather severe penalties for distributing or dispensing, or possessing with the intent to distribute or dispense, a controlled substance (cocaine, marijuana, opiates, amphetamines, and other designated substances as set forth in Section 202 of the Controlled Substance Act [21 U.S.C., Section 812]). The type and quantity of the drug, whether the convicted person has any prior convictions, and whether death or previous injury resulted from use of the drug in question (this, however, is not a factor in a case of simple possession) all affect the sentence. For example, if less than 50 kilograms of marijuana are involved and it is the first offense (no prior convictions), then an individual is subject to imprisonment of not more than 5 years, a fine of \$250,000, or both. If, however, 50-100 kilograms of marijuana are involved instead of 50, and all other factors are the same as in the preceding example, one is subject to imprisonment of not more than 20 years, unless death or serious injury results from the marijuana use, then one is subject to not less than 20 years to life, a fine of \$1,000,000, or both.

While the penalties for simple possession are less severe, the first conviction still carries a sentence of up to a year imprisonment, a fine of at least \$1,000 but not more than \$100,000, or both. With regard to simple possession, the number of convictions makes both the minimum period of imprisonment and fines greater. Under special provisions for possession of crack, a person may be sentenced to a mandatory term of at least 5 years in prison and not more than 20 years, a fine of \$250,000, or both.

State law provides similar penalties with regard to the simple possession, distribution, or possession with intent to distribute a controlled dangerous substance (cocaine, marijuana, opiates, amphetamines and any other drug or substance as set forth in Schedules I of through V of the Uniform Controlled Dangerous Substances Act, 63 O.S. 1981, sec. 2-101 et seq., as amended). Simple possession of marijuana is a misdemeanor and carries a punishment of up to 1 year in the county jail. A second or subsequent conviction for simple possession of marijuana carries 2-10 years in the state penitentiary. Possession of marijuana with the intent to distribute is a felony and carries a punishment of 2 years to life in the penitentiary and a fine of up to \$20,000 for the first conviction. A second or subsequent conviction carries a punishment of 4 years to life in prison and a fine of up to \$40,000. Dependent upon the quantity involved, a convicted individual could be sentenced under the Oklahoma "Trafficking in Illegal Drugs Act" which provides for much harsher penalties.

In addition, state law provides that possession of or possession with the intent to consume a 3.2 beer by someone under 21 years old in a public place is a misdemeanor punishable by a fine not to exceed \$100 or by appropriate community service not to exceed 20 hours. Possession of other alcoholic/intoxicating beverages by someone under 21 years old in a public place is a misdemeanor punishable by imprisonment in the county jail for not more than 30 days, a fine not to exceed \$100 or both. There are also state laws concerning driving under the influence of alcohol and using a false driver's license to obtain 3.2 beer or other alcoholic beverages. Depending upon the number of previous convictions or gravity of the circumstances, a person may be convicted of a felony or misdemeanor for such an offense. It is most likely that one will also forfeit driving privileges in the event of conviction of such an offense.

There are also local laws similar to those described above. If drugs are involved, the city will most likely defer to the state or federal authorities because their penalties are more severe. If alcohol is involved, one may be convicted of violating both local and state laws and punished according to both laws.

Courts do not excuse individuals convicted of these offenses from a prison sentence to go to college or work. A conviction for such an offense is a serious blemish on a person's record which could prevent one from entering many careers or obtaining that badly wanted job.

Further information regarding these local, state and federal laws may be found in the Office of Student Services and is available to students and employees. Students and employees are encouraged to review this information. The above-referenced examples of penalties and sanctions are based on the relevant laws at the time of adoption of this policy statement. Such laws are, of course, subject to revision or amendment by way of the legislative process.

*Health Risks* - Alcohol and other drug use represent serious threats to health and the quality of life. More than 25,000 people die each year from drug-related accidents or health problems. With most drugs, it is probable that users will develop psychological and physical dependence. The general categories of drugs and their effects are as follows:

Alcohol - short term effects include behavioral changes, impairment of judgment and coordination, greater likelihood of aggressive acts, respiratory depression, irreversible physical and mental abnormalities in newborns (fetal alcohol syndrome) and death. Long-term effects of alcohol abuse include damage to the liver, heart and brain, ulcers, gastritis, malnutrition, delirium, tremens and cancer. Alcohol, combined with other barbiturates/depressants can prove to be a deadly mixture.

Amphetamines/Stimulants - (speed, uppers, crank, caffeine, etc.) speed up the nervous system which can cause increased heart and breathing rates, higher blood pressure, decreased appetite, headaches, blurred vision, dizziness, sleepiness, anxiety, hallucinations, paranoia, depression, convulsions and death due to a stroke or heart failure.

Anabolic Steroids - seriously affect the liver, cardiovascular, and reproductive systems. Can cause sterility in males and females, as well as impotency in males.

Barbiturates/Depressants - (downers, Quaaludes, valium, etc.) slow down the central nervous system which can cause decreased heart and breathing rates, lower blood pressure, slowed reactions, confusion, distortion of reality, convulsion, respiratory depression, coma and death. Depressants combined with alcohol can be lethal.

Cocaine/Crack - stimulates the central nervous system and is extremely addictive, both psychologically and physically. Effects include dilated pupils, increased heart rate, elevated blood pressure, insomnia, loss of appetite, hallucinations, paranoia, seizures and death due to cardiac arrest or respiratory failure.

Hallucinogens - (PCP, angel dust, LSD, etc.) interrupt the functions of the part of the brain which controls the intellect and instincts. May result in self-inflicted injuries, impaired coordination, dulled senses, incoherent speech, depression, anxiety, violent behavior, paranoia, hallucinations, increased heart rate and blood pressure, convulsions, coma and heart and lung failure.

Cannabis - (marijuana, hashish, hash, etc.) impairs short-term memory, comprehension, concentration, coordination and motivation. May also cause paranoia and psychosis. Marijuana smoke contains more cancer-causing agents than tobacco smoke. The way in which marijuana is smoked - deeply inhaled and held in the lungs for a long period - enhances the risk of getting cancer. Combined with alcohol, marijuana can produce a dangerous multiplied effect.

Narcotics - (smack, horse, demerol, percodan, etc.) initially produce feelings of euphoria often followed by drowsiness, nausea and vomiting. An overdose may result in convulsions, coma and death. Tolerance develops rapidly and dependence is likely. Using contaminated syringes to inject such drugs may result in AIDS.

Tobacco/Nicotine - some 170,000 people in the United States die each year from smoking related coronary heart disease. Some 30% of the 130,000 cancer deaths each year are linked to smoking. Lung, larynx, esophagus, bladder, pancreas and kidney cancers strike smokers at increased rates. Emphysema and chronic bronchitis are ten times more likely among smokers.

Further information concerning health risks may be found in the Student Health Center. You should also consult your personal physician about the health risks associated with alcohol and drug use.

*Drug/Alcohol Counseling and Rehabilitation Programs* - There are programs in the community or nearby that may be helpful. A list of such programs, showing their location and phone number, is maintained in the Student Health Services Office and the Office of the Director of Student Services, and are included in this policy statement. Seeking help from, being referred to or from these services is confidential and will not, alone, result in disciplinary action. Individual privacy will, of course, be maintained in any counseling/rehabilitation process. In addition, the following toll-free, hot-line numbers may be of use to someone needing help or service.

