

# SAINT AUGUSTINE'S UNIVERSITY



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*Transform. Excel. Lead*

**STAFF HANDBOOK**

**2016-2017**

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## Acknowledgement of Receipt of Staff Handbook & Disclaimer

**Disclaimer:** The Staff Handbook outlines policies and procedures and is provided to all faculty and staff. This handbook is not intended as a contract and does not guarantee the continuation of employment or benefits, rather, it is a policy reference, and should be followed by each employee as a means for better understanding the operations of Saint Augustine's University.

Employees who have questions that are not addressed by this Handbook should contact their supervisor or the Human Resources Office.

**By signing this form** you acknowledge your duty to read the Staff Handbook and that you have access to the Staff Handbook on the Saint Augustine's University web site.

However, at any time you may request a hardcopy of the handbook. Additionally, you recognize that portions of the Staff Handbook may periodically be revised, supplemented, or rescinded with or without advance notice. You may not be notified personally of such modifications. Therefore, to ensure you are reviewing the most current version, you should refer to either the Office of Human Resources or the Staff Handbook listed on the Saint Augustine's University web site.

Please sign and date this form and return it to the Office of Human Resources.

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Employee Name Printed)

## Saint Augustine's University Staff Handbook

**T**his handbook provides general information on Saint Augustine's University and briefly outlines the policies and procedures of the University. This handbook is not meant to be comprehensive or detailed in every respect, but is intended as a guide for employees. For clarification of any policies and procedures, please contact the Office of Human Resources.

This handbook is a milestone in an effort to provide a codified set of rules and regulations, which govern the University employees. Moreover, it provides an opportunity for employees to become acquainted with privileges, certain benefits and responsibilities. While the handbook is not a contract and does not guarantee the continuation of employment or benefits, we hope employees will find it helpful in making their employment experience at the University rewarding.

The University will revise the material contained in this handbook as conditions warrant or as deemed appropriate. Any member of the faculty or staff may make recommendations for changes in policies and procedures. Recommendations for revisions should be forwarded to the Office of Human Resources. The Office of Human Resources will update the handbook on a regular schedule. Employees will be notified by mail or electronically of changes to their handbook.

## About Saint Augustine's University

Located ten blocks east of the State Capital, Saint Augustine's Normal School was founded in 1867, an outgrowth of Christian missionary work by northerners in the Reconstruction-era South. It established Raleigh as a center of educational opportunity for freedmen and over the years has graduated many of the region's most accomplished African Americans.

Affiliated with the Episcopal Church, Saint Augustine's began as a normal school with a technical and trade-related program and subsequently adopted a liberal arts curriculum. The church further extended its mission by establishing Saint Agnes Hospital and Training School for Nurses, to provide medical care for and by African Americans. Historically, the school also has served as an anchor of the predominantly black neighborhoods of Idlewild and University Park.

The evolving nature of the school is reflected in its varied architecture. The campus' earliest buildings are clustered around a central, landscaped oval and near Oakwood Avenue, which runs east to west past the school. Saint Augustine's Chapel (1895) was constructed of stone in the Gothic style; the Romanesque Benson Library building (1896), which is now part of Taylor Hall (1902), and Saint Agnes Hospital (1909) were also built from stone. The Hunter, Delany and Cheshire buildings, dating from the early 20th century, were constructed of brick in the Classical Revival style. While contemporary buildings of the school's outer grounds provide a modernist contrast, the campus core remains a tangible bequest from Saint Augustine's pioneering beginnings. Saint Augustine's Chapel and Saint Agnes Hospital are designated Raleigh Historic Landmarks.

The name changed from Saint Augustine's Normal School to Saint Augustine's School in 1893 and to Saint Augustine's Junior College in 1919, the first year in which postsecondary instruction was offered. The school became a four-year institution in 1927 and in 1928 was renamed Saint Augustine's College. Baccalaureate degrees were first awarded in 1931. August 1, 2012, Saint Augustine's College became Saint Augustine's University.

Saint Augustine's University was the nation's first historically black university to have its own on-campus commercial radio and television stations (WAUG-AM 750, WAUG-TV 68, and Time Warner cable channel 10. It is also the only school in the Raleigh/Durham area to offer a degree in film production.

The University is comprised of 47 buildings and 122 acres. As with most small Universities, many of the buildings and facilities serve multiple functions related to education programs, support services and other mission-related activities.

Saint Augustine's University emphasizes the teamwork approach. The faculty and staff together with the Board of Trustees constitute this working component. Each staff member plays a critical



role in the success of the institution. The general public judges the University not only by the graduates, but by the personal contacts through correspondence, telecommunications and visits to the campus. Employees must positively reflect these attributes at all levels.

### **Mission Statement**

Saint Augustine's University's mission is to sustain a learning community in which students can prepare academically, socially and spiritually for leadership in a complex, diverse and rapidly changing world.

## **1.0 GENERAL POLICIES**

### **1.1 Employment at Will**

The State of North Carolina is an employment at-will state. This handbook should not be construed as, and does not constitute an offer of employment for any specific duration, nor is it intended to state any terms of employment. Although it is desirable for employees to have maintained a productive employment relationship with the University, either the employee or the University may terminate the relationship at any time, for any reason, with or without notice.

### **1.2 Equal Opportunity Employer**

Saint Augustine's University is committed to equal opportunity in employment and education and does not discriminate on the basis of race, color, religion, national origin, gender, age, covered disability, citizenship, veteran status, or any other protected status recognized by federal or state law. The University complies with all applicable nondiscrimination and affirmative action provisions of the Civil Rights Act of 1964, Executive Order 11246, the Education Amendments of 1972, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, the Pregnancy Discrimination Act of 1978, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act of 1993.

**Inquiries may be directed to the University's Office of Human Resources, Hunter Building, Room 101, (919) 516-4168.**

### **1.3 Commitment to Cultural Diversity**

The Saint Augustine's University is comprised of individuals of diverse racial, ethnic and cultural backgrounds, national origins, religious and political beliefs, ages, and physical abilities. The University welcomes this diversity and is committed to maintaining a supportive learning and working environment for all persons. Accordingly, the University supports policies, programs, events, and co-curricular activities that enhance awareness and appreciation of cultural and individual diversity, promote community, and encourage full participation of all members and groups in every aspect of University-life.

## **2.0 HARASSMENT AND DISCRIMINATION**

Saint Augustine's University (the University) will not tolerate any unlawful harassment of its employees. Types of unlawful harassment covered by this policy include harassment against an individual because of that person's race, gender, religion, color or national origin, age,

disability, or any other classification protected by federal, state or local law. The policy applies to harassment by any of the University's employees as well as any non-employees present in the University's workplace such as contractors, vendors, and/or suppliers, interacting with the University's employees in connection with their work. Such prohibited harassment can arise from a broad range of physical or verbal behavior, which may include, but is not limited to, the following:

- Physical or mental abuse;
- Insults, jokes, slurs, comments based on an individual's race, gender, religion;
- Color or national origin, age, disability, or any other classification protected by Federal, state, or local law;
- Display of suggestive, offensive or discrimination oriented pictures or materials.

Accordingly, the University will not tolerate harassment within its organization, including all of the University's facilities and departments. As outlined in the following policies, the University takes seriously any harassment claim and specifically prohibits any supervisor or any other University employee from unlawful harassment.

The University welcomes any questions and comments from employees regarding the harassment policies outlined in this section of the handbook.

## 2.1 Sexual Harassment

Sexual harassment is a specific form of illegal **harassment or discrimination that violates Title VII of the Civil Rights Act of 1964**. The University bases its definition of sexual harassment on information provided by the Equal Employment Opportunity Commission (EEOC). According to EEOC guidelines, **sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:**

- Submission to or rejection of such conduct explicitly or implicitly affects an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim, as well as the harasser, may be male or female.
- The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

- Unlawful sexual harassment may occur without economic injury to, or discharge, of the victim.
- The harasser's conduct must be unwelcome.

## 2.2 Complaint Procedure

It is the shared obligation of all employees to report any and all incidents of suspected harassment to the University management. Any employee who believes he or she has been subjected to unlawful harassment or believes he/she has witnessed one or more incidents of unlawful harassment should immediately report the incident(s) to his or her supervisor, Division Dean, Area Vice President, or the Human Resource Director. If the employee feels that any one of these individuals is involved in the alleged harassment in any way, or believes that for some other reason any one of these individuals cannot be approached, then the employee should report his or her claim to any of the other individuals listed.

The University requires reporting of such acts as they are observed or experienced. All reports of unlawful harassment will be investigated promptly. Supervisors who fail to effectuate this policy or fail to investigate conduct of allegations of the type which are prohibited by this policy will be subject to disciplinary action.

The University will promptly investigate all reported harassment claims. The investigation may include, but is not limited to, an interview of the employee lodging the complaint, the alleged harasser and any witnesses involved. In all cases, the employee who reports unlawful harassment will be advised of the results of the investigation. To the greatest extent possible, the University will take reasonable measures to keep the reporting and investigation of harassment claims as confidential as possible under the circumstances. If an employee believes that reported harassment incident is not being timely or adequately addressed, the employee may bring his/her concerns to the attention of the President or designee.

## 2.3 Disciplinary Measures

If the University's investigation leads to a determination that illegal harassment has occurred or is occurring, the University will initiate prompt corrective action reasonably calculated immediately to end the harassment and in accordance with the University's disciplinary procedure. Such corrective action may include, but is not necessarily limited to, disciplinary action against any employee engaged in harassing behavior, up to and including termination of employment.

## 2.4 Protection Against Retaliation

Every employee is entitled to report potential incidents of harassment without reprisal. No employee who in good faith reports or participates in the investigation of harassment will suffer any retaliatory action. Therefore, if in response to an employee's report of suspected harassment, a supervisor or other employee retaliates or threatens to retaliate against the

employee, the affected employee should promptly report the incident(s) to his or her supervisor or, alternatively, to his or her Supervisor, Division Dean, Area Vice President or the Human Resource Director. Any questions regarding the University Harassment Policy should be addressed to the Human Resources Department

### **3.0 DRUG-FREE WORKPLACE**

It is the policy of Saint Augustine's University to maintain a drug-free workplace for all of its employees and to comply with the requirements of the Drug-Free Workplace Act of 1988.

**Covered Substances.** The University Drug Free Workplace policy covers the following substances:

- Alcoholic beverages of any kind.
- Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law. Exceptions: Drugs prescribed by a physician, dentist, or other person licensed to prescribe or dispense controlled substances or drugs used in accordance with their instructions are not subject to this policy. However, employees are prohibited from using substances, drugs, or medicines that cause drowsiness or other side effects that may impair an employee's capability to perform the job properly and safely. Each employee is obligated to inform his or her immediate Supervisor of the use of any such accepted medications.

**On-premise use.** The following activities are prohibited while an employee is on the University's premises or otherwise engaged in University business:

- The manufacture or possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug.
- The consumption of alcoholic beverages.
- Being under the influence of alcohol or illegal substances during business hours.
- Performing duties while under the influence of alcohol or controlled and/or illegal substances whether on or off University premises.

**Off-premise use.** The following actions, even if not occurring on University premises or during working hours, are considered to endanger the University's reputation:

- Indictment or conviction of criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs. Any other actions involving alcohol or controlled or illegal substances that, in the opinion of the administration, endanger the University's reputation for honesty integrity, and safety.

An employee who engages in these activities may be subject to disciplinary action, up to and including immediate dismissal.

Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the University in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, including termination from employment.

### 3.1 Counseling and Rehabilitation

Any employee who wishes to receive information about counseling and rehabilitation may request the information from the Office of Human Resources.

### 3.2 Drug and Alcohol Testing

The University has the right to require employees to undergo appropriate tests designed to detect the presence of alcohol or drugs (e.g., blood test or urinalysis) where it has reason to believe that an employee may be under the influence of or impaired by alcohol or drugs. The University also may require such tests whenever necessary to protect the safety and health of its employees (for example, when an employee is involved in an accident during the performance of University business or on University property that result in injuries to the employee or others or damage to property). Therefore, all employees should know that:

- Consent to submit to such tests that the University may require constitutes a condition of employment. Refusal to consent to a test when such test is required will result in disciplinary action, which may include termination.
- All drug and alcohol testing will be conducted in accordance with applicable federal, state, or local laws.

Each new employee will, at the time of hire, be provided with a copy of the drug and alcohol policy and acknowledgment form. The new employee should read the policy and sign the form before being approved to begin job responsibilities.

## 4.0 EMPLOYMENT

In accordance with the Immigration Reform and Control Act of 1986, Saint Augustine's University is committed to employing only U.S. citizens and aliens authorized to work in the United States. The University requires all new hires to complete the Employment Eligibility Verification Form (I-9). Saint Augustine's University follows the procedures listed below in order to comply with the Immigration Reform and Control Act of 1986. Further information on this policy may be obtained from the Office of Human Resources. The University:

- Hires only citizens and aliens lawfully authorized to work in the United States;

- Continues to advise all new job applicants of the employment policy;
- Requires all new employees to complete and sign the verification form designated by the U.S. Citizenship and Immigration Services (USCIS) to certify that they are eligible for employment;
- Examines documentation presented by new employees, records information about the documents on the verification form and requires new employees to sign the form;
- Retains the form for three years or for one year past the end of employment of the employees; whichever is longer;
- Presents the form for inspection by U.S. Citizenship and Immigration Services (USCIS) or the Department of Labor if requested.

