

# 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, sexual orientation, gender identity, 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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October, 2019

# 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 executives or administrative staff members, two faculty members, two students, two members of the community, two members of the Alumni Association, the Vice President for Finance and Personnel 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.
- A completed university application.

**1.2.5. Application Procedure** - Candidates should apply to the personnel office in the Vice President for Finance and Personnel 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 EXECUTIVE AND ADMINISTRATIVE STAFF**

The following positions are considered University Administration:

- President
- Vice President for Academic Affairs
- Vice President for Enrollment Management and Student Affairs
- Vice President for Finance and Personnel
- Vice President for University Advancement
- Assistant to the President

The following positions are considered Administrative Staff:

- Registrar and Director of Enrollment
- Dean of Enrollment Management and Financial Aid
- Dean of Students and Director of Student Affairs
- Director of Alumni Development
- Director of Athletics
- Director of Communications and Marketing
- Director of Development
- Director of Nash Library

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

**1.4.1. Appointments** - The personnel officer is responsible for initiating the search for the President, the Executives 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 executives 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 NONREAPPOINTMENTS**

Regular, full time executive and administrative staff 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 - February meeting
- Appointment of Administrators and Administrative Staff - February meeting
- Appointment of Faculty - April 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***

***Policies specific to faculty are covered in the faculty handbook. Faculty are also subject to general personnel policies and procedures outlined in this document.***

## 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, national origin, sex, sexual orientation, gender identity, 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 be placed on the university's website.
- 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 and/or regional newspapers for publications and placed on an appropriate employment websites. 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 structure 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 will be negotiated between the departments involved for the benefit of the university.

**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 4-year universities 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 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 may be formally evaluated annually by their immediate supervisor. 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 may fill out an evaluation sheet and counsel with the employee. If the employee does not meet the requirements of the job, the supervisor may 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/Compensatory Time** -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 should be taken within ten (10) 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 may 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 without permission or without notifying the supervisor may be subject to disciplinary action.

**3.1.15. Absence from Duty Report** -When absent from duty for any reason, a leave slip 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 and a constructive attitude toward employee discipline on the part of University supervisors.

Disciplinary action is viewed 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. 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 may 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 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 may 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 may involve 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 be for a just and sufficient cause and should be invoked only after 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 should 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 most 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 legal spouses and eligible dependents (child, step child, or legal ward under the age of 25 prior to the first day of the trimester for which the assistance is requested). 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 (Amended June 2009).

Request for waiver forms are available in the Personnel 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 or by email to the Physical Plant Office. The completed form should be given to your supervisor for processing. Emergency items should be reported by phone to the Physical Plant Office, extension 1233. If there is no answer, the Vice President for Finance and Personnel should be notified, extension 1211. After office hours, notify Security at 222-8066.

### **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 may be made from offices at USAO.

**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 four-digit number of the extension desired. If you do not know the extension number, consult the faculty-staff directory.

**3.11.4. Local Calls** -Dial “8” to get an outside line, then dial your number.

**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** - Charges concerning University business will be charged to the appropriate department.

### **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 coordinated through Student Services.

### **3.15 FITNESS CENTER CAMPUS**

The Nobb’s Wellness Center is available for staff during its normal hours of operation. A current identification card is required.

### **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 Dusty’s 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 Finance and Personnel 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, sexual orientation, gender identity, 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, sexual orientation, gender identity, 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, Vision and Dental Insurance** -The University provides full time, regular employees with a choice of coverage for major medical, health, vision and dental insurance. The University pays the employee’s premium (not to exceed the premium of the HealthChoice High option). 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 October 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, vision 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. Faculty compensation for summer courses is not considered in determining the amount of an employee’s insurance. 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.

The month following an 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. The month following an employee’s 70th birthday, such amounts will be 50 percent of the amounts that would otherwise be in effect if the employee were under age 65. 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. All inquiries concerning this benefit need to be directed to the personnel office.

**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 September to discuss individual needs and establish pretax benefits for the upcoming year. American Fidelity Assurance Company will schedule visits for each employee. You will receive plenty of notice concerning your individual

visit. It is imperative that you attend your scheduled session.