- National Institution of Drug Abuse Information and Referral Line, Monday - Friday, 8:30 a.m. - 4:30 p.m., 1-800-622-HELP
- The National Federation of parents for Drug-Free Youth; Monday - Friday, 8:00 a.m. - 5:00 p.m., 1-800-544-KIDS
- Just Say No Foundation, 1-800-258-2766
- National Council on Alcoholism, 24 hours a day, 7 days a week, 1-800-622-2255
- National Drug Abuse Hotline, 1-800-241-9746
- Cocaine Helpline, 1-800-COCAINE
- Reach-Out Hotline (alcohol, drug crisis intervention, mental health, and referral), 1-800-522-9054

In any organization of the size and complexity of USAO, special situations do arise which cannot be handled expeditiously as outlined above. Such problems should be discussed with the Director of Health Services so that alternate procedures may be established when necessary. (Regents 5-89, 9-90)

#### **4.10 SMOKING POLICY**

The University of Science and Arts of Oklahoma is committed to providing a healthy, comfortable, and productive environment for the students, faculty, and staff of this campus.

The United States Surgeon General, in his 1986 report on Involuntary Smoking concluded:

- Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers; and
- The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

Research has documented that voluntary smoking is the leading cause of preventable death in the U.S., and that involuntary smoking is the third leading cause of preventable death. In light of these findings, the University of Science and Arts of Oklahoma shall be completely smokefree effective August 15, 1993. The Smoke Free Policy applies to all University facilities, owned or leased, regardless of location. Smoking will not be permitted in any enclosed space except private residential space within university housing. No ashtrays will be provided at any location on campus. Cigarettes will not be sold on university grounds, either in vending machines, the student union, or any other area on campus.

Copies of this policy shall be distributed to all employees and students. Announcements will also be printed in campus newspapers to ensure that everyone understands the new policy. Signs shall be posted at all building entrances.

On-site smoking cessation programs may be made available to assist and encourage individuals who wish to quit smoking. Questions and problems regarding this policy should be directed to the Vice President for Administrative Affairs. The success of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing this policy. (Regents, 6-22-93).

**4.11 AMERICANS WITH DISABILITIES ACT** The Americans With Disabilities Act (ADA) was signed into law by President Bush on July 29, 1990. The underlying purpose of the ADA is to prohibit discrimination against persons with disabilities in both the public and private sectors. The Act is divided into five titles.

*Employment* - The Americans With Disabilities Act prohibits discrimination against a qualified individual with a disability in employment and includes specific features related to reasonable accommodation, qualification standards and other labor-management issues.

“No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

*Public Service* - ADA addresses services and activities of state and local governments including actions applicable to public transportation provided by public entities. Transportation provisions of the Act are intended to improve access in equipment (buses, rail coaches, etc.) facilities and demand response systems. Some of these include: the purchase of new accessible public transportation equipment, special transportation services that are comparable to fixed route services, modification of key existing facilities to assure access and inter-city and commuter rail accessibility improvements.

“No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.”

*Public Accommodations* - ADA addresses public accommodations of businesses and services operated by private entities. Also included are privately owned transportation. Specific features of the Act vary from section to section laying out how equal access is to be achieved by particular entities.

“No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation.”

*Telecommunications* - ADA mandates telecommunications relay services be offered by private companies and includes services operated by states.

“...shall ensure that interstate and intrastate telecommunications relay services are available...to hearing-impaired and speech-impaired individuals in the United States.”

*Miscellaneous Provisions* - Various explanations, exemptions, directives and mandated studies are also detailed in the Act.

The University of Science and Arts of Oklahoma has many different kinds of support services and technology which are available to students, faculty, and other non-faculty employees with disabilities. The following is a checklist of the services and technology available.

1. Career Counseling for Disabled Students
2. Classroom with Assistive Listening Device System
3. Curbcuts on Sidewalks
4. Elevators in Administrative Buildings
5. Elevators in Classroom Buildings
6. Intake Counseling for Disabled Students
7. Keyboard Guard for Mouth-Stick
8. Personal Assistant (PA) Referral System
9. Public Television with Closed-Caption Decoder
10. Publicly Accessible TDD on Campus
11. Sign Language Classes
12. Speech Recognition System for Computer Input
13. Access to Talking Book
14. Text Enlargement Software for Computer Displays
15. Test Proctoring
16. Touch-Window for Computer Input
17. Visual Fire Alarms for Student Dormitory Rooms
18. Wheelchair Ramps for All Buildings
19. Sighted Readers
20. Notetakers (manual)
21. Notetakers (Computer-assisted)
22. Interpreters (Signing, oral)
23. Restrooms
24. Drinking Fountains

The University will review requests for reasonable accommodations on a yearly basis and fully supports and adheres to this Act. (Regents 2-16-93).

#### **4.12 BLOODBORNE PATHOGENS**

**4.12.1 Purpose of the Plan and Definitions** - One of the major goals of the Occupational Safety and Health Administration (OSHA) is to regulate facilities where work is carried out...to promote safe work practices in an effort to minimize the incidence of illness and injury experienced by employees. Relative to this goal, OSHA has enacted the Bloodborne Pathogens Standard, codified as 29 CFR 1910.1030. The purpose of the Bloodborne Pathogens Standard is to “reduce occupational exposure to Hepatitis B Virus (HBV), Human

Immunodeficiency Virus (HIV) and other bloodborne pathogens” that employees may encounter in their workplace.

The University of Science and Arts of Oklahoma believes there are a number of good general principles which should be followed when working with potentially contaminated materials. These include:

- Minimizing employee exposure.
- Recognizing the possibility that exposure exists.
- Instituting work practice and engineering controls.

The University has implemented this Exposure Control Plan to meet the letter and intent of the OSHA Bloodborne Pathogens Standard. The objective of this plan is twofold:

- To protect University employees from the health hazards associated with bloodborne pathogens.
- To provide appropriate treatment and counseling should an employee be exposed to bloodborne pathogens.

*Important Definitions* - while it is always important to know what definitions OSHA gives to certain words and phrases in their regulations, the Standard on which this plan is based rests very strongly on a clear understanding of these definitions:

Blood - human blood, human blood components, and products made from human blood.

Bloodborne Pathogens - pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

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

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

Contaminated Laundry - laundry which has been soiled with blood or other potentially infectious materials, or may contain sharps.

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

Engineering Controls - controls (e.g. sharps disposal containers, self-sheathing needles, etc.) that isolate or remove the bloodborne pathogens hazard from the workplace.

Exposure Incident - a specific eye, mouth, other mucous membrane, non-intact skin, or parental contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.

Handwashing Facilities - a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

HBV - Hepatitis B Virus.

HIV - Human Immunodeficiency Virus.

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

Other Potentially Infectious Materials - (1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visible contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); (3) HIV-containing cell or tissue cultures, organ culture, and HIV or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Personal Protective Equipment - specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g. uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Regulated Waste - liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Source Individual - any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to an employee. Examples include, but are not limited to, hospital and clinic patients, clients in institutions for the developmentally disabled, trauma victims, clients of drug and alcohol treatment facilities, residents of hospices and nursing homes, human remains, and individuals who donate or sell blood or blood components.

Universal Precautions - treating all blood and certain human body fluids as if they are known to be infectious for HIV, HBV, and other bloodborne pathogens.

Work Practice Controls - controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting recapping of needles by a two-handed technique).