#### 4.1 Appointment of Staff

To ensure that all persons who complete an application to Saint Augustine's University will be given fair and proper consideration, the following rules are observed:

- All applicants are considered without regard to race, religion, color, ethnic or national origin, sex, disability or age.
- No person is employed on a full-time, part-time or temporary basis until an application has been satisfactorily completed and placed on file with the Office of Human Resources. No commitment of employment will be made until it is determined that there is a true vacancy, and the documents requesting the positions have been approved with a signature by the Supervisor, Area Vice President when appropriate, Human Resource Director, and the Vice President of Business & Finance. Funding for all positions must be approved by the Vice President for Business and Finance, along with the Assistant Vice President of Institutional Research Program, when appropriate, or the University President or Board of Trustees.

#### 4.2 Procedures

No person will be employed until a completed application is submitted to the Office of Human Resources. No commitments of employment will be made until the open position has been posted with the Office of Human Resources and approved by the President. Consideration of employment will be given only to applicants referred through the Office of Human Resources. Procedures for screening applicants involve the following steps:

- Hiring manager reviews the candidates completed application (resumes and other biographical data may be attached);
- Formal interview between applicant and supervisor;
- Submission of a signed personnel requisition form to the Office of Human Resources;
- Checking of references and background information by the supervisor or the Office of Human Resources when requested;
- Physical or other examinations (where applicable).

After final selection, acceptance and approval by the President, an offer of employment is extended to the candidate. On the first day of employment, the new hire will report to the Office of Human Resources to complete the necessary on-boarding documents. A personnel file is created and the completed new employee packet is retained in the Office of Human Resources.

False statements made on an application or information concealed on the application will be deemed sufficient cause for the employee's immediate dismissal.

#### 4.3 New Employee Orientation

New employee orientation, conducted by the Office of Human Resources, provides information on the University's policies, procedures, and benefits. Training on hazards in the workplace is incorporated into the orientation program. An employee's change from probationary to regular status is partially contingent upon his/her attendance and participating in the new employee orientation during the 90-day probationary period of employment.

The University will conduct a New Hire Orientation as needed. Each department head will designate an individual to provide an orientation to the new employee(s) and to implement and direct ongoing training for the purpose of assisting the new employee in becoming acclimated to the University and departmental policies and procedures. By utilizing this orientation and training program, the new employee can obtain a broad overview of the department and see where his/her position fits in with the University strategic goals and policies of the appropriate department.

All new employees should report to the Office of Human Resources on their first day of work. At that time, they will be furnished proper forms for statutory and salary deduction options for the various benefit plans and have any questions answered. Once the completed forms are returned to the Office of Human Resources, the employee will be placed on the University payroll. Employees cannot receive compensation without completing and providing the appropriate documentation to the Office of Human Resources.

#### 4.4 Probationary Period

The first 90 calendar days of employment are a probationary period for both full and part time employees. The probationary period is a time when the employee becomes familiar with the basic requirements and expectations for the job. **It is also the time for supervisors to assess the employee's skills, determine if the employee's job performance meets the expected standards, and whether employment should be continued.** The probationary period is a time for open communication by both parties; however, either party is free to terminate the relationship before the period ends.



#### 4.5 Personnel Records

The Office of Human Resources is repository for *employee personnel records*. The Vice President for Academic Affairs maintains the records of *faculty credentials*. The Office of Human Resources will maintain all employee records and supporting documents, regarding confidential matters. **The University reserves the right and has a duty to collect and consider all personnel records and documents when conducting a personnel review in order to make the best decision in any personnel action.**

#### 4.6 Status Changes

Change in the terms of employment of any appointee is to be promptly reported by the supervisor to the Office of Human Resources. The following changes will be considered as status changes:

- **Salary Increases** require the recommendation of the Supervisor, Vice President for the area and approval of the Vice President for Business and Finance and the President;
- **Promotion** with salary increase requires the recommendation of the Supervisor, Vice President for the area, Vice President for Business and Finance and approval of the President;
- **Transfers** require the recommendation of the Supervisor and approval of the Vice President for the area, and approval of the President;
- **Leave of Absence** requires the recommendation of the Supervisor, Vice President for the area, and approval of the President;
- **Termination** requires the recommendation of the Supervisor, Vice President for the area, and approval of the President.

It will be the responsibility of the supervisors to notify the Office of Human Resources of anticipated changes in duties and responsibilities of any position. All personnel status changes will be done in writing with proper approvals. For any change of status which involves a salary increase, the Vice President for Business and Finance should be consulted before obtaining the President's approval.

Forms for requesting changes in Human Resources are available in the Office of Human Resources. These should be prepared in accordance with instructions printed on the form. The original should be forwarded to the Office of Human Resources, with a copy retained by the requesting department in a pending file. All departments will be notified, in writing, of any and all official Human Resources actions relevant to their purview.

Notification of the termination of any employee should include, in addition to form requirements, and if applicable, a brief description of the duties assigned to the position, the importance of the position to the quality and productivity of the program, and plans for

reassignment of duties and responsibilities for the position. It will be the responsibility of supervisors to notify the Office of Human Resources of anticipated changes in duties and responsibilities of any position. The Office of Human Resources will notify technology, campus police and payroll of termination of any employee

#### 4.7 Internal-Promotional Opportunities

Standard procedure for filling positions at the University includes a process open to the general public. However, in some cases managers or supervisors may wish to fill positions from within the University before posting externally. A manager or supervisor who seeks to fill an opening through an internal search or promotion should first make the request to the Office of Human Resources. Employees are encouraged to consult with their supervisors or managers when they wish to be considered for internal promotional opportunities. There is a personnel requisition process that includes securing appropriate approval at various levels up to and including the Office of the President. Current employees seeking to apply for internal positions must follow the transfer procedure.

#### 4.8 Employment of Relatives (Nepotism)

Members of an employee's immediate family will be considered for employment on the basis of their qualifications. Immediate family may not be hired, if (employment) would:

- Create a supervisor/subordinate relationship with a family member;
- Have the potential for creating an adverse impact on the work performance; or
- Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy must be considered when assigning, transferring, or promoting an employee.

- For the purpose of this policy, immediate family includes the following degrees of relationships:
  - By blood: parent, child, adopted child, grandparent, grandchild, brother, sister
  - By marriage: husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law and daughter-in-law.

If marriage of a staff/faculty member would create a family relationship resulting in employment circumstances as listed above, attempts will be made to find a suitable position within the University to which one of the employees may transfer. If accommodations of this nature are not feasible, the employee will be permitted to determine which of them will resign by the end of the fiscal year.

## 4.9 Outside Employment

Saint Augustine's recognizes that some employees may need or want to hold additional jobs outside their employment with the company. Employees of Saint Augustine's are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns.

Saint Augustine's applies this policy consistently and in a non-discriminatory manner to all employees, and in compliance with all applicable employment and labor laws and regulations. The following rules for outside employment apply to all employees notifying their supervisors or managers of their intent to engage in outside employment:

1. Work-related activities and conduct away from Saint Augustine's must not compete with, conflict with or compromise our interests or adversely affect job performance and the ability to fulfill all responsibilities to us. Employees are prohibited from performing any services for customers of Saint Augustine's that are normally performed by Saint Augustine's. This prohibition also extends to the unauthorized use of any company tools or equipment and the unauthorized use or application of any confidential University information. In addition, employees may not solicit or conduct any outside business during work time for Saint Augustine's.
  2. Our employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at the University, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
  3. In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, Saint Augustine's department heads and the Human Resource department will consider whether the proposed employment:
    - May reduce the employee's efficiency in working for the University.
    - Involves working for an organization that does a significant amount of business with the University, such as major contractors, suppliers and customers.
    - May adversely affect the University's image.
1. Employees who have accepted outside employment may not use University paid sick leave or leave provided under the Family Medical Leave Act to perform work on the outside job.
  2. Fraudulent use of company sick leave or FMLA leave or an employee's refusal to discontinue outside employment after being requested to do so by his or her department head or the human resource department will result in disciplinary action up to and including termination of employment.

#### 4.10 Employment of Minors

The North Carolina Child Labor Law provides for certain restrictions and regulations regarding the employment of minors.

Supervisors must confer with the Office of Human Resources before recommending any prospective employee under the age of 18. Under no circumstances will a supervisor hire a minor, even on a temporary basis, without the proper work permit and permission from the Office of Human Resources.

#### 4.11 Student Employment

It is the policy of the University to provide employment opportunities for eligible matriculated university students. This employment will involve supplementary activities and will not result in the displacement of employees or impair existing contracts for services. Also, hiring of students will not result in bona-fide position vacancies being held vacant by any University department.

##### **Provisions:**

- Hours of Work -- The maximum hours a student may work during the academic year (September - May) when classes are in session shall be 20 hours per week. The maximum hours a student may work during the summer (June 1 - August 31) and other official vacation periods shall be 40 hours per week. Students may begin working 40 hours per week on the first day after the last day of the exam period for each semester.
- These guidelines shall apply to all eligible matriculated students, both at the graduate and undergraduate levels, regardless of the method of funding for the student employee.

The following are the eligibility requirements for student employment:

##### **During the academic year:**

- For Institutional Payroll (IPR) employment, students must be matriculated and currently registered for at least six (6) credits.
- For College Work Study Program (CWSP) student employment, eligibility will be based upon the federal regulations governing the Federal College Work Study Program.
- Graduate students must be matriculated and registered for a minimum of four and one half (4.5) credit hours.

**During the summer recess:**

- Students must have been eligible for student employment during the previous spring semester, and expect to return in the fall semester and be registered as a matriculated student as defined above. Such students may work up to forty (40) hours per week.

or:

- Entering students accepted for enrollment in the fall who have paid their deposit are eligible for summer employment. The maximum number of hours that students in this category may work is forty (40) hours per week.

or:

- Students must be taking part in a special pre-matriculation program such as the Special Program for Talent Development and expect to be enrolled as qualified students in the fall. The maximum number of hours that students in this category may work is twenty (20) hours per week.

or:

- Students must be completing requirements for a degree and be currently registered in summer school. The maximum number of hours that students in this category may work is twenty (20) hours per week.

A student may not be employed by more than one supervisor or department within the University at the same time.

## **5.0 COMPENSATION**

### **5.1 Wage and Hour Law**

The University operates under the Federal Fair Labor Standards Act (FLSA), commonly known as the Wage and Hour Law. All employees, other than certain executive and professional personnel, are considered non-exempt employees and are covered by the provisions of this law. Non-exempt employees are entitled to the benefits of the law such as a guaranteed minimum wage and overtime.

Non-exempt employees are not permitted to work beyond the forty- (40) hour week unless his/her Supervisor requests the time. No Supervisor may authorize overtime unless he/she has written authorization from the area vice president. All overtime made by non-exempt employees will be entered on the payroll. Overtime made during a particular pay period will be entered on the next payroll affecting that employee.

All hourly paid positions are classified according to relative technical requirements and responsibility. Salary rates are established for each classification. Adjustments to salary rates for a classification are normally based on a fiscal year of July 1-June 30. Adjustments usually coincide with the new budget year.

New employees are usually hired at the base rate. If employees have previous experience in a particular field, they may be hired at a higher salary than the beginning rate. The Vice President of Business & Finance may take this action upon recommendation of the area Vice President.

The University has defined the work week as Sunday through Saturday. All hours in the workweek are recorded on a daily time sheet so that accurate records may be kept of time worked. Credit as hours worked is given for days taken for earned Annual leave and/or sick leave. Unauthorized work during established lunch periods is not permitted. Work should not be performed before or after the established work time, unless it has been pre-approved by the supervisor and approved by the area vice president. In this instance, it must be recorded as time worked. A non-exempt employee must record his/her time accurately. Falsification of records will subject one to immediate dismissal.

## 5.2 Overtime Policy

As a general policy statement, it is expected that the University's various workloads should be accomplished within the basic schedule of the workweek. The University discourages any overtime situations without prior approval of the area vice president. The President charges each administrative officer concerned with the responsibility of organizing, scheduling and staffing workloads in a manner that will avoid the development of overtime work situations.

The administration recognizes that occasionally a non-exempt staff member may be required to work overtime in certain extenuating circumstances to include, but limited to the following:

- Registration Periods;
- Unforeseen circumstances that prevent the work from being accomplished during the regularly scheduled period.

Overtime, if required, shall be performed only at the recommendation of the supervisor and approval of the Area Vice President.

## 5.3 Payroll

In order to maintain accurate records and timely reports, the following procedures apply:

- No checks will be issued to non-exempt employees unless all time sheets are on file in the Office of Human Resources. These daily time records should be maintained and signed by the individual, signed by the appropriate Supervisor and turned in every

Monday by 10:00 a.m.

- **Overtime must be requested and approved before the duties are performed. The Vice President of Business & Finance and the employee's supervisor must approve it before it is made** (see section 5.2 on overtime).
- Any services performed for the University where payment is to be made must go through the University's payroll. No employee will be paid for services rendered unless it is properly taxed. Services rendered in addition to one's original contractual agreement will be compensated on the nearest payroll following approval for payment. Our pay periods are the 15th and 30th of each month. Employees should not request checks before these dates.

The pay period is subject to be adjusted based on the Fair labor Standards and the time frame best for the University.