#### **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. (Regents 9-78, 9-79, 11-87)

**4.4.2 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)

**4.4.3 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** -See Faculty Handbook.

**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 at least .5 FTE but 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 executives, administrative staff, faculty, and general staff at the rate of ten hours per month of service. Part-time budgeted staff, working at least .5 FTE 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, brother-in-law, sister, sister-in-law and grandparent or grandchild of employee or spouse.

One day absence may be charged to earned sick leave for the death of an aunt, uncle, niece, or nephew of employee or spouse.

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)

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**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:

1. 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 Personnel. 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 Personnel 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 Personnel 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 Finance and Personnel 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, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day (and following Friday) and 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 MISCONDUCT, DISCRIMINATION AND HARASSMENT POLICY**

**4.6.1. Statement of Policy** - The University of Science and Arts of Oklahoma 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 shall 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. The University does not condone any form of sexual misconduct whether physical, mental, verbal, or emotional in nature. The University condemns discrimination based on sex or gender, sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, and sexual misconduct.

This policy covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus or off-campus where the University has control over the perpetrator or the context of the harassment. The policy defines prohibited conduct, explains what to do if you wish to make a complaint of sexual misconduct, sets forth the procedures to be followed for promptly and equitably investigating and resolving such complaints, and identifies available resources and educational programs. This policy applies to the members of the University Community, including students, faculty, and staff. The policy also applies to contractors and other third-party vendors within the University's control. University Community members are expected to take an active role in upholding

these policies while promoting the dignity of all individuals.

These actions are violations of law for which criminal charges can be filed and civil remedies sought. They are also violations of the Student Code of Conduct for which disciplinary action can be taken, including suspension or expulsion from the University. If the alleged offender is a student and a complaint is filed, the University will follow established disciplinary procedures to process the case. USAO will provide assistance and support for student victims of sexual assault. (Executive Committee 6/2014)

**4.6.2. Definitions** - USAO prohibits sexual misconduct in any form. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidations, coercion, or manipulation. Sexual misconduct can occur between persons of the same or different sex/gender. Offenses prohibited under the University's policy include, but are not limited to sexual harassment, sex discrimination (including sexual orientation discrimination, pregnancy discrimination, and gender identity or gender expression discrimination), non-consensual sexual intercourse (or attempts to commit same), non- consensual sexual contact (or attempts to commit same), sexual coercion, domestic/dating violence, stalking, and sexual exploitation, and any attempts to commit the same.

Sexual Harassment: Sexual harassment is any unwelcome conduct of a sexual nature, which includes, but is not limited to, unwelcome sexual advances; the use or threatened use of sexual favors as a basis for academic or employment decisions; conduct that creates a hostile, intimidating or offensive academic or working environment; conduct that has the effect of unreasonably interfering with an individual's work performance; and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from an educational program or activity.

Sex Discrimination: Includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Non-Consensual Sexual Contact: Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. Sexual Contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse: Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent

and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Dating Violence and Domestic Violence: Intimidation, harassment, physical abuse, or interference with personal liberty of any person who is a current or former spouse, intimate partner, domestic partner, dating partner, or member of one's family or household. Individuals encompassed in this definition include, but are not limited to: persons who have or have had a dating or engagement relationship; persons who have or have had a social relationship of a romantic or intimate nature; current or former spouses, domestic partners, parents, children, stepchildren and other persons related by blood or by current or prior marriage; persons who share or formerly shared a common dwelling; persons who have or allegedly have a child in common; persons who share or allegedly share a relationship through a child; and personal assistants and personal caregivers for the elderly or disabled.

Stalking: Conduct directed at a specific person that is unwelcome and that would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer other emotional distress. Conduct that can amount to stalking may include any actions directed at another person, whether done directly, indirectly, through others, via devices, or via any other methods or means (specifically including electronic means), including but not limited to:

- Following a person
- Being or remaining in close proximity to a person
- Entering or remaining on or near a person's property, residence, or place of employment
- Monitoring, observing, or conducting surveillance of a person.
- Threatening (directly or indirectly) a person
- Communicating to or about a person
- Giving gifts or objects to, or leaving items for, a person
- Interfering with or damaging a person's property (including pets)
- Engaging in other unwelcome contact.

Sexual Exploitation: Sexual exploitation is taking sexual advantage of another person without effective consent and includes, without limitation, causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

#### **4.6.3 Additional Applicable Definitions -**

Sexual Assault: The intentional touching, mauling or feeling of the body or private parts of any person in a lewd and lascivious manner and without the consent of that person. This can be through clothing.