**4.12.2 General Program Management** - There are four major "Categories of Responsibility" that are central to the effective implementation of the Exposure Control Plan. These are:

- The "Exposure Control Officer"
- Department Supervisors
- Education Coordinator
- University Employees

The following sections define the roles played by each of these groups in carrying out the plan (Throughout this written plan, employees with specific responsibilities are identified. If, because of promotion or other reasons, a new employee is assigned any of these responsibilities, the Vice President for Administrative Affairs is to be notified of the change, so that records can be updated.)

*Exposure Control Officer* - will be responsible for overall management and support of the Bloodborne Pathogens Compliance Program. Activities which are delegated to the Exposure Control Officer typically include, but are not limited to:

- Overall responsibility for implementing the Exposure Control Plan.
- Working with supervisors and other employees to develop and administer any additional bloodborne pathogen-related policies and practices needed to support the effective implementation of this plan.
- Looking for ways to improve the Exposure Control Plan, as well as to revise and update the plan when necessary.
- Collecting and maintaining a suitable reference library on the Bloodborne Pathogens Standard and bloodborne pathogens safety and health information.
- Knowing current legal requirements concerning bloodborne pathogens.
- Acting as facility liaison during OSHA inspections.
- Conducting periodic facility audits to maintain an up-to-date Exposure Control Plan.

The Vice President for Administrative Affairs serves as the Exposure Control Officer.

The Exposure Control Officer will require assistance in fulfilling these responsibilities. An Exposure Control Committee has been created to assist in carrying out these duties. It is composed of the following people: Director of Health Services, Director of Physical Plant, and such individuals as the President should appoint.

*Department Supervisors* - are responsible for exposure control in their respective areas. They work directly with the Exposure Control Officer, the Exposure Control Committee, and University employees to ensure that proper exposure control procedures are followed.

*Education Coordinator* - USAO's Education Coordinator will be responsible for providing information and education to all employees who have the potential for exposure to bloodborne pathogens. Activities falling under the direction of the Coordinator include:

- Maintaining an up-to-date list of facility personnel requiring education (in conjunction with facility management).
- Developing suitable education programs.
- Scheduling periodic education seminars for employees.
- Maintaining appropriate education documentation such as "Sign-in Sheets", Quizzes, etc.
- Periodically reviewing the education programs with the Exposure Control Officer and Department Supervisors to include appropriate new information.

The Director of Health Services has been selected to be the facility's Education Coordinator.

*Employees* - As with other University activities, USAO employees have the most important role in the bloodborne pathogens compliance program, for the ultimate execution of much of the Exposure Control Plan rests in their hands. In this role they must do things such as:

- Know what tasks they perform that have occupational exposure.
- Attend the bloodborne pathogens education sessions.
- Plan and conduct all operations in accordance with work practice controls.
- Develop good personal hygiene habits.

*Availability of the Exposure Control Plan to Employees* - To help them with their efforts, the University's Exposure Control Plan is available to employees at any time. Employees are

advised of this availability during their education sessions. Copies of the Exposure Control Plan are kept in the following locations: Office of the President; Office of the Vice President for Administrative Affairs; Office of the Vice President for Fiscal Affairs; Office of the Director of Health Services; and Office of the Director of Physical Plant.

*Review and Update of the Plan* - USAO recognizes that it is important to keep this Exposure Control Plan up-to-date. To ensure this, the plan will be reviewed and updated under the following circumstances:

- Annually, on or before May 5 of each year.
- Whenever new or modified tasks and procedures are implemented which affect occupational exposure of University employees.
- Whenever University employees' jobs are revised such that new instances of occupational exposure may occur.
- Whenever USAO establishes new functional positions within the University that may involve exposure to bloodborne pathogens.

**4.12.3 Exposure Determination** - One of the keys to implementing a successful Exposure Control Plan is to identify exposure situations employees may encounter. To facilitate this at the University, the following lists have been prepared:

- Job classifications in which all employees have occupational exposure to bloodborne pathogens.
- Job classifications in which some employees have occupational exposure to bloodborne pathogens.
- Tasks and procedures in which occupational exposure to bloodborne pathogens occur (these tasks and procedures are performed by employees in the job classifications shown on the two previous lists).

The Director of Health Services will work with department supervisors to revise and update these lists as tasks, procedures, and classifications change.

*Job Classifications in Which All Employees Have Occupational Exposure to Bloodborne Pathogens; Job Classifications in Which Some Employees Have Occupational Exposure to Bloodborne Pathogens; and Work Activities Involving Potential Exposure to Bloodborne Pathogens* - these lists are contained on pages 12 and 13 of the Policy.

#### **4.12.4 Methods of Compliance** -

*General* - There are a number of areas that must be addressed in order to effectively eliminate or minimize exposure to bloodborne pathogens in the University. The first five areas dealt with in the plan are:

- The use of Universal Precautions
- Establishing appropriate Engineering Controls
- Implementing appropriate Work Practice Controls
- Using necessary Personal Protective Equipment
- Implementing appropriate Housekeeping Procedures

Each of these areas is reviewed with employees during the bloodborne pathogens related education. By rigorously following the requirements of OSHA's Bloodborne Pathogens

Standard in these five areas, the plan is to eliminate or minimize employees' occupational exposure to bloodborne pathogens as much as possible.

*Universal Precautions* - Underway at USAO is the practice of "Universal Precautions". As a result, all human blood and body fluids such as semen and vaginal secretions are treated as if they are known to be infectious for HBV, HIV and other bloodborne pathogens.

In circumstances where it is difficult or impossible to differentiate between body fluid types, all body fluids are assumed to be potentially infectious.

The Director of Physical Plant is responsible for overseeing USAO's Universal Precautions Program.

*Engineering Controls* - One of the key aspects to USAO's Exposure Control Plan is the use of Engineering Controls to eliminate or minimize employee exposure to bloodborne pathogens. As a result, employees use cleaning, maintenance and other equipment that is designed to prevent contact with blood or other potentially infectious materials.

The Director of the Physical Plant periodically works with department supervisors to review tasks and procedures performed in the University where engineering controls can be implemented or updated. As part of this effort, a facility survey has been completed identifying three things:

- Operations where engineering controls are currently employed.
- Operations where engineering controls can be updated.
- Operations currently not employing engineering controls, but where engineering controls could be beneficial.

The results of this survey follow: Each of these lists is re-examined during USAO's annual Exposure Control Plan review and opportunities for new or improved engineering controls are identified. Any existing engineering control equipment is also reviewed for proper function and needed repair or replacement every six months, in conjunction with the department supervisor where the equipment is located.

*Engineering Control Equipment* - Operations that have Engineering Control Equipment to eliminate or minimize employees' exposure to bloodborne pathogens are listed on pages 16 and 17 of the University's Plan. In addition to the ones identified, the University provides handwashing facilities (or antiseptic hand cleansers and towels or antiseptic towelettes) which are readily accessible to all employees who have the potential for exposure.

*Work Practice Controls* - In addition to engineering controls, the University uses a number of Work Practice Controls to help eliminate or minimize employee exposure to bloodborne pathogens. The person in the University who is responsible for overseeing the implementation of these Work Practice Controls is the Director of Physical Plant. He works in conjunction with department supervisors and the University's education coordinators to effect this implementation.