#### 5.4 Pay

It is the responsibility of the University to allocate funds for salaries and wages as fairly and equitably as possible, and do this in a manner that is based on a fair evaluation of the relative value of work.

It is the policy of the University to establish rates of pay and salary wages that are justly related to such factors as skill and ability required to perform the work, the level of responsibility assigned, effort demanded of the position, and its working conditions. Due consideration is also given to prevailing rates being paid for similar kinds of work in the area and by other comparable institutions. Saint Augustine's University must also live within the limits of its financial ability; therefore salaries and wages are always dependent upon the availability of funds and enrollment numbers.

#### 5.5 Direct Deposit

Direct deposit is mandatory for all full-time employees. Direct deposit is optional for other employees. Payroll deposits may be transmitted to either the employee's checking or savings account.

In addition to this, full time faculty that teach summer school and/or receive compensation for overloads will receive these funds via direct deposit. All payroll changes are due to the Office of Human Resources ten (10) working days prior to payday.

Employees that do not have an active account must establish an account with a bank of their choice. A direct deposit enrollment form must be completed and returned with a voided blank check to the Office of Human Resources within five (5) working days of employment. Direct deposits will begin on the second pay date after enrolling.

Temporary employees will be compensated with a manual check. In the event of termination of employment, the employee's final paycheck will be also in the form of a manual check.

### 5.6 Financial Operating Procedures

The Vice President of Business & Finance recommends the salary ranges based on the market value for the various employment categories to the President. The normal starting rate will be the beginning rate of the salary grade assigned to the positions. However:

- Authorization may be granted to employ at a rate above or below the beginning rate in certain circumstances.
- The primary criteria for adjusting initial salary rates will be the factors of previous experience, education, and background.
- Personnel employed on an hourly rate basis and temporary workers will be compensated at the beginning rate of pay and may be adjusted according to the aforementioned criteria.

All employees are to receive annual performance reviews and this should be sent to the Office of Human Resources at the specified time. Failure of a supervisor to submit performance appraisals on rates may result in a reprimand. The Area Vice President along with the Human Resource Director reviews, prepares a summary, and makes recommendations to the President for approval. When the President approves this, the adjusted salary is to be paid to the employee for another twelve (12) months if he/she remains in that position.

### 5.7 Signing of Contracts

Authorization for executing (signing) contracts, leases and/or agreements with vendors, agencies, or any third party to pay for the purchase or lease of goods, products, and/or services on behalf of Saint Augustine's University is limited to the President and the Vice President of Business & Finance. All requests for the purchase or lease of products, goods, and/or services by an employee, including faculty and staff, must be submitted on an official requisition form and signed by all appropriate university officials prior to the University assuming responsibility to pay. Written permission by the President and/or Vice President of Business & Finance must be secured in order to execute a contract, lease, or other agreement.

Faculty and/or staff who are responsible for grants or other sponsored programs must complete the requisition process appropriate to their grant or program, and obtain all appropriate signatures prior to the purchase or lease of products, goods, and/or services for the University



## 6.0 WORK SCHEDULES

Saint Augustine's University is a complex organization staffed by persons performing a variety of jobs requiring different working schedules, which involve day and night working hours. Therefore, it is impossible to establish the same shift work for everyone on the staff. However, the University does recognize the following general classes of work schedules as representing normal operations:

### 6.1 Five-Day Work Week

- The work week is Monday through Friday;
- Work hours are from 8:00 a.m. to 5:00 p.m., which includes one (1) hour for lunch (schedules may vary according to the duties and responsibilities outlined on the job description);
- The 40-hour work week includes all employees.

For those offices that must remain open on Saturday mornings, the procedure will be to stagger the work hours in order to keep a skeleton staff available. Staff members subject to this schedule will be granted equivalent compensating time off.

### 6.2 Seven-Day Work Week

Some departments, such as the library, campus police, residence life, student affairs, and some physical plant staff require a seven-day work week. A forty (40)-hour week shall remain the basis period; however, in no case shall an employee be required to work seven consecutive days as a regular schedule. Professional librarians are considered a part of the faculty and are not subject to this policy.

The schedule of each employee should be sent to the Office of Human Resources and should be kept up to date when changes are made. If changes are to be made in an employee's work schedule, the Human Resource Director must be notified immediately. Before the employee can begin to work the changed schedule, it should be approved by the Area Vice President as appropriate, and the President.

### 6.3 Time Sheets

Time sheets are official records of time worked. The time sheets are the basic source of information for payroll purposes and time sheets should reflect the actual time worked. It is the responsibility of supervisors and department chairpersons to check time sheets for accuracy before submission to the Office of Human Resources.

Time sheets should be turned into the Office of Human Resources every Monday before 10:00 a.m. If not submitted by the aforementioned time, this may cause the employee not to receive his/her payroll check until the following pay cycle.

Overtime permits should be attached to the time sheets if the Vice President of Business & Finance has previously approved it.

#### 6.4 Working Hours and Attendance

Employees regularly scheduled for less than forty (40) hours per week will be classified as part-time. Because of the nature and function of programs, schedules may vary from office to office. At the President's discretion, a flexible work schedule may be offered during the summer months.

To ensure adequate staffing and service to our internal and external customers, the University has established a regular schedule. Special events may dictate a change in work schedules for certain employees. To ensure appropriate staffing levels, the supervisor must approve deviations from the standard schedule. Basic procedures regarding work hours and attendance are:

- All schedules and lunch hours must be coordinated within departments to ensure adequate staffing at all times. Certain employees may be hired for or assigned different working hours in order to perform certain essential duties. Due to the nature of some programs, this is necessary to perform a given responsibility adequately.
- A supervisor must authorize overtime in advance. Due to the impact on departmental budgets and FLSA regulations, employees may not independently decide to work overtime without supervisor approval. While overtime worked without permission must be paid according to law (if the employer benefits from the work performed and has reason to know about it), upon investigation such behavior may be justification for disciplinary action, up to and including termination of employment of the violator.
- In no instance will overtime be paid on a second occasion without prior supervisory approval.
- Violations regarding unauthorized overtime will be addressed as a performance issue.
- In the case of approved overtime, additional hours worked beyond a normal day should be clearly indicated on the appropriate time sheet and specifically initialed by the supervisor. No overtime will be processed for payroll without the above authorization.
- Faculty, part-time and temporary employees are not eligible for annual leave or sick leave benefits.
- Employees are allowed one (1) hour for lunch, inclusive of travel to a specific destination. Non-exempt employees must take a minimum thirty (30) minutes for lunch away from their workspace.

Basic workday: Professional employees are expected to work as required by the position. All offices are expected to open by 8:00 a.m. and close no earlier than 5:00 p.m., Monday through Friday.

#### 6.5 Absenteeism and Tardiness

Any employee who is repeatedly late for work presents grounds for disciplinary action up to and including dismissal.

A staff member who is absent for three days or more MUST present an excuse from a physician or acceptable justification to the supervisor prior to or upon return to work, otherwise, the employee will be considered to have resigned and/or abandoned the job.

#### 6.6 Absence without Pay

A staff member shall not receive pay for unauthorized absences under the following terms:

- Failure to report to work as scheduled;
- Failure to present adequate justification for the absence upon returning to work;
- Absence from work without the approval of the supervisor.

#### 6.7 Absence with Pay

The following bona-fide absences will be approved with pay:

- Accrued sick or annual leave;
- Court and jury duty;
- Approved work-related training or professional development;
- Military leave up to fifteen (15) working days.

#### 6.8 Bereavement Leave Policy

##### **Funeral Leave for an Immediate Family Member:**

When a death occurs in an employee's immediate family, all regular full time employees may take up to three (3) days off with pay to attend the funeral or make funeral arrangements.

The pay for time off will be prorated for a part time employee if the funeral occurs on a scheduled work day. The Company may, in unusual circumstances, require verification of the need for the leave.

##### **Immediate Family Defined for Bereavement Leave:**

Immediate family members are defined as an employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

**Non-family Member Funeral Leave:**

All regular, full-time employees may take up to one (1) day off with pay to attend the funeral of a close, non-family member. This time off will be considered by the employee's manager on a case-by-case basis.

The pay for time off will be prorated for a part-time employee if the funeral occurs on a scheduled work day. The supervisor should confirm that the time is recorded accurately on the time cards. The Company may require verification of the need for the leave.

**Additional Time Off:**

The University understands the deep impact that death can have on an individual or a family, therefore additional non-paid time off may be granted. The employee may make arrangements with his or her supervisor for an additional four unpaid days off in the instance of the death of an immediate family member.

Additional unpaid time off may be granted depending on circumstances such as distance, the individual's responsibility for funeral arrangements, and the employee's responsibility for taking care of the estate of the deceased.

**6.9 Progressive Discipline**

Progressive discipline is the process whereby an employee's performance problems are addressed through a series of graduated, documented actions. These actions will be followed in employee disciplinary matters (except in matters the University, its representatives, or its management determine the need to be addressed outside of the progressive system):

- The employee's immediate supervisor will administer any appropriate corrective or disciplinary action at the first level. Appropriate action will be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Because a great variety of situations may arise, the University may need to make decisions related to employment in a manner other than as provided in this section.
- Disciplinary actions may take place in several forms, such as verbal counseling/reprimands, written counseling/reprimands, probations, suspensions, or terminations. The University's Office of Human Resources should be consulted beforehand when disciplinary action with an employee becomes necessary.

It is important to note, however, the University reserves the discretion to start the disciplinary process at any point in the following procedure, and nothing contained in this Policy should be construed to create a "good cause" standard for dismissal from employment. Nothing in the

Progressive discipline Policy is to be construed as abrogating the employee's status as an employee-at-will.

#### **6. 10 Verbal Counseling/Reprimand**

A verbal counseling/reprimand session may take place between employees and supervisors in situations that are deemed less serious in nature. Every effort to determine and resolve the cause of the problem should be made. At the same time, it should be specifically stated that the employee is receiving a formal warning. Documentation of the verbal counseling should be made and maintained in the departmental supervisor's files for verbal counseling/reprimand sessions.

#### **6. 11 Written Counseling/Reprimand**

A written counseling/reprimand may take place between employees and supervisors when the behavior of the employee:

- is a repeated violation and verbal counseling has been administered;
- hinders the progress of the department in which the employee works;
- or hampers the progress of the University.

Written warnings should be documented in the form of a letter or corrective discipline form (available at the Office of Human Resources). Copies of all written warnings should be distributed as follows: one copy to the employee, one copy to the University's Office of Human Resources for inclusion in the employee's personnel file, and one copy maintained in the departmental files under lock and key. Counseling usually precedes reprimands.

#### **6. 12 Probation**

The supervisor, with approval of the department supervisor, may place employees who fail to respond to the above reprimand on probation. This action must be reported in writing to the area vice president and to the Human Resource Director before it is taken, and it will be filed in the employee's record. Those who fail to respond to guidance during their period of probation may be terminated.

#### **6. 13 Suspension**

The supervisor may suspend employees who become involved in serious problems or violations (attendance, performance, etc.), from duty for up to five (5) working days. Suspensions of a longer duration require approval by the President. All suspensions are on a "without-pay" status. All suspension actions must be given to the employee in writing and must be reported immediately to the President and to the Office of Human Resources, in writing, by the area vice president. This information will be entered on the employee's record.

#### 6. 14 Dismissal

Employees should be aware that their employment relationship with the University is based on the condition of mutual consent to continue the relationship between the employee and the University. Therefore, the employee or the University is free to terminate the employment relationship at will, with or without cause, and at any time. Recommendations to dismiss an employee are to be made to the Human Resource Director and authorized by the President.

Although one or more of these disciplinary measures may be taken in connection with a particular employee, no formal order or system is necessary, and the University may terminate employment whenever such action is deemed necessary.

When any form of disciplinary action is taken, the supervisor should consult with the area vice president and Human Resource Director prior to action. Copies of written disciplinary action should be submitted to the Human Resource Director.

#### 6. 15 Separation from the University's Employment

An employee may be separated from the University for reasons of termination, expiration of appointment, reduction in force, resignation, abolishment of position, non-renewal of contract, non-renewal of special contracts or grant appointments, retirement, disability, and death. In case of financial exigencies, the University reserves the right to terminate employment of an employee.

#### 6. 16 Voluntary Separation

In order to separate in good standing with the University and to be eligible for reinstatement, employees are expected to give at least two (2) working weeks' notice. Professional level staff, faculty members and supervisors are expected to give one (1) months' notice.

To establish a standardized procedure to assure that an employee resigns in good faith:

- The employee submits a written resignation to the supervisor. Once the written resignation is accepted, the employee may not be reinstated in any position without the approval of the appropriate Vice President;
- A notice period is given. If the appropriate notice period is not completed with satisfactory performance, the employee cannot subsequently be rehired in any University position.
- Annual leave balance up to fifteen (15) days will be paid out to the employee in the final paycheck, unless the employee does not give the requested notice and does not work the minimum notice.
- An employee may not take annual leave after they put in a resignation notice.
- Used, unearned Annual Leave will be deducted from the final paycheck
- Unused sick leave time is an earned benefit that is not paid out on separation from employment.