Rape: means all acts of sexual intercourse involving oral, vaginal, or anal penetration accomplished without consent and with a male or female (who may be of the same or opposite sex as the perpetrator).

Rape by Instrumentation: means any act in which any inanimate object or any part of the human body, not intended for sexual intercourse, is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.

Sexual Battery: shall mean the unwanted touching, mauling or feeling of body or private parts of any person in a touching of a person's genitalia, buttock or breasts.

Domestic Violence: includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating Violence: means violence by a person who has been in a romantic or intimate relationship with the victims. Whether there was such relationship will be gauged by its length, type, and frequency of interaction. Characteristics of relationship violence include physical behavior such as slapping, pulling hair, punching; threats of abuse such as a threatening to hit, harm, or use a weapon; verbal abuse; emotional abuse; or other forms of harassment.

Force: is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

**4.6.4 Effective Consent** -Effective Consent is informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in a mutually agreed upon, specific sexual activity. A person can withdraw consent at any time during the course of a sexual encounter.

Initiators of sexual activity are responsible for obtaining effective consent. The use of alcohol or drugs does not diminish the initiator's responsibility to obtain effective consent. Silence, passivity or non-communication is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Lack of consent is implied if there is an imbalance of power held by the perpetrator over the victim.

Consent is not considered effective if obtained from an individual who is incapable of giving consent due to the following:

1. a mental, developmental, or physical disability; or
2. they are under the legal age to give consent; or
3. they are intoxicated by alcohol or under the influence of drugs.

Consent cannot be inferred from:

1. permission for one particular act;
2. a current sexual, romantic, dating, or marital relationship;
3. a prior sexual, romantic, dating, or marital relationship.

**4.6.5 Reporting** -The University strongly encourages individuals to report incidents of sexual misconduct to University officials as soon as possible after the alleged assault has occurred. In order to best preserve evidence, campus security should be contacted as soon as possible after an assault has occurred. Preserving evidence may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.

Information regarding sexual misconduct will be treated with the confidentiality afforded any victim. All University employees are obligated to report sexual misconduct of which they become aware. The offices listed below are trained to work with individuals who report sexual misconduct, and have knowledge about on- and off-campus resources, services, and options- including possible interim actions and accommodations that may be instituted in cases of sexual misconduct.

1. Vice President for Enrollment Management and Student Affairs: Located 2nd floor of Troutt Hall, 405-574-1225
2. Dean of Students: Located within Student Services, 3rd floor of Student Center. 405-574-1330
3. Vice President for Finance and Personnel: Located 2<sup>nd</sup> floor of Troutt Hall, 405-574-1333.
4. Counseling Services: Located within Student Services on the 3rd floor of Student Center. 405-574-1326
5. Campus Security: Located in Sparks Hall. 405-222-8066.

Complainants may report alleged sexual misconduct to any USAO administrator, supervisor, faculty member, coach or athletic trainer. Reports may also be made directly to the Title IX Coordinator or designee. University employees who receive a report of sexual misconduct are obligated to further report such complaint to the Title IX Coordinator or designee. No employee is authorized to resolve or investigate complaints without the involvement of the Title IX Coordinator.

Institutional personnel can assist a victim in notifying law enforcement authorities, including on-campus & local police, if the victim so chooses. The victim may also decline to notify authorities.

The criminal investigation, should the individual choose to pursue criminal prosecution, will be conducted by local law enforcement. The University has an obligation to investigate any allegations that would be a violation of the student conduct code. The student conduct and the criminal investigations may occur concurrently. Proceeding with a University administrative investigation and resolution of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. Reporting to law enforcement does not preclude a person from proceeding with a complaint of sexual misconduct under this policy. The University does not normally wait until a criminal investigation or proceeding is concluded before conducting its own investigation,

implementing interim measures and taking appropriate action. Because the standards for a violation of criminal law are different from the standards for a violation of this policy, criminal investigations and proceedings are not determinative of whether a violation of this policy has occurred. In other words, conduct may violate this policy even if law enforcement agencies or local prosecutors decline to prosecute.

Complaints of sexual misconduct and related internal University processes may occur prior to, concurrent with, or following civil or criminal proceedings off campus.