The University has adopted the following Work Practice Controls as part of the Bloodborne Pathogens Compliance Program:

- Employees wash their hands immediately, or as soon as feasible, after removal of potentially contaminated gloves or other personal protective equipment.
- Following any contact of body areas with blood or any other infectious materials, employees wash their hands and any other exposed skin with soap and water as soon as possible. They also flush exposed mucous membranes with water.
- Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses is prohibited in work areas where there is potential for exposure to bloodborne pathogens.
- Contaminated sharps must be placed in an appropriate container as soon as possible.
- Contaminated needles and other sharps are not to be removed from the container.
- Shearing or breaking of contaminated needles is prohibited.
- Contaminated needles and other sharps cannot be bent, recapped or removed unless: no alternative is feasible and/or such action is required by a specific medical procedure. If recapping or needle removal must be performed, it must be done using a mechanical device or a one-handed technique.
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When a new employee comes to the University, or an employee changes jobs within the facility, the following process takes place to ensure that they are trained in the appropriate work practice controls:

- The employee's job classification and the tasks and procedures they will perform are checked against the Job Classifications and Task Lists which have been identified in the Exposure Control Plan as those in which occupational exposure occurs.
- If the employee is transferring from one job to another within the University, the job classifications and tasks/procedures pertaining to his or her previous position are checked against these lists.
- Based on this "cross-checking" the new job classifications and/or tasks and procedures which will bring the employee into occupational exposure situations are identified.
- The employee is then trained by the facility Education Coordinator or another member of the Exposure Control Committee regarding any work practice controls that the employee is not experienced with.

*Personal Protective Equipment* - Personal Protective Equipment is the employees' "last line of defense" against bloodborne pathogens. Because of this, the University provides (at no cost to USAO employees) the Personal Protective Equipment that employees need to protect themselves against such exposure. This equipment includes, but is not limited to:

- Gloves
- Safety glasses
- Goggles
- Face shields/masks
- Disposable refuse bags

Hypoallergenic gloves, gloveliners or similar alternatives are readily available to employees who are allergic to the gloves the University normally uses.

The Director of Physical Plant, working with department supervisors, is responsible for ensuring that all departments and work areas have appropriate personal protective equipment available to employees.

USAO employees are trained regarding the use of the appropriate personal protective equipment for their job classifications and tasks/procedures they perform. If an employee takes a new position or new job functions are added to his or her current position, the employee is provided with appropriate education.

To ensure that personal protective equipment is not contaminated and is in the appropriate condition to protect employees from potential exposure, the University adheres to the following practices.

- All personal protective equipment is inspected periodically and repaired or replaced as needed to maintain its effectiveness
- Reusable personal protective equipment is cleaned, laundered and decontaminated as needed.
- Single-use personal protective equipment (or equipment that cannot, for whatever reason, be decontaminated) is disposed of in an appropriate manner according to state waste management regulations.
- Sharps are disposed of by forwarding to Browning-Ferris Industries Medical Waste Systems, Houston, Texas.

To make sure that this equipment is used as effectively as possible, USAO employees adhere to the following practices when using their personal protective equipment:

- Any garments penetrated by blood or other infectious materials are removed immediately, or as soon as feasible.
- All potentially contaminated personal protective equipment is removed prior to leaving a work area.
- Gloves are worn in the following circumstances: a) whenever employees anticipate hand contact with potentially infectious materials; b) when handling or touching contaminated items or surfaces.
- Disposable gloves are replaced as soon as practical after contamination or if they are torn, punctured or otherwise lose their ability to function as an “exposure barrier”.
- Protective clothing (such as coats) is worn whenever potential exposure to the body is anticipated.
- Disposable gloves cannot be washed or decontaminated for reuse.
- Utility gloves, such as those made of vinyl, leather or other heavy materials, can be decontaminated for reuse if their integrity has not been compromised.
- Utility gloves must be discarded if they are cracked, peeling, torn, punctured or exhibit other signs of deterioration...or when they otherwise lose their ability to function as a barrier to exposure.

*Housekeeping* - Maintaining the University in a clean and sanitary condition is an important part of USAO’s Bloodborne Pathogens Compliance Program. To facilitate this, a written schedule for cleaning and decontamination of the appropriate areas of the facility has been written. The schedule provides the following information:

- The area to be cleaned/decontaminated.
- Day and time of scheduled work.
- Cleansers and disinfectants to be used.
- Any special instructions that are appropriate.

Using this schedule, the custodial staff employs the following practices:

- All equipment and surfaces are cleaned and decontaminated immediately or as soon as feasible after contact with blood or other potentially infectious materials.
- Protective coverings (such as plastic trash bags or wrap, aluminum foil or absorbent paper) are removed and replaced.
- All trash containers, pails, bins, and other receptacles intended for use routinely are inspected, cleaned and decontaminated as soon as possible if visibly contaminated.
- Potentially contaminated broken glassware is picked up using mechanical means (such as dustpan and brush, tongs, forceps, etc.).

The Director of Physical Plant is responsible for setting up a cleaning and decontamination schedule and making sure it is carried out within the University.

Care is given in handling regulated waste (including used bandages and other potentially infectious materials). The following procedures are used with all of these types of wastes.

- They are discarded or “bagged” in containers that are: closeable; puncture-resistant if the discarded materials have the potential to penetrate the container; leak-proof if the potential for fluid spill or leakage exists; and/or red in color or labeled with the appropriate biohazard warning label.
- Containers for this regulated waste are placed in appropriate locations in the University within easy access of employees and as close as possible to the sources of the waste.
- Waste containers are maintained upright, routinely replaced and not allowed to overfill.
- Whenever employees move containers of regulated waste from one area to another the containers are immediately closed and placed inside an appropriate secondary container if leakage is possible from the first container.

The Director of Physical Plant is responsible for the collection and handling of the University’s contaminated waste.

4.12.5 Hepatitis B Vaccination, Post-Exposure Evaluation and Follow-up. Everyone in the University recognizes that even with good adherence to all exposure prevention practices, exposure incidents can occur. As a result, USAO has implemented a Hepatitis B Vaccination Program, as well as set up procedures for post-exposure evaluation and follow-up should exposure to bloodborne pathogens occur.

*Hepatitis B Vaccination* - To protect employees as much as possible from the possibility of Hepatitis B infection, the University has implemented a vaccination program. This program is available, at no cost, to all employees who have been identified by the Exposure Control Committee as having occupational exposure to bloodborne pathogens.

The vaccination program consists of a series of three inoculations over a six-month period. As part of their bloodborne pathogens education, USAO employees have received information regarding Hepatitis vaccination, including its safety and effectiveness.

The Director of Health Services is responsible for setting up and operating a vaccination program.

Vaccinations are performed under the supervision of a licensed physician or other healthcare professional. Employees taking part in the vaccination program are listed and this list is kept by the Director of Health Services. The Director also maintains completed "Vaccination Declination Forms" which are signed by employees who have declined to take part in the program. To ensure that all employees are aware of the vaccination program, it is thoroughly discussed in bloodborne pathogens education. The Vice President for Administrative Affairs is responsible for contacting each individual employee to set up appointments to receive "Vaccination Declination Forms."

*Post-Exposure Evaluation and Follow-Up* - If a USAO employee is involved in an incident where exposure to bloodborne pathogens may have occurred, efforts immediately are focused upon:

- Investigating the circumstances surrounding the exposure incident.
- Making sure that employees receive medical consultation and treatment (if required) as expeditiously as possible.