- In some circumstances, the employee may be asked to leave the day he/she resigns. In this situation, the University reserves the option to pay the employee through the end of the notice period, not to exceed one month.
- The supervisor will work with the employee to identify and resolve or reassign outstanding projects and duties.
- The Office of Human Resources will offer an opportunity to conduct an exit interview with employees separating from employment on a voluntary basis to obtain employee comments concerning the University, their jobs and management practices, as well as to provide any benefits paperwork and explanations necessary.
- The separation date for all employees will be the last day of actual work.
- The employee must return all the University's property (e.g., keys, expense allowance, credit cards, supplies, etc.) and resolve any indebtedness to the University (e.g., unreturned equipment) by the employee's last day on campus.
- There will be no direct deposit of final paychecks. The final paycheck will be mailed to the employee, or can be picked up at the Office of Human Resources by the employee, whichever he/she prefers. All reference requests for any employee must be referred to the Human Resource Director, who is authorized to speak for the University concerning matters of employment.
- In circumstances of voluntary resignation or job elimination, supervisors may elect to issue the departing employee a letter of reference, provided the Human Resource Director reviews and approves the letter of reference prior to its issuance to the requesting employee.
- The Human Resource Director will provide only job title, dates of hire and separation, and eligibility for rehire (yes or no response only) when contacted for references. Performances rating, character references, and reasons for termination will not be acknowledged unless the departing employee has completed a reference inquiry release form, or unless the information is required by law.

#### 6. 17 Involuntary Separation

It is the policy of Saint Augustine's University to correct, or attempt to correct, substandard work performance or conduct of its employees. When these efforts have failed or when an employee's actions are of a serious or threatening nature, the University reserves the right to dismiss the employee from its employment. Changes in budget/staffing, as well as eliminating programs and/or departments may result in termination of employment at the discretion of the University.

It is the purpose of this procedure to establish a fair and uniform method for the discharge of employees and to assure that each employee has the opportunity for a complete and fair review before being discharged from the employ of the University.

**Performance-based** A staff member who demonstrates inability to perform his/her job in a satisfactory manner, lack of interest, carelessness, or other traits resulting in failing to meet the

standards of the job, may also be separated from employment. Failure to meet the job requirements for a position during the introductory/initial ninety (90) day period of employment constitutes grounds for separation.

**Misconduct** An employee who conducts himself/ herself in a manner that reflects unfavorably upon the reputation of the University and himself/herself may be subject to immediate discharge by the President or upon the Supervisor's recommendation, without advance notice and without further pay, for the following (but not limited to) reasons:

- Falsification of records, including time sheets and applications for employment;
- Gambling on University property;
- Reporting to work under the influence of, or possessing intoxicants such as alcohol, narcotics, barbiturates, hallucinogens, amphetamines or marijuana;
- Insubordination or disobedience, inexcusable neglect of duties;
- Incompetence or inefficiency;
- Unauthorized possession of firearms, knives or explosives;
- Immoral or indecent conduct on University premises or conviction by court of law of such conduct off campus;
- Submission of falsely stated documents, including travel vouchers, etc.;
- Threatening, intimidating, coercing or interfering with administrators and/or fellow employees on campus;
- Sleeping during working hours;
- Conviction of a criminal offense, including murder, armed robbery, arson, or assault, whether on or off campus;
- Excessive absences, especially Fridays, Mondays, and days before or after holidays and after each pay day;
- Failure to report an accident, incident and/or injury to self, student, faculty, staff or visitor;
- Negligence or abuse in the use of University property or equipment;
- Leaving work or campus without permission during working hours;
- Misuse of sick leave privileges and benefits;
- Consumption of alcohol while on duty;
- Concealing, removing, falsifying or destroying University records;
- Failure, through neglect, to account for University funds;
- Willful negligence in performing official duties including failure to follow instructions;
- Stealing from fellow employees and/or the University;
- Unexcused absence for three (3) days or more without notification or reasonable cause;
- Wasting time or loitering (repeated offense);
- Misuse or unauthorized use of the University's long distance telephone service.
- Gossiping or engaging in conversations that impinge the University or any of its employees or constituents.



Where dismissal is brought about by a violation of Civil Law, the University may institute prosecution of an employee or a former employee. Discharge due to unfavorable conduct does not provide pay in lieu of notice.

#### 6. 18 Procedure for Reporting Separation

In no case should the Human Resource Director, or the President and/or their respective representatives, terminate any employee without prior review of the case. If terminal annual leave is to be granted, the effective date of separation will be the last day for which the employee is paid.

## 7.0 GRIEVANCE POLICY

It is the intention of Saint Augustine's University to deal fairly with all employees regarding the various aspects of the employment relationship.

It is expected that in the normal course of working together on a day-to-day basis, problems will arise from time to time. The University wishes to afford every opportunity for the adjustment of these problems in a prompt and equitable manner. The successful solution to these problems should be accomplished at the first level of supervision whenever possible. However, in the event a mutually satisfaction adjustment is not attained at this point, a definite means of appeal to a higher level of authority is provided. Staff members may use this procedure without fear and prejudice.

### 7.1 Grievance Procedure

**Step I** The matter in question shall be taken up with the immediate supervisor at the earliest possible time. Every effort will be exercised by the immediate supervisor to solve the problem on its merits without undue delay.

**Step II** If the supervisor and the employee are unable to solve the grievance satisfactorily, the employee may submit the grievance, in writing, to the appropriate Vice President, or designee, within five (5) working days after the discussion with the immediate supervisor. The grievance must be in writing and must contain a statement of the complaint and the remedy sought. The Vice President will discuss the complaint with the employee and all other persons concerned. The Vice President will render a written decision within ten (10) working days after the date of receipt of the grievance. The employee's supervisor will receive a copy of the written response by the Vice President. This step of the process is not involved when the immediate supervisor is a Vice President.

**Step III** If there is still not a satisfactory resolution of the grievance; the employee may appeal the grievance to the President, in writing, within five (5) working days after receipt of the

response from the Vice President. The President may appoint a grievance committee. The committee's chair shall convene a hearing within ten (10) working days after receiving the appointment. The committee will submit a recommendation to the President within ten (10) working days after the hearing. The President will render a decision to the employee within ten (10) working days after receiving the recommendations from the grievance committee. The decision of the President is final.

## 8.0 BENEFITS

### 8.1 Annual Leave

All full-time Saint Augustine's University staff members are entitled during each year of employment, to annual leave with pay. To the extent permitted by impending work conditions, each employee will be allowed to use Annual leave for rest and relaxation, bereavement, and personal days to assist in maintaining maximum efficiency and productivity. Annual leave shall be earned, accrued, and used as herein described.

**Exception:** Professional employees may negotiate extended annual leave when hired or at initial review evaluation date (not to exceed eighteen (18) months of employment).

The leave is defined as the period July 1 through June 30 (the University's fiscal year).

Employees who begin work after the start of a leave year will have their Annual leave pro-rated on a monthly basis for that part of the leave year.

#### **Accrual Rates:**

- Senior level administrators (Vice Presidents) shall earn twenty-four (24) leave days per year; two (2) days per month.
- Employees with less than five (5) years of service shall earn twelve (12) leave days per year; one (1) day per month.
- Employees with five years of service but less than ten years of service shall earn eighteen (18) leave days per year/ one and one half (1.5) days per month.
- Employees with ten or more years of service shall earn twenty-four (24) leave days per year/two (2) days per month.

*Maximum Accumulation:* Employees, except where otherwise directed by the President, are allowed to accumulate and carry forward annual leave up to a maximum of that which would be earned in the last twenty-four (24) months, as follows:

- Less than 5 years - Forty-four (44) days
- 5 or more years - Forty-four (44) days

- 10 or more years - Forty-four (44) days
- Senior Level Administrators - Forty-four (44) days

*Employees, whose employment ceased:* Employees will be paid for accumulated and unused annual leave at their current rate of pay up to a maximum of fifteen (15) days based on total number of accrued days.

*Use of Annual leave:* University supervisors are expected to encourage the use of annual leave in a timely manner. When employees can be spared from their duties, annual leave will be granted as requested, to the extent of the employee's available balance. Annual leave may also be used when emergencies arise. An emergency is defined as an unforeseeable situation over which the employee has no possible control, and which prevents the employee from being on duty during the entire period of absence. Denial of the use of annual leave will be based upon factors which are reasonable, equitable and which do not discriminate against any employee.

*Request for and approval of Annual leave:* It is the prerogative of the administrator concerned to make the final decision as to when leave is to be used. For this reason, the use of Annual leave is subject to the approval of the appropriate Supervisor. Retroactive approval may be given when circumstances warrant. It is not to be assumed, however, that a mere report of absence will necessarily result in favorable action. Failure to secure the proper approval may result in the period being charged to absence without pay. Periods of Annual leave should be recorded on the time report.

*Terminal Leave:* If a staff member separates in good standing, he/she may be granted unused annual leave accrual, subject to the maximum equivalent of the annual leave allowance. If the termination of employment results from dismissal for cause, there shall be no terminal annual leave granted, unless it is deemed to be in the best interest of the University. The day of separation shall be the last day for which annual leave is paid. When the date of separation occurs, other than at the end of a regular pay period, final payment will be made on the next pay day following separation date. If the employee resigns, the employee must give a two (2) week notice and work the full two weeks (80 hours) to receive the maximum fifteen (15) day payout of the Annual leave.

The Office of Human Resources shall be responsible for interpretations in connection with these policies and procedures and will maintain the official records that are necessary in order to maintain an equitable leave system.

Should a recognized holiday occur during an authorized annual leave period, the holiday will not be charged as a day of annual leave time, except that no holiday shall be recognized during terminal annual leave.

Annual leave pay cannot be advanced for the annual leave period.

Nine-month employees shall not accrue annual leave.

## 8.2 Sick Leave

The sick leave policy is intended to encourage the accumulation of sick leave to cover an extended illness. It should not be considered as earned time off with pay and may not be granted in this manner. Abuse of the privilege may be deemed justification for dismissal of the employee.

- Full-time staff members shall earn and accumulate sick leave with pay on the basis of one working day of sick leave for each calendar month of employment.
- Sick leave shall accumulate from initial date of employment, but sick leave earned during the initial three-month period may not be granted until the end of the employees first ninety (90) days.
- Such leave may be accumulated to a maximum of one hundred twenty (120) working days.
- Transfer of a staff member from one department to another shall not change his/her sick leave accumulation.
- Sick leave will continue to accumulate during a leave with pay, but will not be accumulated during any full calendar month of absence in a non-pay status.
- Unused sick leave balance will not be paid upon the termination or resignation of a staff member.
- In the case of illness occurring away from work, prompt notification to the Supervisor must be given prior to the start of the work period in order to have the work covered. If notification is not made in accordance with this policy, the absence will be on a “without pay” status.
- Sick leave accrual is limited to twelve month employees only.

## 8.3 Family and Medical Leave Act

Saint Augustine’s University will grant an employee a total of twelve (12) weeks leave in any twelve (12)-month period. Leave will be granted for one or more of the following reasons:

- Inpatient care in a hospital, hospice, or residential medical care facility.
- Continuing treatment by a health care provider. The University requires certification from a health care provider about the family member’s condition, including a statement from the health care provider saying that the employee is needed to care for the family member and an estimate of the time needed.
- Because of the employee’s own serious health condition, where the employee is unable to perform his/her job. As with a family member’s illness, this leave can be taken

intermittently or on a reduced time basis if medically necessary to do so. The University requires certification from a health care provider about the employee's condition, including a statement from the health care provider that the employee is unable to perform the function of his or her job. It is the employee's responsibility to obtain medical documentation and provide the University copies prior to use of FMLA.

- To care for a child in the first twelve (12) months after childbirth. The University may require that the leave be taken all at one time.
- Placement of a child with the employee for adoption or foster care, within the first twelve (12) months of placement. The University may require that the leave be taken all at one time.
- To care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave). Up to twenty-six (26) work weeks of leave during a single twelve (12)-month period.
- To care for a spouse, child or parent who has a serious health condition. This leave may be taken intermittently or on a reduced time basis (e.g., working fewer days in a week, working fewer hours in a day), but only if such a schedule is needed for medical reasons.

In cases where prior certification is not feasible due to sudden illness, injury or accident, documentation should be provided as soon as reasonably possible. It is also the responsibility of the employee to periodically advise the University of his/her condition during a FMLA absence.

The University requests that the employee substitute any paid sick leave or Annual leave as part of the 12-week period, if such paid leave would otherwise be available. The University also requires, and the employees are expected to give, as much as 30 days' notice of taking such leave, to the extent that advance notice is possible (e.g., for the expected birth or adoption of a child). Also, if the leave is for planned medical treatment, the employee is expected to schedule the treatment so as to create minimum disruption for the University. The fiscal year is used to calculate Family/Medical Leave.

The following employees are not eligible for Family/Medical Leave.

- An employee with less than twelve (12) months of service with the University.
- An employee who worked less than 1,250 hours of service with the University in the previous twelve (12) months.

If Family/Medical Leave is requested, the employee should notify his immediate Supervisor and complete the Family/Medical Leave Form. The employee, the Supervisor and Vice President

should sign this form. The form should then be attached to a statement from a health care provider (certifying employee's condition) and forwarded to the Office of Human Resources. Once all signatures are acquired, the Office of Human Resources will provide the employee with written notification of eligibility and entitlement, approval or denial number of available accrued annual leave and sick leave days, and the appeal process.

Pursuant to our language concerning Outside Employment (see section 4.9), employees are prohibited from using University-provided sick leave or leave provided under the Family Medical Leave Act to perform work for another employer. Such use will lead to disciplinary action up to and including termination.

