



Texas Wesleyan
OFFICE OF HUMAN RESOURCES

Employee Handbook

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1.0 Introduction

Welcome to the University! We hope that your experience here will be challenging, enjoyable and rewarding. This handbook is designed to assist staff employees with basic information concerning expectations, policies, procedures, practices and benefits related to their employment with the University. **University employees are expected to be familiar with and abide by the contents of this handbook, as well as other policies that may be applicable to their employment, but that are not contained in this manual.**

1.1 Amendments and Administration

The University may unilaterally modify, suspend, or cancel any or all of its policies, procedures, practices, or benefits at any time, with or without notice to its employees. However, the University shall endeavor to effectively inform its employees of any changes through normal communication channels. The University may update or amend this handbook as necessary to address operational, procedural, or routine items, but any substantive changes to this handbook must be approved by the President and Board of Trustees.

The Office of Human Resources maintains the handbook. Any questions regarding the handbook or interpretation of any policy within the handbook should be referred to the Office of Human Resources.

1.2 Notice of Benefit Summaries

To the extent that the handbook contains summaries of employee benefit plans or programs, the provisions or obligations of the actual plan or program document will prevail over summaries.

1.3 Disclaimer

This is not a legally binding document, nor is it to be considered a contractual agreement. It is however, to serve as a general policy and procedure handbook for staff employees and as a source of general information regarding benefits. If any policy, as stated within, is in direct conflict with state or federal law or a provider's contractual agreement, then the state or federal law or contractual agreement shall prevail.

1.4 Faculty Policies and Procedures

Faculty policies and procedures that apply only to faculty are not contained in this handbook.

However, faculty are required to follow general policies established by the University regardless of the source, including this handbook. Employees holding faculty status should refer to the Faculty Handbook, Faculty Guide, or contact the Office of the Provost.

2.0 Mission Statement

Texas Wesleyan University, guided by its deep Methodist heritage, provides transformational learning experiences and research opportunities to a diverse group of students to develop their full potential as individuals and as members of the world community.

The university's faculty and staff engage in scholarship and research that inform teaching and advance knowledge and understanding, as well as innovative teaching skills and delivery modalities to afford each student individual attention to develop critical thinking, analytical reasoning and creative problem-solving skills through a small community approach that allows tailored student experiences in and outside the classroom.

With a belief that a liberal arts and sciences education develops the mental agility and social awareness to elevate socioeconomic mobility, the university's faculty and staff are dedicated to facilitating success among students from all backgrounds in all levels of undergraduate, graduate, and professional programs in persisting to college degrees that enhance their own lives, the lives of their families, and the strength of their communities.

3.0 Accreditation

Texas Wesleyan University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award baccalaureate, master's, and doctoral level degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Texas Wesleyan University.

4.0 Employment-at-Will

The University is an employment-at-will employer, which means that just as any employee may conclude the employment relationship at any time for any or no reason, the University maintains the same right; **the employment relationship continues at-the-will of either party.** Since employment is not guaranteed for any definite period of time, no provision in the handbook is, or should be, construed as a contract or legal obligation of either the University or the employee. The president has the day-to-day responsibility and authority to hire and discharge employees and volunteers within budgeting and staffing guidelines established by the board. The president may delegate certain aspects of the employment responsibility to staff.

5.0 Equal Employment Opportunity

Texas Wesleyan University is an equal opportunity employer.

The University upholds its commitment to provide equal opportunity to all employees and applicants for employment in all phases of employment, including, but not limited to, recruiting, hiring, placement, compensation, benefits, promotion, demotion, discipline, transfer and termination. The University shall not discriminate in the employment context against any individual because of race, color, religion, creed, national or ethnic origin, gender, age, disability, veteran's status, sexual orientation or any other reason prohibited by applicable federal, state or local laws.

The University shall make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship for the University. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Discrimination should be reported to the employee's supervisor, appropriate divisional vice president, associate vice president for administrative services and human resources or the director of human resources immediately. If the employee's complaint is not adequately addressed, the employee should follow the faculty or staff grievance policy.

6.0 Organization of the University

The governance of the University is vested in a board of trustees, as provided in its 1890 charter. The board delegates the authority to conduct the business of the University to an executive committee. The executive committee meets quarterly and at such other times as may be needed. The full board of trustees meets in regular session (usually twice per year) and at such other times as may be needed. The board elects the president of the University, manages property of the University and

determines general University policy.

6.1 Administrative Organization

The president has the authority to develop the organization necessary to carry out the activities of the University. See Appendix A, the Organizational Chart.

6.2 President, Executive Staff and Senior Staff

The president is the chief executive officer of the University and is directly responsible to the Board. The president is responsible for overseeing all programs and operations of the University within the guidelines and the policies established by the board. The Provost and vice presidents report to the President and make up the executive staff. The Provost, vice presidents, associate vice presidents/provosts, the controller, the registrar, the chaplain, the chair of the faculty council, the director of grants and research, the Chief Information Officer, the Athletic Director and the President comprise the membership of the senior staff. Both groups meet regularly to consider the policies and administration of the University. In the absence of the president, the provost/senior vice president presides at University meetings and functions. The composition of the executive staff or the senior staff may be changed at the discretion of the president.