The Director of Health Services investigates every exposure incident that occurs in the University. This investigation is initiated within 24 hours after the incident occurs and involves gathering the following information:

- When the incident occurred - date and time.
- Where the incident occurred - location within the facility.
- What potentially infectious materials were involved in the incident - type of material (blood, etc.).
- Source of the material.
- Under what circumstances the incident occurred - type of work being performed.
- How the incident was caused - accident; unusual circumstances (such as equipment malfunction, power outage, etc.)
- Personal protective equipment being used at the time of the incident.
- Actions taken as a result of the incident - employee decontamination; cleanup; notifications made.

After this information is gathered, it is evaluated, a written summary of the incident and its causes is prepared and recommendations are made for avoiding similar incidents in the future. In order to make sure that employees receive the best and most timely treatment if an exposure to bloodborne pathogens should occur, the University has set up a comprehensive post-exposure evaluation and follow-up process. To verify that all the steps in the process have been taken correctly, a checklist is used. This process is overseen by the Vice President for Administrative Affairs.

USAO recognizes that much of the information involved in this process must remain confidential, and will do everything possible to protect the privacy of the people involved.

As the first step in this process, an exposed employee is provided with the following confidential information:

- Documentation regarding the routes of exposure and circumstances under which the exposure incident occurred.
- Identification of the source individual (unless infeasible or prohibited by law).

Next, if possible, the source individual's blood is tested to determine HBV and HIV infection. This information will also be made available to the exposed employee, if it is obtained. At that time, the employee will be made aware of any applicable laws and regulations concerning disclosure of the identity and infectious status of a source individual. Finally, the blood of the exposed employee is collected and tested for HBV and HIV status.

Once these procedures have been completed, an appointment is arranged for the exposed employee with a qualified healthcare professional to discuss the employee's medical status. This includes an evaluation of any reported illnesses, as well as any recommended treatment.

*Information Provided to the Healthcare Professional* - To assist the healthcare professional, a number of documents are provided, including the following:

- A copy of the Bloodborne Pathogens Standard.
- A description of the exposed employee's duties as they relate to the exposure incident.
- Documentation of the route of exposure and circumstances under which exposure occurred.
- The exposed employee's medical records relevant to treatment.
- Other pertinent information.
- Results of the source individual's blood testing, if available.

*Healthcare Professional's Written Opinion* - After the consultation, the healthcare professional provides the University with a written opinion within 15 days after evaluating the exposed employee's situation. A copy of this opinion is furnished to the exposed employee.

In keeping with this process' emphasis on confidentiality, the written opinion will contain only the following information:

- Whether Hepatitis B Vaccination is indicated for the employee.
- Whether the employee has received the Hepatitis B Vaccination.
- Confirmation that the employee has been informed of the results of the evaluation.
- Confirmation that the employee has been told about any medical conditions resulting from the exposure incident which require further evaluation or treatment.

All other findings or diagnoses will remain confidential and will not be included in the written report.

*Medical Recordkeeping* - To ensure that maximum medical information is available to the participating healthcare professional, the University maintains comprehensive medical records on exposure incidents that may involve bloodborne pathogens on USAO employees. The Vice President for Administrative Affairs is responsible for setting up and maintaining these records, which include the following information:

- Name of the employee.

- Social security number of the employee.
- A copy of the employee's Hepatitis B Vaccination Status with dates of any vaccinations and/or medical records relative to the employee's ability to receive vaccination.
- Copies of the results of the examinations, medical testing and follow-up procedures which took place as a result of an employee's exposure to bloodborne pathogens.
- A copy of the information provided to the consulting healthcare professional as a result of any exposure to bloodborne pathogens.

As with all information in these areas, USAO recognizes that it is important to keep the information in these medical records confidential. USAO will not disclose or report this information to anyone without the employee's written consent (except as required by law).

**4.12.6 Labels and Signs** - For USAO employees one of the most obvious warnings of possible exposure to bloodborne pathogens are biohazard labels. Because of this, a comprehensive biohazard warning labeling program has been implemented using the biohazard label in fluorescent orange or orange-red.

When more appropriate, we use red "color-coded" containers. The Vice President for Administrative Affairs is responsible for setting up and maintaining this program in the University.

**4.12.7 Information and Education** - Having well informed and educated employees is extremely important when attempting to eliminate or minimize USAO employees' exposure to bloodborne pathogens. Because of this, all employees who have the potential for exposure to bloodborne pathogens are put through a comprehensive education program and furnished with as much information as possible on this issue.

Employees will be retrained at least annually to keep their knowledge current. Additionally, all new employees, as well as employees changing jobs or job functions, will be given any additional education their new position requires at the time of their new job assignment.

The Director of Health Services is responsible for seeing that all employees who have potential exposure to bloodborne pathogens receive this education.

*Education Topics* - The topics covered in the education program include, but are not limited to, the following:

- The Bloodborne Pathogens Standard itself.
- The epidemiology and symptoms of bloodborne diseases.
- The modes of transmission of bloodborne pathogens.
- The University's Exposure Control Plan (and where employees can obtain a copy)
- Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
- A review of the use and limitations of methods that will prevent or reduce exposure including engineering controls; work practice controls; and personal protective equipment.
- Selection and use of personal protective equipment including types available; proper use; location within the facility; removal; handling; decontamination; and disposal.

- Visual warnings of biohazards within the University including labels, signs and “color-coded” containers.
- Information on the Hepatitis B Vaccine including its efficacy, safety, method of administration, benefits of vaccination, and the University’s free vaccination program.
- Actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
- The procedures to follow if an exposure incident occurs, including incident reporting.
- Information on the post-exposure evaluation and follow-up including medical consultation that the University will provide.

*Education Methods* - The University’s education presentations make use of several techniques including, but not limited to:

- Classroom type atmosphere with personal instruction
- Videotape programs.
- Education manuals/employee handouts.
- Employee Review Sessions

Because employees need an opportunity to ask questions and interact with their instructors, time is specifically allotted for these activities in each education session.

*Recordkeeping* - To facilitate the education of employees, as well as to document the education process, records containing the following information are maintained:

- Dates of all education sessions.
- Contents/summary of the education sessions.
- Names and qualifications of the instructors.
- Names and job titles of employees attending the education sessions.

Forms are used to facilitate this recordkeeping. These education records are available for examination and copying to employees and their representatives, as well as OSHA and its representatives. (Board of Regents, June 22, 1993).

**4.13 OPEN RECORDS** - The Oklahoma Open Records Act (51O.S.Supp.1985) became effective on November 1, 1985. The purpose of this Act is to insure and facilitate the public’s right of access to and review of state government records so that the public may efficiently and intelligently exercise their inherent political power.

All University records, except those protected by this Act, are open to any person for inspection, copying, and/or mechanical reproduction except those records specifically required by law to be kept confidential. Requests to inspect and/or reproduce University records are to be forwarded to the President for disposition and action. Charges for these services are as follows:

1. There will be a 25-cent per page charge for all records reproduced.
2. In those instances where administrative and clerical services are required to accumulate information requested, there will be a \$15 per hour charge in addition to the 25-cents per page charge.

University records will be open for inspection 8:30 a.m. until 4:30 p.m. Monday through Friday except for holidays.

The University, as set forth in O.S. Supp. 1990, 51:24A.5 and O.S. Supp.1994, 51:24A.7, holds the following records to be confidential and not accessible to the general public:

1. Personnel records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation;
2. Personnel records where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, and employment applications submitted by persons not hired by the institution;
3. The dates of employment, title or position;
4. Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination;
5. The home address of any person employed or formerly employed by the institution;
6. Individual student records;
7. Faculty lesson plans, tests and other teaching materials; and
8. Personal communications concerning individual students.