All reports of sexual misconduct will be filed with the Dean of Students. Victims will receive a notification of existing on-campus & off-campus counseling, mental health, or other services. The Clery Act mandates that the University report any incident of dating violence, domestic violence, and stalking to the District Attorney's office.

Difference between privacy and confidentiality:

**PRIVACY:** Privacy relates to people. To the extent possible, the University will protect the privacy of all parties to a complaint or other report of sexual misconduct.

**CONFIDENTIALITY:** Confidentiality relates to information/data about an individual. While the University has an obligation to investigate every complaint or other report, if a student wishes the details of an incident to be kept strictly confidential, they may speak privately with the University counselor, health providers or official rape crisis resources.

USAO will protect the confidentiality of victims of sexual assault, including the protection of any identifiable information of victims in records that may be accessed by the public, to the extent permissible by federal and state laws. To the extent possible, the University will make every effort to maintain the privacy of all parties involved in alleged sexual offenses, relationship violence, harassment, and stalking incidences. Privacy, however, cannot be guaranteed in some incidences due to the responsibility to the overall campus safety.

While steps will be taken to protect the privacy of such persons, the University may need to investigate an incident and take action once the allegation is known. The University adheres to all federal, state, and local requirements for intervention, crime reporting, and privacy provisions relating to sexual misconduct. Anonymous reports may be filed. Where potential complainants wish to remain anonymous, the report may be made in a John/Jane Doe format. Additionally, attorneys, clergy members, licensed counselors or physicians who are engaged in such capacity may keep such reports confidential. For on-campus adjudication, however, the complainant must be identified.

**4.6.6 Amnesty for Students Who Report Sexual Misconduct** -USAO encourages reporting of sexual misconduct and seeks to remove any barriers to an individual making a report. The University understands that a person that may have been under the influence of alcohol and or illegal drugs during the time of the incident may be unwilling to report the incident. An individual who reports sexual misconduct, either as a complainant or a witness, will not be subject to disciplinary action for their own

personal consumption of alcohol and/or drugs at or near the time of the alleged incident as long as any such violation does not place the health or safety of any other person at risk. Amnesty will not be extended to any other violations of student conduct beyond alcohol and/or illegal drug use. Amnesty does not preclude or prevent action from the police or other legal authorities. Filing a complaint or otherwise reporting sexual misconduct shall not cause any reflection on the individual's status, nor shall it affect future employment, compensation, work assignments or student status.

**4.6.7 Interim Actions & Accommodations** -Individuals who have experienced sexual misconduct may seek reasonable accommodations in their academic, living, transportation or working situations. The Dean of Students may impose a “no contact” order which typically includes a directive that the parties refrain from having contact with each other, directly or indirectly, pending the investigation and if applicable, the hearing. Such accommodations are available regardless of whether the individual chooses to report the crime to campus police or local law enforcement or to file a formal complaint with the University. In addition, University officials can also assist individuals to contact relevant local authorities to obtain civil no contact orders and/or orders of protection.

**4.6.8 Investigation Process** -The University will protect the safety of victims during and following a sexual misconduct hearing. Victims have the option for changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available regardless of whether the victim chooses to report the crime to local law enforcement. To the extent possible, the University will make every effort to maintain the privacy of all parties involved in alleged sexual offenses, relationship violence, harassment, and stalking incidences. Privacy, however, cannot be guaranteed in some incidences due to the responsibility to the overall campus safety.

After sexual assault is reported, law mandates that the following be observed:

- The University must promptly respond and complete an investigation of the allegations.
- The accuser and the accused must be notified in writing of the complaint, issued a copy of the current University Policy, and informed of their respective rights in the judicial process.
- During the investigation related to the student conduct violation, a standard of preponderance of evidence will be the standard used to determine the outcome. This standard is not the same level of proof needed for a criminal prosecution.
- Orders of no contact may be implemented to protect the victim.
- Temporary suspension of an alleged perpetrator is sometimes warranted.

The use of alcohol or drugs by either party, in conjunction with a sexual assault, does not alleviate responsibility or diminish the serious nature of the offense.

#### **4.6.9 Disciplinary Process in Cases of Gender Based or Sexual Misconduct -USAO**

is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits sexual misconduct including sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, domestic violence, dating violence, stalking and retaliation. These forms of prohibited conduct are defined in the USAO policy on Sexual Misconduct, Discrimination and Harassment.