#### **8.4 Voluntary Shared Leave**

The intent of the Voluntary Shared Leave Policy is to allow one employee to assist another in case of a prolonged medical condition that results in exhaustion of all earned leave. A prolonged illness is defined as an illness that is continuous for at least 20 consecutive workdays and is documented by a medical professional.

The employee applying for shared leave must be full time or part time (assigned to 20 hours or more per work week) with a regular, probationary, trainee or time limited appointment. The employee may apply to participate in the shared leave program or be nominated for participation by a fellow colleague.

Donor provisions:

- Minimum donation is four (4) hours
- Maximum donation amount of vacation/sick leave by one individual cannot exceed the donor's total annual accrual.
- The amount donated cannot reduce the donor's vacation/sick leave balance below one half of the annual accrual amount of sick leave.
- A minimum of one (1) employee must donate time in order for the recipient to be eligible to participate in the program.
- Applicant is responsible for obtaining his/her own donors.

#### **8.5 Maternity Leave**

Compensation during maternity leave will be treated as any other illness in accordance with sick leave policy. If a member desires additional time not covered by the sick leave policy of the University, a request can be made for Family/Medical Leave. The employee should initiate the leave request with her immediate Supervisor before the seventh month of the pregnancy.

#### **8.6 Military Leave**

Employees who are members of a Reserve Component of the Armed Forces will be granted military leave with pay for a period of active duty not to exceed fifteen (15) working days per

calendar year. It is encouraged that military leave be taken at other than heavy enrollment periods of the year, preferably during the summer. Instructors with nine-month contracts must request military training during a non-teaching period of the calendar year.

Employees with military duty in excess of fifteen (15) working days per calendar year may request that annual leave time be applied to this leave, which will be granted with the approval of the Supervisor. In lieu of annual leave, the employee may request a leave of absence without pay. The employee should submit a copy of the appropriate military orders to his/her Supervisor. The Supervisor then attaches an approval slip (approving or disapproving the request) to a copy of the military orders and submits them to the Human Resource Director as soon as possible. The Uniformed Services Employment & Reemployment Rights Act of 1994 expanded the anti-discrimination protection of Reserve and Guard members in hiring, retention, and advancement of their military obligation.

### **8.7 Life Insurance**

Saint Augustine's University provides life insurance to all full-time employees at no cost. Insurance coverage is one and one half times the employee's salary up to \$250,000.00. Life insurance coverage is reduced for employees upon attainment of age sixty-five (65) and still employed, or who become insured on or after the age of sixty five (65). Life insurance is not available for dependents. Employees are eligible for this benefit following the ninety (90) days probation period

### **8.8 Accidental Death and Dismemberment Insurance**

Saint Augustine's University provides an accidental death and dismemberment insurance policy for all interested employees at group rates, which are considered lower than rates available on an individual basis. Premium payments may be deducted from your payroll check.

### **8.9 Medical Insurance (check to see how this coincides with Health Care Reform)**

Saint Augustine's University offers medical insurance for each benefit-eligible employee with optional dependent coverage available. Dependent coverage is available to employees at group rates. Premiums are deducted from payroll on a pre-tax basis. Coverage will not begin until the first day of the month following the completion of ninety days of service (waiting period). The University pays a percentage of the premium for full-time employees. Covered employees who terminate employment will be notified, as required by law, of their right to continued coverage at group rates at their own expense. Due to the pre-tax nature of any applicable deductions, changes may be made during the plan year to employee or dependent coverage only if there is a qualifying event, as defined by the IRS. The exact coverage and premium costs are variable, and therefore are not included in this booklet. However, such information is available from the Office of Human Resources.

Employees can decline health insurance through the University by providing proof that they are enrolled in an affordable program or are participating in the exchange/market place.

Saint Augustine's University offers dental, vision and long term disability insurance to all full time employees. Employees may elect to participate in the additional insurance options on a voluntary basis and assume the cost of the premium for the chosen plan(s).

### 8.10 Retirement

Saint Augustine's University offers a pension plan to assist employees in attaining financial security after retirement. It was adopted in hope that its benefits, along with those from Social Security and employees' own savings, will enable the retirement years to be more comfortable and enjoyable. This is considered a non-contributory plan and employees are eligible to participate in the plan on the September 1 nearest the date you have completed twelve (12) months of employment with the University. Specific details may be obtained from the Office of Human Resources.

The University offers two (2) contributory 403b retirement plans:

- TIAA-CREF (Teachers Insurance and Annuity Association-College Retirement Equities Fund): This fund is available to all employees. While employees may join the first day of employment, this fund will be matched by the University on a percentage basis (up to 5%) after one (1) year of employment.
- EQUI-VEST (The Equitable): Also available to all employees. While employees may join the first day of employment, it will be matched by the University on a percentage basis (up to 5%) after one (1) year of employment.

Note: The University will only match one of the contributory plans. Contact the Office of Human Resources for more information.

### 8.11 Holidays

The University recognizes the following holidays\* to be observed by the closing of all departments and offices except where continuous service is essential:

- Dr. Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day & the day after
- Winter(December 24, 25, and 26)
- New Year's Day



\*Special holidays, in addition to the ones listed above, may be granted by action of the President as may be deemed appropriate.

If a standard holiday falls on a Saturday, the preceding Friday will be declared the holiday. If a holiday falls on Sunday, the immediate Monday is observed as the holiday. However, for an employee scheduled to work on a holiday that falls on Sunday, Sunday shall be considered the holiday for purposes of granting equivalent time off.

- When a staff member is required to work on any these holidays, equivalent compensating time off is granted to be taken on another scheduled workday within one to two months at the convenience of the department.
- When a holiday falls on employees scheduled day off, no additional time off shall be granted in lieu of the holiday.
- Should a recognized University holiday occur during an authorized annual leave, the holiday would not be charged as a day of annual leave.
- Staff members on a non-pay status immediately before or after a holiday will not be paid for the holidays.

Note: The University reserves the right to revoke all standard holidays in the event of lost instructional days due to inclement weather, local, state or national crisis, or other disruptive events.

### 8.12 Court and Jury Duty

Jury Duty is recognized as a civic responsibility. Staff members are encouraged to fulfill their obligation with regard to this service as a citizen of the community.

A full-time staff member shall be granted time off to serve on a jury, or to serve as a court witness when subpoenaed, without loss of pay, and without charge against annual vacation.

- The staff member will be permitted to retain his jury duty compensation so as to help defray his expenses while serving on a jury
- The Supervisor may require a copy of the subpoena before approving time off for these purposes.
- If the jury does not require the full workday, the staff member is expected to report to his/her Supervisor when free from such service.

**All benefits are subject to periodic changes.**

While the Office of Human Resources will make attempts to keep employees informed, individuals will also have a responsibility to seek information.

## **9.0 ADDITIONAL BENEFITS**

### **9.1 Workman's Compensation**

Accidents are to be reported to the Supervisor immediately, regardless of the severity of the injury sustained. Compensation for temporary total disability resulting from injury shall be approximately 66 2/3% of the regular pay. Sick leave and any accrued annual leave must be used to make up the difference between the workmen's compensation payments and total salary until the sick and annual leave is exhausted.

### **9.2 Unemployment Compensation**

The University provides unemployment compensation insurance at no cost to employees. This means that employees may qualify for benefits as defined by the Office of Employment Security Commission. Specific qualification requirements for benefits can be obtained from the local Office of Employment Security Commission.

### **9.3 Educational Assistance**

After twelve (12) months of employment with the University, full-time employees are entitled to receive up to three (3) undergraduate credit hours per semester for courses provided by the University. Summer School entitlements are not granted. Courses specific to the employee's job may be taken during working hours if the workload permits, and approval is granted by the area vice president and the Office of Human Resources. Employees will not be compensated for hours away from their position in order to take courses. Employees should seek class times that do not conflict with work schedules.

### **9.4 Tuition Remission**

It is the policy of the University to furnish tuition remission for dependent children (as defined by the IRS) and /or the spouse of faculty and staff for full-time employees after one year of service. Appropriate documentation must be provided to the Office of Human Resources to verify the relationship to the employee.

Dependent children and spouse may receive a 60% waiver (as funds permit). In order for a student to receive tuition remission, he/she must maintain satisfactory academic progress equivalent to a 2.0 or better.

The request should be presented to the Office of Human Resources prior to the beginning of each semester. This benefit is limited to full-time students in the traditional program for eight (8) semesters. The program covers tuition only, no fees, room or board. The benefit will be distributed after all other financial assistance is applied, up to cost only.

Dependent students and/or spouses receiving Saint Augustine's University Tuition Remission must present an approved Tuition Remission Form at the time of registration. Staff receiving

tuition waiver must present an approved Request to Attend Class Form at the time of registration.

## **10.0 SERVICES**

### **10.1 Parking Areas and Decals**

Staff members may purchase assigned parking spaces near the main campus. Parking decal forms are available in the Campus Security Office and are issued upon payment of the annual fee. Parking decals must be affixed to the employee's vehicle normally driven to the campus. Decals may not be shared by family members for different cars.

### **10.2 ID Cards**

Faculty and staff members are required to obtain identification cards free of charge from the Department of Business and Finance. ID cards are mandatory and should be obtained within fifteen (15) days from date of hire. Every faculty and staff member must visibly wear their ID cards at all times.

### **10.3 Library Privileges**

Faculty and staff members may check out books for two weeks from the Library. Employees also have borrowing privileges from several other libraries in the Raleigh area.

### **10.4 Tickets to Extracurricular Events**

Staff members and members of their immediate family are admitted to the University's extracurricular events held on the University campus at a cost established by the University.

### **10.5 Campus Housing**

Saint Augustine's University has several residences for assignment to staff members. Assignment of campus housing is made either as part of the letter of agreement or on a "first come, first served" basis. Other specific details are available from the Office of Institutional Advancement and Development.

### **10.6 Dining Facility**

The cafeteria serves breakfast, lunch and dinner, Monday through Friday. These services are available during the academic year. Meals are based on a "pay as you eat" basis.

## **11.0 GENERAL POLICIES**

### **11.1 Smoking**

Saint Augustine's University is a smoke-free campus. There are no designated smoking areas on the campus for faculty and staff.

## 11.2 Personal Appearance and Dress Code

The Saint Augustine's University Board of Trustees considers it very important that Saint Augustine's University faculty and staff are dressed appropriately for their job function(s). The University Dress Code outlines the specific indicators of attire that is appropriate to the work environment. Saint Augustine's University has adopted a Business Casual Dress Code Policy (aka Falcon Ready Attire,) but emphasizes that some positions and events may call for dressier attire. Appropriate dress is important in promoting a positive University image to our customers, both internally and externally. The University wants to stress that the Dress Code Policy is a standard that must be adhered to for continuing employment. The guidelines below are general and subject to management interpretation, discretion, and enforcement. They may vary according to job descriptions and duties being performed.

### Office Environment

While Saint Augustine's University observes a business casual dress environment, there may be situations requiring more formal or professional attire. If employees are conducting or attending meetings, seminars, roundtables and other such events where they are in contact with other business professionals, or expecting on-campus visitors to their division or school, they are expected to represent the University in a professional manner and dress appropriately for conducting such business.

### General Guidelines for Everyone

Saint Augustine's University wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is NOT ACCEPTABLE: spandex; bare feet; hats or other head coverings (unless required for religious affiliations); clothing with profanity, nude or semi-nude pictures; inappropriate or offensive slogans, cartoons, or drawings; or indications of religious or political issues or preferences.

### Spirit Fridays

Faculty, staff and students are encouraged to take advantage of a relaxed business casual standard on Friday's of every month. The dress code for employees may include: polo shirts, T-shirts and sweatshirts displaying Saint Augustine's University Logo. Jeans or other recreational clothing is not acceptable on Spirit Fridays.

The following guidelines for proper business casual attire should be used when reporting to work each day or when an event advertisement utilizes the terminology "Falcon Ready:"

#### ACCEPTABLE FOR MEN:

- Shirts with collars, sweaters
- Dress pants/slacks. No jeans. No shorts.

#### ACCEPTABLE FOR WOMEN:

- Dresses, skirts, tailored slacks, dress pants with blouses or sweaters;

- Dresses and/or sun dresses should be no shorter than four (4) inches above the knee.
- Capris

“Falcon Professional” attire is synonymous with professional attire, suitable for an interview. The following guidelines for proper business attire should be used when event advertisement utilizes the terminology “Falcon Professional.”

“Falcon Professional” attire:

ACCEPTABLE FOR MEN:

- Suit jacket, slacks, shirt and tie

ACCEPTABLE FOR WOMEN:

- Suits, pant suits, or dresses (at least knee length)

UNACCEPTABLE FOR BOTH MEN AND WOMEN:

- Clothing that is too short, too tight and/or revealing
- Athletic shoes, work boots, hiking boots, hiking sandals, beach shoes, flip flops, bare feet
- Weekend clothes, shorts, leggings, stretch pants, stirrups, sweatpants/sweatshirts, jogging outfits, jeans or tee shirts
- Crop tops, tank tops, midriff tops, halter tops, muscle shirts, and spaghetti straps or strapless tops not covered by a jacket or sweater
- Under garments of any kind displayed
- Clothing which is discolored, worn-out, ripped, or frayed

All events held in the Seby B. Jones Auditorium will require “Falcon Ready” attire. “Falcon Professional” attire is always acceptable in the auditorium, unless otherwise announced. Attendees who are not appropriately dressed will not be admitted.