The University fully supports the Oklahoma Open Records Act within the above guidelines. Procedures outlined above are designed to protect the integrity and organization of University records and to prevent excessive disruptions of University essential functions. Any questions concerning the release of University records are to be directed to the President or a designee (Regents 2-86).

#### **4.14 COPYRIGHT POLICY**

*Policy* - The University of Science and Arts of Oklahoma recognizes that copyrights are protected by the Constitution and the laws of the United States to promote the progress of science and the arts by securing for limited times the exclusive rights to an individual's works and writings. The basic objectives of the University's policy concerning copyrights include the following:

- To maintain the University's academic policy by encouraging research and scholarship without regard to potential gain from royalties or other income.
- To make materials eligible for copyright, created pursuant to University objectives, available to the public under conditions which promote their effective use.
- To provide adequate incentive and recognition to faculty, staff, and students through proceeds derived from their work.

#### *Definitions*

- *Inventions* - All discoveries, programs, processes, methods, uses, products, or combinations, whether already patented or eligible for patent at any time, under the current Federal Patent Act.
- *Written Materials* - All literary, dramatic, artistic and musical materials or works and all other materials or works including computer programs published or unpublished, copyrighted or eligible for copyright, at any time under the Federal Copyright Act.
- *Recorded Materials* - All audio tapes, video tapes, film, or other recordings or transcriptions, published or unpublished, whether or not copyrighted or eligible for copyright, at any time under the Federal Copyright Act.
- *Materials* - Written and recorded materials.

- University Personnel - Part-time and full-time members of the faculty, staff, and all other agents and employees, and students of the University.

### *Regulations*

A. Under the Copyright Revision Act of 1976, (17 U.S.C. 101 etseq.), original works are protected by copyright from the time they are fixed in a tangible medium of expression.

B. All University personnel, in accordance with the University's policy of promoting creative and scholarly activities, are free to develop, create, and publish works eligible for copyright.

C. Copyrighted works produced by University personnel, except as noted in the paragraph E. of this section, are the property of the creator. All rights afforded copyright owners under Section 196 of the Act reside with the creator unless he or she has assigned or licensed any of the rights. Decisions relative to registering works with the copyright office are left to the individual creator.

D. Works specifically commissioned by the University under Section 201(b) of the Act belong to the University. As copyright owner, the University makes decisions relative to registering commissioned works. Royalties for University-commissioned copyrighted works may be shared by the University and the creator(s) of the work subject to the discretion of the University. Disputes arising over royalty sharing shall be referred to the University Research Committee, which will in turn recommend to the President.

E. All noncommissioned copyrightable material, developed with the significant use of funds, facilities, or equipment, administered by the University, become the property of the University. However, the University recognizes and reaffirms the traditional academic freedom of its faculty, staff, and students to publish freely without restriction. In keeping with this philosophy, the University does not construe the provision of office or library facilities as constituting significant use of University facilities, nor does it construe the payment of salary as constituting significant use of University funds, except for those situations where the funds, facilities or equipment specifically support development of such material.

F. Faculty, staff and students shall own all rights to materials prepared at their initiative including all royalties from publication or distribution of such materials, except as noted in paragraph E above.

G. Works produced under a specific contract or grant agreement between the University and a governmental or other agency, or any other organization, are subject to the terms of the grant or contract for purposes of copyright. If copyright ownership is not specified, such rights shall reside with the creator(s).

H. Where University service units are involved with the production of a substantially completed copyrightable product, royalties shall be distributed between the copyright owner and the University as provided in a written agreement, prior to completion. However, when a written agreement has not yet been completed, the distribution of royalties will be evenly divided between the creator and the University. If disputes arise, the matter shall be referred to the University Research Committee which will in turn recommend to the President.

I. The University Research Committee, as noted above, will investigate and make appropriate recommendations to the President. The committee's responsibilities shall include, but not be limited to, disputes concerning: ownership of University-

commissioned works; terms of commissions; distribution of royalties for University-produced works; and distribution of royalties for works that may have necessitated specific and unusual University expenses.

(Regents, 4-17-86).

**4.15 PATENT POLICY** - The University recognizes that:

- A. Patent policies serve to document the rights and equities of the originator, University, sponsor, and society. Such policies also provide an incentive to creative intellectual effort and research through royalty arrangements.
- B. Patent rights are protected by the Constitution and the laws of the United States to promote the progress of science and the arts by security for limited times, exclusive rights to inventions and to control the manufactured, use, and sale of individual inventions for a specific period of years.
- C. The progress of science and the arts may be benefited by use of the established patent system.
- D. Inventions eligible for patent, created pursuant to University objectives, should be made available to the public under conditions which promote their effective use.
- E. Incentive and recognition of faculty, staff, and students is provided by protecting the individual's rights to proceeds from inventions.

*Definitions*

- Inventions - All discoveries, programs, processes, methods, products or combinations, whether already patented or eligible for patent at any time under the Federal Patent Act.
- University Personnel - Part-time and Full-time members of the faculty, staff, all other agents and employees, and students of the University.

*Regulations*

- A. Patent rights created by the Constitution and the laws of the United States promote the progress of science and the arts by securing for limited times the exclusive rights for an individual's control of the manufacture, use, and sale of an invention for a period of 17 years. Patents are non-renewable after the initial 17-year period.
- B. All University personnel, in accordance with the University's policy of promoting creative and scholarly activities are free to develop, create, and patent inventions.
- C. Inventions eligible for patent produced by University personnel, except as noted in paragraph "e" below, are the property of the creator of that invention. All rights afforded patent owners under the provisions of the Federal Patent Act reside with the creator unless he or she has assigned or licensed any of the enumerated rights. Decisions relative to registering these inventions with the United States Patent Office are left to the individual creator.
- D. Patent rights in works specifically commissioned by the University shall belong to the University. As the patent right owner, the University shall make decisions relative to registering commissioned works. Royalties for University-commissioned patented inventions may be shared by the University and the creator(s) of the invention. Disputes arising over royalty sharing shall be referred to the University Research Committee, which will in turn recommend to the President.

- E. All noncommissioned patentable inventions, developed with the significant use of funds, facilities, or equipment, administered by the University, shall be the property of the University. However, the University recognizes and reaffirms the traditional academic freedom of its faculty, staff, and students. In keeping with this philosophy, the University does not construe the provision of office or library facilities as constituting significant use of University facilities nor does it construe the payment of salary as constituting significant use of University funds, except for those situations where the funds, facilities, or equipment are paid specifically to support the development of such invention(s).
- F. Faculty, staff and students shall own all rights to patented inventions prepared at their initiative, including all royalties from the use of such inventions except as noted in paragraph "E" above.
- G. Inventions produced under a specific contract or grant agreement between the University and a governmental or other agency, or any other organization, are subject to the terms of the contract or grant for purposes of patent rights. If patent rights ownership is not specified, such rights shall reside with the creator(s).
- H. Where University service units are involved with the production of a substantially completed patentable product, royalties shall be distributed between the patent owner and the University as provided in a written agreement prior to completion. However, when a written agreement has not been completed, the distribution of royalties will be evenly distributed between the creator and the University. If disputes arise, the matter shall be referred to the University Research Committee, which will in turn recommend to the President.
- I. The University Research Committee, as noted above, will investigate disputes and make recommendations to the President. The committee's responsibilities shall include, but not be limited to, disputes concerning: ownership of University commissioned inventions; terms of commissions; distributions of royalties for University-produced works; and distribution of royalties for inventions that may have necessitated specific and unusual University expenses.  
(Regents, 4-17-86).