#### **Filing a Complaint**

Anyone can report instances of sexual harassment and sexual violence to the Dean of Students located in Student Services, 3rd Floor of the Student Center or at 405-574-1330. A complaint should be filed as soon as possible, preferably within 365 calendar days of the incident.

If either the victim or the respondent are students, the incident will be addressed through the Student Conduct process once a complaint is filed.

The university strongly encourages individuals to report any instance of sexual harassment and sexual violence to the police.

#### **Once a Complaint Has Been Filed**

USAO wants you to be knowledgeable about the process that occurs once a complaint related to gender based or sexual misconduct is made. These complaints must be handled under Title IX procedures, which by necessity are a modification of the normal student conduct process.

The following describes the investigation process, the hearing and the outcome of the hearing. The Title IX Coordinator or the Dean of Students will be available to explain the process as requested. The Title IX investigation process will be prompt, fair, and impartial. This means the process will be completed within a reasonable timeframe as designated below and without undue delay. The process will be conducted in a manner that is consistent with the university's policies and will be transparent to all parties. Lastly, the Title IX process will be conducted by officials who do not have conflict of interest or bias for the complainant or respondent.

#### **Investigation**

1. You will be notified of receipt of your complaint and the actions the university official will take.
2. A university official will meet with you to discuss the complaint submitted, review the investigation and hearing process, and determine the outcome you desire from your complaint.
3. An investigation will be conducted by a non-biased Title IX Investigator. This investigation will include:
  - a. meeting personally with the complainant,
  - b. meeting personally with the student(s) accused,
  - c. meeting personally with any witnesses, and

- d. reviewing any documentary evidence.
4. The investigation of complaints will be adequate, reliable and impartial. The Title IX Investigator will compile an investigation report.
5. The investigation process can take up to 60 days. If at any point either party would like an update of the investigation process all they need to do is ask and an update will be provided.
6. The university official will determine if a conduct hearing is possible based on the available information.
7. If it is determined that the university will proceed with a formal conduct hearing, the complainant and the responding student(s) will be notified of the hearing date.

### Hearing

1. Hearing notification will occur at least five days in advance and include the hearing date, time and location. Hearings will be scheduled around academic schedules.
2. Allegations of sexual misconduct and sexual harassment will be heard by a panel made up from members of the Judicial/Discipline Committee which is comprised of faculty, staff and students.
3. The hearing includes opening statements, presentation of the investigation report, information about the incident, presentation of information by witnesses, and closing statements.
4. Each party is permitted to have a person of their choosing to accompany them throughout the hearing as an advisor.
5. All parties are permitted to be present during the hearing (except during deliberations of the committee). All parties can be in the same room in a pre-arranged, non-threatening set-up or in separate rooms with a video conference set up.
6. All parties are permitted to make statements, present witnesses and information during the hearing. Witnesses and information need to be directly related to the incident.
7. The hearing committee will make a determination of the policy violations and, if any, the appropriate sanction(s). The standard of proof used in all university conduct hearings is preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

### Outcome

1. Possible outcomes include the entire range of sanctions listed in the Student Code of Conduct located in the Student Handbook. When it is determined that sexual misconduct is more likely than not to have occurred, the outcome can include suspension or expulsion.
2. Both parties have the right to be informed of the outcome. Both parties will be notified within five business days after the hearing.
3. Both parties have the right to appeal the decision reached through the hearing proceedings within five business days after notification of the hearing outcome.
4. An appeal will follow as outlined in Student Code of Conduct located in the Student Handbook.

### Discretionary Procedures

At the discretion of the committee reviewing a particular case, the following procedures may be deemed appropriate. A committee shall have no duty to grant such measures in any case under review, but should consider the appropriateness of permitting such accommodations:

- The committee may, in its discretion, exclude evidence regarding the past sexual history of the accuser from discussion during the hearing. The past sexual history of the alleged victim with persons other than the alleged perpetrator shall be presumed irrelevant;
- The alleged victim may be given the opportunity to make a statement to the committee regarding the impact that the alleged actions have had in his or her life and educational relationship with the university, if the alleged perpetrator is found to have engaged in sexual misconduct.

**4.6.10 SANCTIONS** -Students found to have violated this policy are subject to disciplinary sanctions which may include warnings, victim protection orders, restrictions, probation, suspension, or expulsion from the University. In addition, an individual charged with a sexual assault may be subject to prosecution under Oklahoma Criminal Statutes.