The following University Sponsored Events require a minimum of “Falcon Ready” attire:

- Convocation
- Commencement
- Founders Day Programs
- Any event held in the Saint Augustine’s University chapel

The following events require “Falcon Professional” attire:

- University Coronation
- University Awards Day

Deans, supervisors and managers are responsible for ensuring that their departmental personnel are in compliance with the Dress Code Policy at all times. When an employee’s clothing is questionable, the Supervisor, et.al, is responsible for advising the employee. Any

opposition or appeal by the employee will follow the normal chain of command.

Employees who dress outside the scope of the guidelines in this policy may be sent home to change. Employees who are sent home will not be paid for travel time or lost work hours.

### 11.3 Intra-Office Relationships

Saint Augustine's University expects all employees to behave professionally. The University strictly prohibits romantic, sexual, and/or exploitative relationships between faculty/staff members and students. Romantic relationships between employees may create an actual or perceived conflict of interest. To assure a professional environment for everyone, the University discourages romantic displays of affection or sexual behavior between employees during the workday, at the workplace, during work-related meetings or events, or while on University business. The University has a policy prohibiting unlawful harassment in the workplace. This policy applies to all University employees.

To ensure that any consensual romantic or sexual relationship between employees complies with the University's policies, an employee who enters such a relationship should do the following:

- Review the University policy prohibiting unlawful harassment;
- Avoid romantic behavior at the workplace and when on University business;
- Avoid any conduct that suggests actual or perceived favoritism based upon the romantic or sexual relationship;
- Refrain from becoming involved in a consensual or sexual relationship between a supervisor and an employee within the supervisor's direct or indirect area of responsibility.

If a consensual romantic or sexual relationship between a supervisor and any employee within that supervisor's direct or indirect area of responsibility commences, it is the responsibility of both employees to bring the relationship to the Office of Human Resource's attention for any appropriate action, including possible reassignment to avoid a conflict of interest or the appearance of a conflict of interest.

Failure to comply with the University's unlawful harassment or Social Relationship policies will subject the offender to appropriate disciplinary action, up to and including termination.

### 11.4 Alcohol and Other Drugs

The use or possession of alcoholic beverages or drugs not prescribed by a doctor is forbidden on the campus. Employees reporting to duty under the influence of or in possession of alcohol or drugs are subject to immediate dismissal. The cooperation of all employees is necessary to

control alcohol, narcotics and drug abuse. You are asked to report any such unusual activity to your supervisor.

### 11.5 Telephone

Prompt, courteous answers to telephone calls should be a self-imposed rule. Employees are a direct representative of the University when talking on the telephone. It is a good practice to identify yourself and your department when answering or making a call. Personal calls should be limited. Long distance calls should be university business related. Assigned long distance codes may be periodically and randomly monitored. Employees charging personal long distance calls to the University will receive disciplinary action up to and including termination.

### 11.6 Personal Mail

Employees living on campus and who have authorization may have personal mail sent or delivered through the campus post office. Otherwise, any mail delivered to the campus is considered property of the campus and could be confiscated as such.

### 11.7 Electronic Media Statement (e-mail, cellular phones, and the Internet)

All electronic media systems including, voice mail, text messages, e-mail, the Internet, fax machines, hardware, software, local area networks, files, and all information composed, transmitted, accessed, received or stored in these systems are the property of Saint Augustine's University. The systems are to be used for conducting University business and the use of this equipment for personal commercial purposes or for personal financial or other gain are strictly prohibited.

These systems are not to be used for soliciting outside business ventures or for soliciting non-University related purposes. However, employees may be permitted to use electronic media systems to participate in acceptable solicitations such as United Way or for limited incidental personal use, provided such limited use does not consume a significant amount of computing resources, does not interfere with the performance of the user's job or other University responsibilities, does not interfere with the work of other employees, does not interfere with the computing activity of other users, and does not violate applicable laws, rules, policies, contracts or licenses.

The University may exercise its right to review, audit, intercept, access and disclose all matters on its systems at any time, with or without employee notice, during or after working hours. Employees should have no expectation of privacy in connection with the use of these systems. Further limits (including an absolute prohibition of all personal uses of University-provided computing resources) may be imposed upon personal use in accordance with normal supervisory procedures. Employees should never use another employee's password to access a file or retrieve any stored communication unless authorized to do so.

### 11.8 Bulletin Boards

Bulletin boards are placed in strategic areas throughout the campus and in each major area of the University to display information of interest to employees. Such boards are intended for official and semi-official information. Any materials posted to these boards must be approved by an area Vice President.

### 11.9 Solicitation

Solicitation either by the public in general or among employees is not allowed on the premises of The Saint Augustine's University during scheduled working hours. Prohibited solicitations during scheduled working hours include the general public selling retail goods to employees or any employee trying to sell any item to another employee, or any other solicitation determined to be inappropriate by the University. Regular vendors of the University will conduct their business through authorized University personnel. Employees may participate in generally acceptable solicitations during their scheduled breaks or lunchtime. University approved functions, such as the United Way Campaign, are exempt from this policy.

### 11.10 Confidentiality

In collecting, maintaining, and disclosing personal information, the University makes every effort to protect employee privacy rights and interests and prevent inappropriate or unnecessary disclosures of information from any worker's file or record. While complying with governmental reporting and record keeping requirements, the University strives to ensure that it handles all personal and job-related information about employees in a secure, confidential, and appropriate fashion. Therefore, employees should prevent and not participate in the unauthorized access, use, review, disclosure, dissemination, alteration, or destruction of confidential information regarding students, employees or patients. Such confidential information includes, but is not limited to:

- Information from student records in violation of the University's Policy on Confidentiality of Student Records and/or the Family Educational Rights and Privacy Act (FERPA);
- Information from employee records in violation of the University's Personnel File Privacy Policy or state or federal laws;
- Information from internal discrimination/harassment investigations when such information is required to be kept confidential and shared only on a need-to-know basis.
- Any personally identifiable health information relating to the past, present or future physical or mental health condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, in violation of state or federal laws (including, but not limited to, HIPAA, ADA, Section 504 of the Rehabilitation Act, or FMLA).



### 11.11 Security

In the event of an emergency, contact The Information Center, where security officers are readily available. The extension is 4911 or (919) 516-4911.

### 11.12 Licenses and Registrations

When vehicle license or registration is required before an employee may perform certain duties, it is the responsibility of the employee to acquire and to renew such items. Failure to renew vehicle license or registration could result in termination of employment.

### 11.13 Lost and Found

Articles found on the premises should be turned in to the Campus Police Department located in Lynch Hall on the Hillside Street side of the campus or to the Welcome booth at the front of the Campus. Lost items should be handled in the same manner.

## 12.0 HEALTH AND SAFETY (OSHA)

Saint Augustine's University adopts all federally mandated Occupational Safety and Health Act standards to include workplace inspections, which may be random or scheduled.

The University is committed to eliminating all recognized safety, health and environmental hazards to avoid susceptibility. To achieve this goal, management is entrusted with the responsibility of obtaining the knowledge and understanding of safety, health and environmental standards, and has developed a Human Resources Office and Safety Committee.

Each employee is responsible for implementing safe work habits while at work. Overall performance in safety awareness will be valued equally with production, quality and costs, thereby demonstrating our commitment to the development of a safe and healthful workplace. To that end:

- Each employee is to be given an orientation on safe practices in his/her area by the Supervisor;
- Each employee should report any unsafe conditions observed to his/her Supervisor. Some examples are wet or slippery floors, equipment left in a hazardous position, broken equipment, defective electric outlets, etc.;
- Supervisors should report any unsafe conditions to the Physical Plant department for immediate correction.

### OSHA Recordkeeping Guidelines

Basic OSHA (Occupational Safety Hazardous Act) recordkeeping concepts and guidelines for occupational injuries and illnesses are included with instructions on the back of form OSHA No.

200 (available in the Office of Human Resources). The following summarizes the major record keeping concepts and provides additional information to aid in keeping records accurately:

- An injury or illness is considered work-related if it results from an event or exposure in the work environment. The work environment is primarily composed of the employer's premises, and other locations where employees are engaged in work-related activities or are present as a condition of their employment.
- When an employee is off the employer's premises, a work relationship when on the premises is presumed. The employer's premises encompass the total establishment, not only the primary work facility, but also areas such as University storage facilities. In addition to physical locations, equipment or materials used in the course of an employee's work are also considered part of the employee's work environment.

### **Recordable and Non-recordable Injuries**

All work related fatalities are recordable. All other injury cases are distinguished by the treatment provided; if the injury required medical treatment, it is recordable; if only first aid was required, it is not recordable. However, medical treatment is only one of several criteria for determining record ability. Regardless of treatment, if the injury involved loss of consciousness, restriction of work, promotion, or transfer to another job, the injury is recordable.

The University's Office of Human Resources will monitor all cases of reported injuries with its insurance provider to limit time loss from work.

#### **12.1 Fire Prevention and Training**

Employees of Saint Augustine's University should develop and implement a fire prevention and disaster plan no later than September 1 of each year. The plan is to be reviewed and monitored by each Area Vice President, Supervisor and the Physical Plant Department.

Major fire hazards that employees should report immediately are:

- Cigarettes, cigars or pipe ashes in wastepaper basket or near stacks of paper;
- Flammable liquids left uncovered after use;
- Smoking in non-smoking areas;
- Accumulation of paper, oily rags;
- Defective wiring or electrical devices.

In Case of Fire:

- Avoid panic, but move quickly;
- Check fire and judge its size;
- Call to inform the University Operator of the exact location and the extent of the fire;
- Use extinguisher and hoses, as necessary;

- Close windows, doors, and other sources of draft.

Other fire details will be given during the orientation period and during regular fire drills.

## 12.2 Emergency and Crisis Management Plan

This plan can be found on the University's website in the footer section labeled Emergency Information.

## 12.3 Inclement Weather

If the University closes or operating hours are adjusted due to inclement weather, listen to WAUG/AM or local news stations for information. You may also call your immediate supervisor or the Public Safety and Information booth (919-516-4411) to find out the status of the University operating hours. In the event of inclement weather:

- Caution signs should be displayed for all slippery areas (i.e., ice, snow, water, etc.)
- An announcement notifying all employees will be made.
- Employees should use their best judgment when traveling home.
- When bad weather occurs and creates a hazard in which travel to work is impossible, employees are required to notify their immediate supervisor as soon as possible.
- Each employee should use his/her best judgment when traveling to work. Each employee is required to notify the appropriate University official(s) in the event he/she cannot attend work.

When bad weather conditions create hazardous walking conditions due to snow, sleet, ice, etc., Physical Plant will be responsible for clearing all primary walkways, entrances, exits and passageways. Secondary means of entrance and exit will be cleared as well. Each employee is encouraged to notify the Physical Plant Office immediately of any area(s) requiring the removal of snow, ice debris, etc.

Note: In the event the University is closed due to inclement weather, certain employees are required to work in areas where continuous service is needed. Essential personnel are Public Safety, Physical Plant, and Student Affairs. Hourly employees will not be paid for inclement weather absences.

## **13.0 POLICY ON INTELLECTUAL PROPERTY RIGHTS**

### **13.1 General Statement of Purpose**

Saint Augustine's University values its intellectual property rights and respects the intellectual property rights of others. This Policy is intended to maintain traditions that foster the free and open exchange of ideas and follows a basic tenet of the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors, "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends on the free search for truth and its free expression."

Saint Augustine's University encourages faculty and staff to engage in innovative curriculum development, scholarly pursuits, and research. The purpose of Saint Augustine's University's Intellectual Property Policy is to define ownership of intellectual property rights and establish procedures for the application of the Policy. Nothing in this Policy shall constitute a waiver by the University of any Rights that the University has under any other University policy.

Works of authorship and artistic expressions protected by this policy include, without limitation, literary, musical, sculptural, dramatic, pictorial, design, scientific, and compositions that are computer readable, computer displayable, video- or sound-recorded. Saint Augustine's University retains all of its rights in (1) all works made for hire (defined below) and (2) other works and materials in which it has rights. Nothing in this Policy shall constitute a waiver by the University of any Rights that the University has under any other University policy.

### **13.2 Works Subject To Copyright, Trademark, Patent and/or Trade Secret Protection**

At the request of the University, a creator of any intellectual property including, without limitation, all copyrightable works, patentable ideas, protectable trade secrets and trademarks, which belongs in whole or in part to the University shall bring the existence of such intellectual property to the attention of the University. The creator shall not take any action inconsistent with the University's ownership of the intellectual property and shall execute and deliver whatever documents and other information or materials that the University or any governmental agency deems necessary to vest the University's rights, title and interest in the intellectual property.

### **13.3 Compliance**

The University expects members of its community to abide by the requirements set forth in this Policy. Failure to comply with this Policy will constitute a violation of University rules and procedures and may result in discipline of an employee or student in accordance with applicable University policies and procedures.

## 13.4 Definitions

### ***a. Definition of University***

In this policy, “University” refers to Saint Augustine’s University.

### ***b. Definition of Creator***

The individual or group of individuals who author, invent, compose, sculpt, paint, draw, program, photograph, or are directly responsible for the creation of any intellectual property as defined by intellectual property statutes shall be referred to in this policy as “creator.”