**4.16 CONCEALED HANDGUN** - The University, within the authority of Senate bill 3, Section 1277, 45th Oklahoma Legislature, 1995 Session adopts the following as its Concealed Handgun Policy.

It shall be unlawful for any person having or not having a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this Act, to carry any concealed handgun in any University building as well as on any University property without the written permission of the President of USAO, providing exception for law enforcement officers or any person authorized by law to carry a pistol in the course of their employment.

Any person violating the provisions of this section shall be subject to administrative penalty and/or turned over to the proper authorities. Upon conviction, the violator shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, by imprisonment in the county jail for a period not to exceed 6 months, or by both such fine and imprisonment. Any person convicted of violating the provisions of this section shall have the concealed handgun license permanently

revoked and shall be liable for an administrative fine of \$500 upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

**4.17 EMPLOYEE ALCOHOL AND CONTROLLED SUBSTANCES TESTING RULES AS ISSUED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION -**

**4.17.1. Drug Testing Policy Defined** - It is the policy of the University of Science and Arts of Oklahoma to comply with the Omnibus Transportation Employee Testing Act of 1991 and to establish programs that help prevent accidents and injuries resulting from misuse of alcohol and/or controlled substances by University employees. This Act preempts inconsistent state and local laws and requires colleges and universities take appropriate steps to ensure employment practices and policies:

1. conform with federal rules governing privacy collection techniques;
2. incorporate the Department of Health and Human Services' mandatory guidelines for controlled substances testing and comparable safeguards for alcohol testing;
3. require that confirmation of any initial positive result is quantified;
4. require collection of split urine specimens;
5. guarantee confidentiality of test results; and
6. provide for a scientifically random selection of employees to be tested.

**4.17.2. Authority** - This policy shall be in accordance with and administered pursuant to 49 U.S.C. 102, 301, 322; 49 U.S.C. app. 1301nt., app. 1434nt, app. 2117, and app. 1618a of the Federal Statutes and the Department of Transportation (DOT) rules and regulations found at 49 CFT, part 40, and any amendments thereto.

**4.17.3. Effective Date of Policy** - This policy becomes effective January 1, 1996.

**4.17.4. Application** - This policy shall apply to all employees who are required to hold a Commercial Drivers License or work in a safety sensitive position.

**4.17.5. Pre-placement Testing** - All applicants for positions requiring a CDL and/or safety sensitive positions shall undergo drug and alcohol testing prior to assignment.

1. Job applicants shall be tested only after a conditional offer of employment is made.
2. Refusal to undergo a test, or a confirmed positive test, shall be the basis for withdrawing a conditional offer of employment.

**4.17.6. Reasonable Suspicion** - Drug and/or alcohol testing may be conducted on any University employee covered under this policy when there exists a reasonable suspicion of alcohol and/or substance abuse in the workplace.

1. A determination that reasonable suspicion exists to require an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding or just after the period of the work day that the covered employee is performing a safety-sensitive function (including scheduled for driving).

2. The University is required to test covered employees for controlled substances when there is a reasonable suspicion to believe that the employee has violated the controlled substance prohibition. A determination that reasonable suspicion exists to require a controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. Controlled substance testing is authorized only if the required observations are made by a trained supervisor and/or administrator during, just preceding or just after the period of the work day that the covered employee is performing a safety-sensitive function (including scheduled to drive). A written record of the observations leading to a controlled substance reasonable suspicion test must be made and signed by the supervisor/director and/or University administrator who made the observations. This record must be made within 24 hours of the observed behavior or before the results of the controlled substance test are released, whichever is earlier.

#### **4.17.7. Post-Accident Testing**

4.17.7.1. Alcohol - In General: as soon as practicable following an accident, the University is required to test each surviving covered employee for alcohol if:

1. The employee was performing a safety-sensitive function with respect to the vehicle and the accident involved the loss of human life; or
2. The employee receives a citation under state or local law for a moving traffic violation arising out of the accident.

If a required post-accident alcohol test is not administered within two hours following the accident, the University must submit a report to the DOT stating why the test was not promptly administered.

Post-Accident Requirement: prior to performing a safety-sensitive function, the University will provide each covered employee with necessary post-accident information, procedures, and instructions prior to the employee performing the safety-sensitive function.

4.17.7.2. Controlled Substance - In General: as soon as practicable following an accident, the University is required to test each surviving covered employee for controlled substance if:

1. The employee was performing a safety-sensitive function with respect to the vehicle and the accident involved the loss of human life; or
2. The employee receives a citation under state or local law for a moving traffic violation arising out of the accident.

If a required post-accident controlled substance test is not administered within 32 hours following the accident, the University must cease attempts to administer the test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.

Post-Accident Requirement: prior to performing a safety-sensitive function, the University will provide each covered employee with necessary post-accident information, procedures, and instructions prior to the employee performing the safety-sensitive function.

#### **4.17.8. Employee Alcohol Testing**

**4.17.8.1. Selection** - The University will randomly select covered employees at various times for unannounced alcohol testing. The random selection standard is based on a “scientifically valid method: (i.e., computer-based random number generator that is matched with employees’ identification number). This will assure that all covered employees will have an equal chance of being tested. Covered employees may only be tested while performing safety-sensitive functions; immediately before performing a safety sensitive function; or immediately after he or she has ceased performing a safety-sensitive function. Refusal by an employee to complete and sign the breath alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in any way that prevents the completion of the test, shall be noted by the BAT in the remarks section of the form. The testing process shall be terminated and the BAT shall immediately notify the employer. The employee will then be subject to administrative penalty.

**4.17.8.2. Administration of the Alcohol Test** - The employee alcohol testing will be conducted through use of an evidential breath testing device. The selected employee will not be given advanced notice of the upcoming alcohol breath test. He or she will be personally contacted by a University administrator (or representative) immediately prior to the testing.

#### **4.17.9. Failure to Pass Alcohol Testing**

**4.17.9.1. Penalties** - If the employee fails to pass the alcohol breath test, the University must relieve the employee from performing safety-related functions and impose a system of federally prescribed penalties as follows:

1. A covered employee with an alcohol concentration of 0.02 or greater, but less than 0.04 may not be permitted to perform safety-sensitive functions until the next scheduled duty period (but not less than 24 hours following administration of the test). However, a covered employee shall be prohibited from driving for a period of one year following an alcohol test indicating an alcohol concentration of 0.02 or greater when he or she has been involved in a fatal accident.
2. A covered employee who is found to have an alcohol concentration of 0.04 or greater may not drive a commercial motor vehicle for a period of 60 consecutive days.
3. A covered employee who, during any three-year period, is found (as a result of alcohol testing conducted by the University in conformity with federal alcohol testing requirements, or a federal, state or local government official) to have an alcohol concentration of 0.04 or greater in two separate incidents may not drive for a period of 60 consecutive days.
4. A covered employee who, during any three-year period, is found (as a result of alcohol testing conducted by the University in conformity with federal alcohol testing requirements, or a federal, state or local government official) to have an alcohol concentration of 0.04 or greater in three separate incidents may not drive for a period of 120 consecutive days.
5. In addition to the driving prohibition, a covered employee who is found through testing (conducted in conformity with the federal rules) to have an alcohol concentration of 0.04 or greater may not perform any safety-sensitive functions until he or she has been evaluated by a substance abuse professional (SAP), completed any rehabilitation required by the substance abuse professional, and tests at less than 0.02 for the presence of alcohol.