**4.6.11 RETALIATION** -Any attempt to penalize or retaliate against any party involved in a complaint or participating in the investigation of a complaint of sexual misconduct will be treated as a separate and distinct violation of University Policy and to include state, local and federal laws.

**4.6.12 RESOURCES** -A student who believes he or she may have experienced sexual assault is encouraged to seek medical care and supportive counseling as soon as possible.

Chickasha Police .....	911 (Available 24 hours)
Chickasha Police Department Non-Emergency.....	405-222-6050
Grady County Sheriff Department.....	405-224-0984
USAO Campus Security .....	405-222-8066 (Available 24 hours)
Intervention & Crisis Advocacy Network - CRISIS LINE .....	405-222-1818 (Available 24 hr)
Director of Counseling at USAO .....	405-574-1326 (M-F, 8am-5pm)
Grady Memorial Hospital - 2220 Iowa Ave.....	405-224-2300 (Available 24 hours)
Grady County District Attorney’s Office .....	405-224-4770 (M-F, 8am-4:30pm)
Options.....	405-222-3018
Byte and Associates.....	405-222-4786
Southwest Youth and Family Services.....	405-222-5437
Red Rock Behavioral Health Services.....	405-222-0622

**4.6.12 Education** -Educational opportunities regarding sexual assault and its prevention are offered through the Counseling office. Members of the USAO community work closely with off-campus agencies to provide programming to promote the awareness and prevention of sexual misconduct. Program topics generally include stranger rape, date and acquaintance rape, rapist characteristics, rape

trauma syndrome, and victim recovery. Programming will continue to be offered to the Residence Halls, athletic teams, as well as other interested groups. (Executive Committee 6/2014)

**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.

#### **4.10 SMOKING POLICY**

The university supports the surgeon general’s report on use of tobacco products as a major cause of preventable death. Tobacco use research documents the health problems of those who engage in the practice of tobacco use and those who are subjected to an environment where smoke is present. USAO’s mission seeks to provide opportunities for students that lead to productive lives. With this policy USAO’s intent seeks to promote the health, safety, and quality of life of all people who come to its campuses.

##### **4.10.2 Definitions**

**Tobacco products:** Includes all forms of tobacco, and is not limited to cigarettes, cigars, pipes, hookahs, chewing tobacco, snuff, and all other kinds and forms of tobacco, or non-tobacco, prepared in such a manner to be suitable for spit tobacco use, smoking, or both. This term also includes herbal tobacco products and simulated tobacco products that imitate or mimic tobacco products, including, e-cigarettes, vapor cigarettes, pipe or other types of inhalation devices.

**Tobacco use:** Includes smoking, chewing, dipping or any other consumption or use of tobacco, or non-tobacco products.

**Campuses:** Includes any and all university owned or maintained property, including but not limited to buildings, facilities, sidewalks, roadways, parking lots, and grounds. Campus includes all university-owned, leased, or rented vehicles whether parked or not. Campus includes private vehicles parked on university property. Campus may not include any properties leased by the university or leased to third parties under long-term leases.

**Students:** Includes all students enrolled in classes and/or classes held on campus, as defined above.

**Faculty and Staff:** Includes, but is not limited to, all employed at the university in any capacity whether in a paid or unpaid (volunteer) status.

**Visitors:** Includes, but is not limited to, alumni, guests, spectators, contractors, vendors, volunteers and anyone else providing any type of product or service or while on campus of USAO.

#### **4.10.3 Additional Policy and Information –**

1. The use, sale, or distribution of tobacco products is prohibited on USAO campus.
2. No university publication shall accept any form of advertising of tobacco products.
3. The university shall not accept gifts or grants from tobacco companies.
4. New hires are informed of the tobacco-free work environment at the time of the employment.
5. While this policy does not require employees to quit tobacco use, USAO supports and encourages all efforts by employees to quit tobacco use.

**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
- 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 Finance and Personnel 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 Finance and Personnel 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.

*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:

- 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).

**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

*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 or equivalent is responsible for overseeing USAO's Universal Precautions Program.

#### **4.13 OPEN RECORDS**

The Oklahoma Open Records Act (codified in 51 O.S. 24A.1 et seq.). 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:

- There will be a 25-cent per page charge for all records reproduced.
- 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.