### ***c. Definition of Intellectual Property***

“Intellectual Property” refers to materials that may be trademarked, patented, copyrighted and/or protected under North Carolina law as trade secrets. The intellectual property covered by this policy includes intellectual property created or conceived (1) by staff, faculty, and/or students of the University (a) working within the scope of their employment with the University, (b) in connection with a special project or (c) using significant University resources, and (2) by contractors creating intellectual property pursuant to an agreement with the University. Intellectual Property includes, without limitation, print media such as books and articles, plays, films, works of visual art, music, instructional materials, tests, research findings, organisms and other biological materials, records of confidential material, bibliographies, syllabi, and theses. Intellectual Property may be in the form of computer programs, files (electronic and print), databases, graphics, video and audio recordings, film, slides, transparencies, live video or aural transmissions, and digital images.

### ***i. Copyright***

The Copyright Law of the United States protects original works of authorship that are fixed in a tangible medium of expression. Originality means that the work is an independent creation and has not been copied. A work is fixed in a tangible medium when it is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. Categories of copyrightable works include literary works; musical works including accompanying lyrics; dramatic works including accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audio-visual works; sound recordings; and architectural works. Copyright protection does not extend to ideas, procedures, processes or other useful articles, although the original manners in which such ideas are expressed are protectable. The Copyright Act grants the copyright owner five exclusive rights: (1) to reproduce the work; (2) to make derivative works based on the work; (3) to distribute copies to the public; (4) to perform the work publicly; and (5) to display the work publicly. These rights may be licensed separately or

bundled together by the copyright owner. In addition, the author of a work of visual art has additional rights, including, without limitation, attribution and the right to prevent the use of his or her name as the author of (a) any work of visual art which he or she did not create or (b) in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and to prevent any intentional distortion, mutilation, or other modification of that work or to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right. Copyright ownership in a work is separate from ownership of the tangible object in which the work is contained or otherwise expressed. Copyright ownership initially vests in the creator of the work. The exceptions to this rule are when the work is a work-for-hire or a commissioned work.

### ***ii. Patent***

The term “Patent” refers to that bundle of rights that protect (1) inventions or discoveries that constitute any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof; (2) new and ornamental designs for any useful article and plant patents for asexual reproduction of a distinct variety of plant, including cultivated sprouts, mutants, hybrids, and seedlings, other than a tuber propagated plant or plant found in an uncultivated state.

### ***iii. Trade Secrets***

In North Carolina, a “Trade Secret” is business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that (a) derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use, and (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy

### ***iv. Computer Programs***

Computer programs that are part of a new and useful process may be eligible for patent protection. Programs embodying minimally original expression may be eligible for copyright protection. Computer programs containing material that is not generally known by the applicable industry, that is the subject of reasonable measures to keep it secret and which has a commercial value from not being generally known, may be protected as a trade secret.

#### ***v. Duration of Copyrights, Patents, Trade Secrets and Trademarks***

The duration of a copyright (for works created and published after January 1, 1978) is the life of the author plus seventy years. For works made for hire, the duration is 95 years from first publication or 120 years from creation, whichever is shorter. Copyright protection under the Copyright Act attaches as soon as a work is fixed in a tangible medium of expression. There is no need to place a notice on copies or apply to the Copyright Office for registration of an article, but there are benefits in doing so. The duration of a patent is 20 years from the date of the filing of the patent. Actual patent protection begins when the patent issues from the Patent and Trademark Office. Information can be protected as a trade secret for as long as it remains secret. Trademark rights are enforceable as long as the trademark is in use.

#### ***d. Definition of Works-for-Hire***

“Works made for hire” are works that are prepared by an employee within the scope of her or his employment at the University. Works made for hire also include certain kinds of specially commissioned works including, without limitation, contributions to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, if there is a written agreement between the creator and the University stating that the work is considered a work-for-hire. Work-for-hire means that the University is considered the author of the work.

#### ***e. Definition of Commissioned Works***

Works of authorship are considered commissioned by the University if their creation is specifically directed by the University. A “Commissioned Work” is one sponsored or co-sponsored by the University where the creator has explicitly agreed in writing to assign whole or part ownership of the work to the University, or the University and any co-sponsor.

#### ***f. Definition of Sponsored Research***

“Sponsored research” refers to intellectual property created as a result of work conducted under an agreement between an external sponsor and the University that specifies the ownership of such intellectual property shall be owned as specified in said agreement.

#### ***g. Definition of Income***

“Income” refers to the gross monetary payments that result from the creation of a copyrightable or patentable intellectual property. Tuition and other student fees are explicitly excluded from this policy.

#### ***h. Definition of Significant Use of University Facilities***

“Significant use of University facilities” refers to extensive unreimbursed use of major University laboratory, studio or computational resources, or human resources in connection with the creation of the intellectual property. Incidental use of a facility does not constitute significant use of University Facilities. Extensive use of a facility commonly available to all employees and students such as the library and offices does not in and of itself constitute significant use of University facilities. Use is considered “extensive” and facilities will be considered “significant” if use of similar facilities would cost the creator more than \$5,000 in the public market.

#### ***i. Definition of Significant Use of University Funds***

“Significant Use of University Funds” refers to funds provided by the University in excess of \$5,000 used to develop particular intellectual property. A reasonable cost will be assigned by the University to those resources for which a cost figure is not available, such as a portion of a salary, support staff compensation, and other equipment and resources dedicated to the creator’s efforts. Resources such as libraries that are available to all employees shall not be included in this assessment of costs. The calculation of “Significant Use of University Funds” will be made based on the facts and circumstances of each case.

#### ***j. Definition of Instructional Materials***

“Instructional materials” are defined as works, other than institutional works, the primary use of which is for the instruction of students.

#### ***k. Definition of Course Content***

“Course content” refers to the expression of the intellectual content of the course as taught at or through the University.

#### ***l. Definition of Courseware***

“Courseware” refers to tools and technologies used to present course content including, but not limited to, systems of electronic delivery, recordings, and videotapes. Courseware is independent of the content expressed.

#### ***m. Definition of Students***

“Students” are all persons enrolled in at least one course at the University and who are acting within the scope of their academic work, including but not limited to, undergraduate, consortium, teacher-licensure only, and non-degree seeking special students. Employment by



the University shall not abridge students' rights relating to their academic activities except as may be stipulated in this Policy.

***n. Definition of Faculty***

"Faculty" refers to members of the University's faculty organization as defined in the *Saint Augustine's University Faculty Handbook*, including but not limited to personnel with full-time and part-time faculty appointments. Staff members who teach credit courses shall be considered faculty in the course of their teaching responsibilities.

***o. Definition of Staff***

"Staff" refers to any employee of the University other than students and faculty. A student who is also a part-time University employee is bound by this policy for any activity related to employment.

***p. Definition of Employee***

"Employee" refers to a person compensated for work by the University, including faculty members, staff members, and student workers.

**13.5 Determination of Ownership**

***a. Administrative Activity***

The Intellectual Property Council (IPC) is responsible for the implementation and administration of this Policy on Intellectual Property. The IPC, in consultation with appropriate bodies, will develop amendments and modifications to this Policy. The IPC will determine issues related to the ownership and use of intellectual property as set forth in this Policy.

One of the roles of the IPC is to (1) determine whether to seek formal intellectual property protection on behalf of the University, and (2) determine whether the intellectual property in which the University holds an interest is marketable. In instances in which the IPC determines intellectual property in which the University holds an interest is marketable, it is the role of the IPC to take the appropriate steps on behalf of the University to market and/or license the intellectual property, including transferring some or all of the University's rights to another entity established to manage intellectual property on behalf of the University. The IPC, in consultation with appropriate bodies, shall (1) distribute revenues received as a result of the implementation of this Policy as appropriate; (2) advise the Creator in writing whenever the University does not claim ownership of an interest in an intellectual property of which the Creator has notified the University; and (3) interpret the Policy including, but not limited to, the determination of ownership on intellectual property.

Another of the roles of the IPC is to assist in making determinations concerning the necessity of obtaining permissions or licenses from the owner of intellectual property being used by a member of the University community. It is the responsibility of all University employees and students to ensure that the necessary permissions or licenses have been obtained before using the intellectual property of others in any way that might infringe their rights. In instances in which it is not clear to University faculty, staff or student whether the use they propose to make of intellectual property that belongs to another is permissible as a “fair use” or otherwise, it is the responsibility of that member of the University community to consult about the matter with the IPC. Just as the University's computers or other electronic equipment **MUST NOT** be used for downloading or distributing material (i.e., movies, music, software, books, etc.) in violation of copyright or other laws, infringement of other rights in other ways is a violation of the Policy and doing so can lead to disciplinary action up to and including termination of employment.

***b. Composition of Intellectual Property Council***

The IPC shall include the Provost, Assistant Vice President for Institutional Research and Planning, Vice President for Institutional Advancement and Development, a representative from the Office of Marketing and Communications and the Chief Information Officer. The Provost shall serve as the convener and chair of the IPC.

***c. Works-For-Hire***

The University owns all intellectual property that is a work-for-hire. All works created outside and unrelated to the scope of an employee’s position shall be owned by the employee exclusively.

***d. Significant Use of University Resources***

Ownership of intellectual property created with the significant use of University facilities, but which is not a work made for hire, specially commissioned work or which does not directly arise from an externally sponsored work, or from work for which the University has declared itself as sponsor, shall be determined as set forth in this Policy.

***e. Sponsored Research and External Funding***

Ownership of intellectual property resulting from research sponsored in whole or in part by a federal agency will be treated in accordance with federal law, including The Digital Millennium Copyright Act of 1998, Public Law 96-517, and the Bayh-Dole Act (1980) and appropriate amendments, wherein the federal agency is granted a non-exclusive, nontransferable royalty-free license to any patent generated by the research, provided that the University advises the

agency in a timely manner of the intent to elect title to the invention and seek patent protection. The inventor must disclose any potential patentable invention to the University. In accordance with the Bayh-Dole Act, the University will own the invention. Therefore, the inventor will be required to sign the appropriate legal assignment documents upon request by University officials. Ownership of intellectual property resulting from research that is funded wholly or in part by an industrial partner, philanthropic organizations including non-governmental agencies, or by an individual will be determined in advance by a written sponsored research agreement between the University and the funding source. If the University declares itself to be a sponsor, but does not declare itself to be the owner of the intellectual property, ownership will be determined according to the following guidelines.

***Ownership of intellectual property created with substantial use of University facilities and directly arising from work sponsored under an agreement between an external sponsor and the University, or from work for which the University has declared itself a sponsor, but for which neither the external sponsor nor the University have specified the ownership of resulting intellectual property shall be determined as set forth hereinafter depending on whether the creator or the University develops said property.***

***f. Commissioned Works***

Intellectual property ownership of all commissioned works remains with the University unless the University and the Creator stipulate in writing to share ownership. Conditions of the shared ownership shall be placed in writing and agreed upon by all appropriate parties.

***g. Teaching Materials***

***i. Traditional Courses***

Intellectual property created solely for the purpose of satisfying a course requirement is owned by the Creator and not the University unless the Creator assigns ownership to the University in writing or the assignment of such ownership rights to the University is made a condition for participation in a course. Notwithstanding the foregoing, the University shall have a royalty-free, irrevocable, non-exclusive, non-transferable, fully paid-up license to reproduce such work in copies, to distribute copies of such work, to create derivative works from the work and to display or perform the work publicly. A faculty member has the right to use all expressions of course content and courseware he or she develops or creates in the normal course of teaching or researching at the University. This includes the right to make changes to the works and the right to distribute such works to Saint Augustine's University students, faculty, and other University personnel for teaching, research, and other non-commercial University purposes.

The University is the owner of intellectual property created in a course pursuant to sponsored research or other contractual arrangements with external parties. Issues related to ownership will be determined in accordance with the terms of the University's agreement with the external party, this Policy and applicable law. In instances in which teaching materials are not owned by the University, the owner will grant the University a royalty-free, irrevocable, non-exclusive, non-transferable, fully paid-up license to reproduce such works in copies, to distribute copies of such work, to create derivative works from such works and to display or perform such works publicly so as to permit other contributors to the course materials to continue to use those jointly produced teaching materials in University courses, among other possible uses.

A faculty member, staff member, or student may not use the University name, trademarks, or any source designations, in the distribution of materials, traditional or electronic, without the prior written permission of the IPC except as may be implied through use of a pre-existing University owned formats.

#### ***ii. On-Line Courses***

Ownership of digitalized course materials remains with the University. Faculty, staff, and students shall not license, sell or grant third parties a right to use online course materials that they have created but which is owned by the University. Faculty, staff, and students shall not license, sell or grant third parties a right to use online course materials that they own that resides on or uses University technology, that includes the name of the University, any University trademarks, service marks, or symbols or any intellectual property of any kind that is owned by the University or a University agent without the prior written approval of the Provost or his/her designee.

#### ***iii. Computer Software***

If a Significant Use of University Funds or a Significant Use of University Facilities is involved in the creation of software, or the software is a work made for hire or specially commissioned work and such software is copyrightable, patentable and/or protectable as a trade secret, the University will require the Creator to transfer any intellectual property rights he or she may have to the University.

#### ***h. Works That Use the University's Name***

Use of the University's name, trademark or other identifying symbols in connection with a work, other than identification of the creator as a faculty member, staff member, or student at Saint Augustine's University, is a significant University resource. The University has an interest in such resources and retains the right to approve or disapprove use of its name on any work.