4.17.9.2. Return to Duty Testing - The University must ensure that a covered employee who has violated any of the alcohol misuse rules is evaluated and undergoes an alcohol test with a result indicating an alcohol concentration of less than 0.02 before returning to a safety-sensitive function.

4.17.9.3. Follow-up Testing - Each covered employee identified by a substance abuse professional as needing assistance in resolving problems with alcohol misuse, and who has returned to duty involving the performance of a safety-sensitive function, is subject to a minimum of six unannounced follow-up alcohol tests administered by the University over the first 12 months following his or her return to duty. Failure to pass will bring about administrative penalties.

#### **4.17.10 Alcohol Misuse Information, Training and Referral**

4.17.10.1. Alcohol Misuse Policy - Universities are required to provide educational materials that explain the requirements of these rules as well as policies and procedures with respect to meeting the federal requirements.

4.17.10.2. Supervisor Training - The University must ensure that individuals designated to determine whether reasonable suspicion exists to require an alcohol test receive at least 60 minutes of training on the physical, behavioral, speech and performance indicators of probable alcohol misuse.

4.17.10.3. Referral, Evaluation and Treatment - As set forth in the Act, the University is required to advise a covered employee who has engaged in prohibited conduct of the available resources for evaluation and treatment of alcohol problems, including the names, addresses and telephone numbers of substance abuse professionals, counseling centers, and treatment programs. Employees found with alcohol concentration of 0.04 or greater must participate in some type of evaluation and treatment as set forth in 4.17.9.1.(5).

#### **4.17.11. Test Results, Record Retention, and Confidentiality**

4.17.11.1. Retention of Records - The University must maintain records of its alcohol misuse prevention program in a secure location with controlled access as follows:

- \* Five Year Retention Requirements: records of any employee alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required alcohol tests; equipment calibration documentation; and documentation of employee evaluations and referrals.
- \* Two Year Retention Requirement: records related to the collection process and training.
- \* One Year Retention Requirement: records of negative test results.

4.17.11.2. Management Information System Reporting Requirements - The University must submit to the appropriate office within the Department of Transportation an annual report summarizing the results of its alcohol misuse prevention program for each calendar year.

#### **4.17.12. Employee Controlled Substance Testing**

4.17.12.1. Selection - The University will randomly select covered employees at various times for unannounced controlled substance testing. The random selection standard is based on a “scientifically valid method: (i.e., computer-based random number generator that is matched with employees’ identification number). This will assure that all covered employees will have an equal chance of being tested. Refusal to take the test will result in administrative penalty.

4.17.12.2. Administration of the Controlled Substance Test - The employee controlled substance testing will be conducted through urine samples. The selected employee will not be given advanced notice of the upcoming controlled substance test. He or she will be personally contacted by a University administrator (or representative) immediately prior to the testing.

#### **4.17.13. Failure to Pass Controlled Substance Testing**

4.17.13.1. Penalties - If the employee fails to pass the controlled substance test, the University must relieve the employee from performing safety-related functions and impose a system of federally prescribed penalties as follows:

1. First Offense: professional referral and the employee must submit a urine specimen that has a negative result.
2. Second Offense Within a Three-Year Period: professional referral, 60-day driving suspension and the employee must submit a urine specimen that has a negative result.
3. Third Offense Within a Three-Year Period: professional referral, 120 day driving suspension and the employee must submit a urine specimen that has a negative result.
4. Refusal to be Tested: one-year minimum driving prohibition and the driver must submit to a urine specimen that has a negative result.

4.17.13.2. Return to Duty Testing - The University must ensure that a covered employee who has violated any of the controlled substance use rules undergoes a return-to-duty controlled substance with a result indicating a verified negative result for controlled substance use.

4.17.13.3. Follow-up Testing - Each covered employee identified by a substance abuse professional as needing assistance in resolving problems with controlled substances, and who has returned to duty involving the performance of a safety-sensitive function, is subject to a minimum of six unannounced follow-up controlled substances tests administered by the University over the first 12 months following his or her return to duty. Failure to pass will bring about administrative penalties.

#### **4.17.14 Controlled Substance Misuse Information, Training and Referral**

4.17.14.1. Controlled Substance Policy - Universities are required to provide specific educational materials that explain the requirements of these rules and the University’s policies and procedures with respect to meeting those requirements. The University is also required to provide written notice of the availability of this information to each covered employee.

4.17.14.2. Supervisor Training - The University must ensure that individuals designated to determine whether reasonable suspicion exists to require a controlled substance test receive at least 60 minutes of training on the physical, behavioral, speech and performance indicators of probable use of controlled substances.

4.17.14.3. Referral, Evaluation and Treatment - As set forth in the Act, the University is required to advise a covered employee who has engaged in prohibited conduct of the available resources for evaluation and treatment of controlled substance problems, including the names, addresses and telephone numbers of substance abuse professionals, counseling centers, and treatment programs.

A substance abuse professional is required to evaluate each covered employee who violates the rules to determine whether the employee requires assistance. In addition, prior to returning to duty, each employee identified as needing assistance must:

1. Be evaluated again by a substance abuse professional to determine whether the employee has successfully complied with the rehabilitation program prescribed following the initial evaluation;
2. Undergo a controlled substance test with a negative result; and
3. Undergo a minimum of six unannounced, follow-up controlled substance tests over the following twelve months.

Compliance with the prescribed treatment is a precondition of re-employment. The final determination whether to return an employee to his or her position is left to the University.

The required evaluation and rehabilitation may be provided by the University, by a substance abuse professional under contract with the University, or by a substance abuse professional not affiliated with the University. The choice of substance abuse professional and assignment of costs will be determined by University administration.

#### **4.17.15. Test Results, Record Retention, and Confidentiality**

4.17.15.1. Retention of Records - The University must maintain records of its controlled substances prevention program in a secure location with controlled access as follows:

- \* Five Year Retention Requirements: records of any employee verified positive controlled substance test results, documentation of refusals to take a required controlled substance test, covered employee evaluations and referrals.
- \* Two Year Retention Requirement: records related to controlled substance and training.
- \* One Year Retention Requirement: records of negative and canceled controlled substance test results.

4.17.15.2. Management Information System Reporting Requirements - The University is required submit to the Federal Highway Administration an annual report summarizing the results of its controlled substance program for each calendar year.

**4.18 NEPOTISM** - Except as prohibited by the laws of the State of Oklahoma, relationship by blood or marriage shall not, in itself, be a bar to appointment, employment or advancement at USAO. But, no two persons who are related within the third degree shall be given positions in which either one is directly responsible for initiating or making recommendations involving direct benefit (initial appointment, retention, promotion, salary, leave of absence, etc.) to the other; nor shall one of two persons so related who hold positions in the same budgetary unit be appointed to an executive or administrative position in that unit or to a position involving administrative responsibility over it, as long as the other person remains in the unit.

Relatives who are within the third degree of relationship to an employee by blood or marriage are: spouse; son or daughter; son-in-law or daughter-in-law; parent; grandparent; great-grandparent; parent, grandparent or great-grandparent of spouse; uncle or aunt; uncle or aunt of spouse; brother or sister; brother-in-law or sister-in-law; niece or nephew; spouse of niece or nephew; grandson or granddaughter or their spouse; and great-grandson or great-granddaughter or their spouse.