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:

- Personnel records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation;
- 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;
- The dates of employment, title or position;
- Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination;
- The home address of any person employed or formerly employed by the institution;
- Individual student records;
- Faculty lesson plans, tests and other teaching materials; and
- 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*

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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).
- 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.

- 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:

- 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.
- 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.
- The progress of science and the arts may be benefited by use of the established patent system.
- Inventions eligible for patent, created pursuant to University objectives, should be made available to the public under conditions which promote their effective use.
- 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*

- 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.
- All University personnel, in accordance with the University's policy of promoting creative and scholarly activities are free to develop, create, and patent inventions.
- 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.

- 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.
- 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).
- 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.
- 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).
- 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.
- 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 statute 21 O.S. § 1277 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, except as allowed by statute, 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.

#### **4.17 EMPLOYEE ALCOHOL AND CONTROLLED SUBSTANCES TESTING RULES**

**4.17.1 Policy Statement** - The university is committed to providing its employees with a safe workplace. Employees are required to be in suitable mental and physical condition while at work, and to perform their jobs effectively and safely.

It shall be the policy of the university that:

- Employees are required to report to the university’s premises, work sites, vehicles, client locations or customer work sites, or any other location employees may visit as part of their employment, with no substance that impair cognitive, psychological or physical capacity in their body (these are referred to as “prohibited substances”).
- This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effects on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.
- This policy shall not prohibit consumption of medical marijuana by a licensed holder, provided the holder does not use or possess marijuana while at the university or during their hours of employment with the university.
- Employees are prohibited from the unlawful possession, use, sale, distribution, or manufacture of illegal drugs, alcoholic beverages or other prohibited substances on the university’s premises, work sites, vehicles, client locations or customer work sites.
- Employees are prohibited from the off-premises use of alcohol and possession, distribution, use or sale of illegal drugs when such activities negatively affect job performance, job safety, or the university’s reputation.
- Violation of any of these policies may result in disciplinary action, including possible termination of employment.
- Any employee who is convicted under any federal or state criminal drug and/or alcohol statute must notify a member of management or the Personnel Office within three (3) days of the charge

and/or conviction. Charges and/or convictions may result in disciplinary action, including possible termination of employment.

- The university may also search employer owned property or premises used by the employees, as well as the personal effects of employees (to include clothing, vehicles, containers, tool boxes, lunch pails, lockers, and the like) brought onto the university's property. The university may take into custody any illegal, unauthorized or prohibited substances or other items and may turn them over to the proper law enforcement agencies. Refusal to allow a search or interference with a search by an employee may result in disciplinary action, including possible termination of employment.

**4.17.2 Individuals Subject to Drug or Alcohol Testing** - All employees of the university are subject to this policy. Also, independent contractors, subcontractors, and/or employees of independent contractors or subcontractors are subject to this policy while performing work for the benefit of the university.

**4.17.3 Circumstances for Testing** - The circumstances under which the university may request or require drug or alcohol testing are:

- **Application Testing:** Applicants who have received a conditional offer of employment. A positive test or a refusal to undergo testing may result in a refusal to hire.
- **For-Cause Testing:** Any time the University reasonably believes an individual may be under the influence of drugs or alcohol. Circumstances causing testing may include, but are not limited to:
  - Drugs or alcohol on or about the person or in the person's vicinity;
  - Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
  - A report of drug or alcohol use while at work or on duty;
  - Information that an individual has tampered with drug or alcohol testing at any time;
  - Negative performance patterns;
  - Excessive or unexplained absenteeism or tardiness; or
  - Post-Accident in the event the employee appears to be under the influence of drugs or alcohol.
- **Random Testing:** The university may require an individual or all members of a classification or group to be tested at random and may limit random testing to particular employment classifications or groups. Pursuant to the Standards for Workplace Drug and Alcohol Testing Act the University may require random testing only of employees who:
  - Are police or peace officers;

- Have drug interdiction responsibilities;
- Are authorized to carry firearms; or
- Are engaged in activities that directly affect the safety of others.
- Scheduled: As a routine part of a routinely scheduled fitness for duty medical examination or if scheduled routinely as part of the university's written policy. Pursuant to the Standards for Workplace Drug and Alcohol Testing Act the University may require schedule testing only of employees who:
  - Are police or peace officers;
  - Have drug interdiction responsibilities;
  - Are authorized to carry firearms; or
  - Are engaged in activities that directly affect the safety of others.