Faculty, staff and students may not use the University's name or other identifying symbols in the creation or use of works that might in any way suggest University sponsorship or endorsement where there is none. Any use of the University's name, trademarks or other identifying symbol in connection with a work created by a faculty member, staff member, or student must be approved in advance in writing by the IPC.

#### ***i. Outside Consulting***

Consulting for organizations outside the University is encouraged and may be performed by University employees pursuant to applicable University policies. If the employee's obligations under this Policy conflict with the employee's obligations to the consulting entity, the obligations under this Policy take precedence. No use of significant University resources, financial support, or other University employee(s) may be made in the course of outside consulting activities unless prior written approval is granted by the IPC. All consulting must conform to University policies on outside activities and the use of the University's name, trademarks or other identifying symbols. If a creator does not make any use of University resources in the course of her or his outside activities and complies with other applicable University policies, the University will not assert rights of ownership of intellectual property resulting from such activities.

#### ***j. Students***

The University retains copyright ownership and patent ownership in works created by students when the works are created (1) within the scope of an employment relationship with the University or jointly with one of its employees, (2) the result of significant use of University facilities or funds, or (3) created for use and distribution by the University, such as the Inside Out, Art and Literary Magazine. Intellectual property produced by students as part of their coursework, theses, and research, other than funded research for which the University has obligations to others, is owned by the students, provided that the student grants the University a royalty-free, irrevocable, non-exclusive, non-transferable, fully paid-up license to reproduce such works in copies, to distribute copies of such work, to create derivative works from such works and to display or perform such works publicly. Students who are working on a project governed by a contract or agreement to which the University is a party will be bound by the terms of the contract or agreement. Students who are hired to perform specific tasks that contribute to a copyrightable work or patentable subject matter will ordinarily have no rights to ownership of that work, regardless of the source of funds from which they are paid.

The party owning the intellectual property will own the intellectual property rights in the portion of the intellectual property contributed by the student. Student works created jointly with faculty and/or staff may be granted the same rights and obligations of ownership as any

other University employee working on a project. Students and employees should establish these rights at the outset of their collaboration.

### 13.6 Rights of Ownership

#### ***a. Placing Intellectual Property in the Public Realm***

Creators wishing to place intellectual property in the public domain are responsible for ascertaining that the rights they seek to dedicate to the public domain are not owned in whole or in part by the University or any other party or is not otherwise limited by any external agreement, University sponsorship arrangement, or terms of employment. The IPC will provide such a determination in writing upon request by the creator. It is the creator's responsibility to ensure that disclosure does not include intellectual property owned by others. To facilitate the transfer of intellectual property to the public domain, the creator shall provide the University with a complete description of the articles and documentation of the intellectual property to be placed in the public domain, specifically including a copy of the property in the case of printed materials, and complete machine-readable code in the case of software.

The University will provide any member of the general public copies of such material on a cost-recovery basis. If a creator of a work whose copyright is owned by the University, including a creator of a commissioned work or a work made for hire, requests to make a work freely available to the public through non-commercial licensing or other means, the University, subject to the terms of any applicable agreements with third parties under which the work was created, may accommodate such wishes as long as the University determines that the benefits to the public of making such works freely available outweigh any advantages that might be derived from commercialization by the University or its licensees.

#### ***b. Preserving Rights for the University***

Creators may not assign, or license rights in, intellectual property that belongs to the University to third parties. The University may acquire ownership or use of intellectual property by assignment, license, gift, bequest, or any other legal means. If the University decides to seek protection of intellectual property, it shall proceed either through its own efforts or those of a private firm or attorney to obtain the protection and/or to manage the intellectual property in the case of a commercialized work. Where a creator assigns intellectual property to the University, the University shall receive at least a share of all proceeds from commercialization of an intellectual property after the creator has recovered documented costs for obtaining legal protection for the intellectual property. On behalf of the University, the IPC shall negotiate with the creator to reach a mutually agreeable distribution of the proceeds in the case of a commercialized work. This agreement shall be placed in writing and submitted to the President

of the University. The University shall administer such intellectual property in accordance with this policy unless otherwise required by the terms of the acquisition.

***c. Release to the Creator***

The University shall negotiate promptly, upon written request by the Creator, the transfer to the Creator of the University's interest in any intellectual property that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or other institution with rights to the intellectual property before it can agree to negotiate the transfer of the University's interest in an intellectual property to the Creator. In the sole discretion of the IPC, the University may retain a royalty-free, irrevocable, non-exclusive, non-transferable, fully paid-up license to use the intellectual property for non-commercial research and teaching within the University.

***d. Joint Ownership***

The University and the creator may negotiate for joint ownership of intellectual property including the distribution of income at the time of disclosure.

***e. Income Distribution***

Unless otherwise agreed upon in writing by the creator and the University, income, including, but not limited to, royalties, residuals, and licensable revenues, from any intellectual property, shall be distributed as following:

(1) In cases of commissioned works or works-for-hire: 10% of income to creator 90% to the University.

(2) In the case of intellectual property where the creation is sponsored in part or in full by a University grant or other direct support such as the significant use of University facilities or significant use of University funds:

For Faculty: Initial \$5,000 to creator; after \$5,000, balance to the University in the amount to cover the original grant or grants, or the University's calculation of net financial value of significant financial resources and /or significant facility resources. After \$5,000 and payment to University to cover costs noted above, 70% to the creator, and 30% to establish and maintain a summer development fund.

For Staff: Initial \$5,000 to creator; after \$5,000, balance to the University in the amount to cover the original grant or grants, or the University's calculation of net financial value of significant financial resources and /or significant facility resources. After \$5,000 and payment to

University to cover costs noted above, 70% to the creator, and 30% to establish and maintain a staff development fund.

For Students: Initial \$5,000 to creator; after \$5,000, balance to the University in the amount to cover the original grant or grants, or the University's calculation of net financial value of significant financial resources and /or significant facility resources. After \$5,000 and payment to University to cover costs noted above, 70% to the creator, and 30% to be distributed to establish and maintain a student research development fund.

(3) In the case of intellectual property where the creation is sponsored by an outside source and where the Policy does not infringe on prior agreements among the creator, the grantor, and the university:

For Faculty: Initial \$5,000 to the creator; after \$5,000, 70% to the creator, and 30% to be equally distributed among the Faculty Development Fund and the Summer Development Fund.

For Staff: Initial \$5,000 to the creator; after \$5,000, 70% to the creator, and 30% to establish and maintain a staff development fund.

For Students: Initial \$5,000 to the creator; after \$5,000, 70% to the creator, and 30% to establish and maintain a student research development fund.

#### ***f. Other Intellectual Property***

If the University receives income from intellectual property disclosed to and licensed to the University, it may be reasonable to share some portion of the net income with the creator in the form of a bonus, professional development grant, research grant, or other temporary salary supplement. Any such distribution will be made at the discretion of the IPC in consultation with the creator and other appropriate bodies.

#### ***g. Right to Publish***

Nothing in this policy shall be construed as affecting the rights of a creator to publish, except that the creator must agree to observe a brief period of delay in publication or external dissemination if the University so requests as necessary to permit the University to secure appropriate protections for intellectual property disclosed to it by the creator.

#### ***h. Pre-Existing Rights***

If the intellectual property is a derivative of a regular academic work product or a course requirement, or otherwise uses pre-existing employee or student owned intellectual property, the employee or student retains all pre-existing rights. If the intellectual property is a derivative



of a regular academic work product or a course requirement, or otherwise uses preexisting University-owned intellectual property, the University retains its pre-existing rights.

### ***i. Use of Copyrighted Material***

The University is committed to complying with all applicable laws regarding copyright as codified at Title 17, United States Code, and Sect. 101 et seq. As an institution devoted to the creation, discovery and dissemination of knowledge, the University supports the responsible, good faith exercise of full fair use rights as codified in law. All faculty, staff, and students are responsible for complying with University guidelines regarding the fair use of copyrighted materials and for complying with the requirements of copyright law, including obtaining required permissions to use copyrighted materials. Faculty, staff, and students shall not exercise any rights under copyright law in works owned by others unless they have prior written permission of the copyright holder, the work is in the public domain, or the use of the work qualifies as fair use under copyright law.

For clarification and application of the University's policy on use of copyrighted material, please see *Saint Augustine's University Copyright and Fair Use Guidelines*.

### ***j. Infringement***

Determination of whether a specific use of copyrighted work constitutes copyright infringement will be made by the appropriate University agency. Students are subject to the terms of the Academic Honor Code and the Student Conduct Code. The IPC, in consultation with appropriate others; will determine whether infringement has occurred in the case where faculty and/or staff are involved. The IPC will attempt to achieve remedy, resolution, or legal action.

## 13.7 Procedures

### ***a. Implementation of Policy***

The IPC has the authority and responsibility for implementation, coordination, and general administration of this Policy. Subject to other provisions of this Policy and applicable law, the IPC may enter into agreements with creators with respect to ownership, licensure, and disposition of intellectual property, disposition of income, resolution of disputes, and all other matters related to intellectual property in which the University has an interest under this Policy except in cases of dispute appeals. The IPC has the authority to seek protection under copyright, trademark, and/or patent laws, and enforce, defend, manage, and take any action relevant to the University intellectual property rights necessary for the proper administration of

this policy. The IPC is the initial point of contact for intellectual property issues at the University.

***b. Disclosure***

Creators shall disclose promptly to the University any applicable intellectual property in which the University may have an ownership interest. Disclosure shall be made on an Intellectual Property Disclosure Form to the IPC, with copies to the employee's immediate supervisor and area Vice President. Premature or inappropriate disclosures may defeat legal protection of intellectual property. The University and the creator will collaborate to facilitate scholarly disclosures and the acquisition of appropriate intellectual property protection.

***c. Agreements***

All agreements for release to a creator of a work shall include provisions that (1) the University will have a non-transferable, royalty-free license to use the work for the University's own educational or research use, and (2) if commercialization of the work generates income.

***d. Assignments to the University***

All assignments must be in writing and conform to the requirements of this Policy. Creators of intellectual property shall assist as reasonably possible in the execution of appropriate assignments and other documents required to set forth effectively the ownership of, and rights to, applicable intellectual property. The University may, at its sole discretion, assign its rights in a work and permit the creator to assign or license intellectual property. The University may not withhold consent for assignment or licensing unreasonably.

***e. Copyright Agreement***

This Intellectual Property Policy constitutes an understanding that is binding on the University and on its faculty, staff, and students and others covered as conditions of their participating in University educational programs and research or their use of University facilities or resources.

***f. Creator's Obligations Regarding Copyrights***

Creators of applicable intellectual property shall assist as reasonably necessary for the University to obtain statutory protection for the intellectual property and to perform all obligations to which it may be subject concerning the intellectual property, including executing appropriate assignments and other documents required to set forth effectively the ownership of and the rights to applicable intellectual property. The creator retains responsibility for stewardship of her or his intellectual property. The creator has the right to be

identified, or to refuse to be identified, as the creator by the University and by subsequent licensees and assignees, except as may be required by law. The creator retains the rights to pursue related research and creative activities, determine methodologies, draw conclusions, disseminate information, and develop related intellectual property, including derivative works, except to the extent that the creator has voluntarily entered into contractual arrangements or is required by legal or professional considerations to do otherwise.

#### ***g. Release to Creator***

Subject to the terms of any applicable agreements with third parties under which the work was created, and this Policy, the University will consider a request by the creator to transfer copyright ownership in the work to the creator, subject to an irrevocable royalty-free license to the University to use the work for its own non-commercial purposes. Such a request must be approved by the IPC and will be conditioned upon reimbursement to the University by the creator for expenses the University has incurred in connection with the work. The University will act as expeditiously as possible in considering such requests by creators.

#### ***h. Dispute Resolution***

Questions of interpretation or claim arising out of or relating to this Policy, or dispute as to ownership rights of intellectual property under this Policy, will be settled through the following procedures:

##### ***i. Informal Means***

Parties must attempt to resolve any issue or disagreement through all possible informal means available before proceeding to formal mechanisms of resolution.

##### ***ii. Formal Means***

If, after all informal means of dispute resolution have been undertaken and the aggrieved party is not satisfied with the outcome, the aggrieved party shall submit a letter setting forth the issue to be resolved to the President of the University who shall convene an Intellectual Property Adjudication Committee. The Committee will review the matter and advise the parties of its decision by written communication within 30 days of the submission of the letter.

##### ***iii. Composition of Committee***

The Intellectual Property Adjudication Committee will consist of the Chair of the Academic Policies Committee, the Assistant Provost, the Chief Information Officer and two members of the University staff to be appointed by the President. The Chair of the Committee shall be the Chair of the Academic Policies Committee.

***i. Special Cases***

In cases that are not specifically covered by this policy, the IPC, in consultation with appropriate bodies, may make decisions on how to proceed and then report those decisions to the President. All such decisions will then be reviewed by the IPC and may result in possible modifications to the Policy. In the event of exceptional circumstances, deviations from this Policy require the written consent of the IPC.

***j. Annual Report***

The IPC shall submit a written report annually to the President on intellectual property activity at the University. The report shall include data for the preceding year on disclosures, copyright applications, copyrights granted, patent applications, patent awards, license revenue, and expenditures related to intellectual property.

**13.8 Notification**

The University shall inform all persons subject to this Policy of its terms and subsequent modifications as soon as possible after its adoption and at regular intervals thereafter. This policy is maintained by the IPC.