Post-Rehabilitation Testing: In those instances in which the university offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program in lieu of dismissal or following a positive test that did not result in a dismissal, the employee may be required to undergo testing for up to two years after returning to work.

**4.17.4 Substances Which May Be Tested** - Under this Policy, the university may test for drugs and alcohol.

**4.17.5 Testing Methods and Collection Procedures**

- Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the employer;
- Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;
- The collection of samples shall be performed under reasonable and sanitary conditions;
- A sample shall be collected in sufficient quantity for splitting into two separate specimens pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;
- Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
- Sample collection shall be documented, and the documentation procedures shall include;

- Labeling of samples so as reasonably to preclude the probability of erroneous identification of test results; and
- An opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant information.
- Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;
- Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, as the cutoff levels as determined by Board rule, before the result of any test may be used as a basis for refusal to hire a job applicant or any action by an employer pursuant to 40 O.S. § 562 of this act;
- A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required;
- The university will use testing services and facilities that have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

#### **4.17.6 Consequences for Violating the Testing Policy**

- Refusal to be Tested: Any individual who refuses to submit to the university's request for drug and/or alcohol testing, or refuses to complete the required forms will be subject to termination from employment, or will not be eligible For employment, as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.
- Adulteration, Tampering or Manipulation of Samples: Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment.

#### **4.17.7 Personnel Action Which May Be Taken as A Result of a Positive Test Result**

- Any individual who violates this Policy regarding actual or intent to possession, consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or immoderate use of alcohol or abuse of prescription or over-the-counter drugs will be subject to disciplinary action, including but not limited to termination.
- Any employee who tests positive will be subject to discipline up to and including termination. However, the university may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the employer. An employee who has been

afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be subject to termination from employment.

**4.17.8 Confidential Explanation by Individual** - Any individual testing positive or who has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the university that is normally a medical review officer.

**4.17.9 Records** - Testing records are the property of the university. However, on written request, those records will be made available for inspection and copied to the individual tested. Testing records will be treated as confidential and will be maintained separate from other personnel records. The university will not release these records other than to the individual tested, or the university's review officer, unless the individual comply with a valid judicial or administrative order. Employee grants permission to the university to release testing records for purpose of unemployment, workers compensation or other employment-related legal actions.

**4.17.10 Appeal Procedures** - Within 24 hours of receiving notice of a positive test, the tested individual may request a subsequent confirmation test of a sample. That individual must pay all cost of the confirmation test. If the confirmation test reverses the original positive result, the University will reimburse the individual for the cost of the confirmation test.

**4.17.11 Policy Changes** - The university upon ten (10) days' notice can change any part of this policy.

**4.17.12 Definitions** - For the purposes of this policy, the following terms shall be defined as:

- "Alcohol" means ethyl alcohol or ethanol;
- "Applicant" means a person who has applied for a positions with an employer and received a conditional offer of employment;
- "Board" means the State Board of Health;
- "Confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test;
- "Department" means the State Department of Health;
- "Drug" means amphetamines, cannabinoids (except medical marijuana by a licensed holder, provided the holder does not use or possess marijuana while at the university or during their hours of employment with the university), cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein;
- "Drug or alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or

products. Adulteration of a specimen or of a drug or alcohol test shall be considered as a refusal to test;

- “Employee” means any person who supplies labor for remuneration to his or her employer in this state and shall not include an independent contractor, subcontractor or employees of an independent contractor; provided, however, an independent contractor, subcontractor, or employees of an independent contractor, may be subject to a workplace drug and alcohol testing policy under the terms of the contractual agreement when the drug or alcohol testing policy applies to other workers at the job site or workers who are in the same or similar classification or group;
- “Employer” means any person, firm, corporation, partnership, association, nonprofit organization, or public employer, which has one or more employees within this state, or which has offered or may offer employment to one of more individuals in this state;
- “Public employer” means the State of Oklahoma or any political subdivision thereof, including any department, agency, board, commission, institution, authority, public trust, municipality, county, district or instrumentalities thereof;
- “Review officer” means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which has been generated by an employer’s drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual’s test results together with the individual’s medical history and any other relevant information;
- “Sample” means tissue, fluid or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body; and
- “Testing facility” means a facility which provides laboratory services to test samples for the presence of drugs or alcohol.

**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.