6.3 Summary of President's Staff Positions

Reporting to the President are the Provost and Senior Vice President with the responsibility for all academic matters and institutional research; the Vice President of Finance and Administration with responsibility for finance and budget, administrative services, financial aid, information technology, and human resources; the Vice President for University Advancement with responsibility for development and alumni affairs and Grants and Sponsored Research; the Vice President for Enrollment, Marketing and Communications with responsibilities for enrollment and designing and coordinating University marketing and communication to both internal and external markets; the Vice President of Student Affairs and Dean of Students with responsibilities for student engagement, student services and security; the General Counsel with responsibilities for managing the President's office and staff, advising and assisting the President, and representing the University in all legal matters, also serving as a liaison with the board of trustees, faculty, staff, and external constituencies; the University resident chaplain; and the Athletic Director with responsibility to manage the operations of the athletic department and administer intercollegiate athletics.

6.4 Academic Deans

The Schools of Arts and Sciences, Business, Health Professions, and Education have academic deans who oversee and administer their respective academic programs.

6.5 Administrative Searches

The president may fill staff positions at his or her discretion, including the utilization of a search committee. The senior officer to whom the individual reports will fill open administrative positions at their discretion as well, including the utilization of a search committee. These positions include, but are not limited to, associate or assistant vice president or director positions.

7.0 Administrative Policies and Procedures

7.1 Employment Eligibility

Under the Immigration Reform and Control Act of 1986 (IRCA), the University may hire only persons who may legally work in the United States (U.S.): citizens and nationals of the U.S. and aliens authorized to work in the U.S. The University must verify the identity and employment eligibility of anyone to be hired, which includes completing and retaining the Employment Eligibility Verification Form (I-9). **New employees must provide the information**

necessary to complete the I-9 on their first day, but no later than their third day of employment. Failure to provide required information by the third day shall automatically result in the withdrawal of the offer of employment.

7.1.1 Confidential Benefit Enrollment Information

Following an offer of employment, employees may be required to furnish protected information for purposes of enrollment in benefit plans. Information of this type shall be kept strictly confidential and will not be used in employment-related decisions.

7.1.2 Driver's License

If an essential function of a position requires the employee to operate University vehicles, it is required that the employee provides verification of a current Texas driver's license and the University acquires a copy of their current driving record (MVR). A good driving record as established by the University's Motor Vehicle and Authorized Driver Policy also may be considered an essential function of the position. See Appendix B.

7.1.3 Suitability Examinations and Drug Screening

After issuing a job offer, the University may require, as a condition of employment, potential employees to submit to an examination by a physician selected by the University if the essential functions of the job warrant such an examination or drug screening. Examinations and screening procedures of this type will be nondiscriminatory and either all applicants or none of the applicants for a specific job or job category, as established by the University, will be screened in this manner. Examinations and drug screening will be at University expense. Results are confidential.

7.1.4 Background Investigations

The University may conduct background investigations, including credit, job references or criminal conviction history for certain job categories of any potential employee for the purpose of determining the suitability of the potential employee to satisfactorily perform the essential functions of the position. If conducted by a third party, background, criminal history or credit checks shall be in full compliance with any applicable regulations contained in the Fair Credit Reporting Act (FCRA). See Appendix R.

The University may also conduct background checks in connection with an on-going investigation of potential employee misconduct. Specifically, **if required** under FCRA, the University shall provide disclosure that the investigation will be made and receive authorization from the applicant.

7.2 Employment of Relatives

The employment of relatives or persons with whom an employee has a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality or harassment in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Relatives of current employees or persons with whom a current employee has a dating

relationship may not occupy a position that will be working directly for or supervising their relative or dating relation, including student workers. The University also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to their supervisor or to the Office of Human Resources. The individuals concerned will be given the opportunity to decide which one will seek and transfer to another available position. If that decision is not made within 30 calendar days, the department head will decide whether one or both employees will be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship must refrain from public workplace displays of affection or excessive personal conversation.

7.3 Job Descriptions

Job descriptions are developed by hiring supervisors or department heads for all positions and are on file in the Office of Human Resources. Such descriptions should outline general duties, responsibilities, essential functions and qualifications for each position. Job descriptions may not be all-inclusive. Supervisors may also assign additional responsibilities essential to conducting the business of the University. Employees must receive, read and sign a copy of their job description when they are hired and when significant changes in responsibility occur.

7.4 Performance Reviews

The appropriate supervisor reviews employees for compliance with performance standards and essential functions of their job at least annually. Although the Office of Human Resources typically coordinates performance reviews on an annual basis, department heads may establish reviews that are more frequent. Performance evaluations are used to identify employees' job-related strengths and weaknesses and to develop goals or objectives for improvement of individual performance. They may be used for compensation purposes. Signed originals are maintained in the Office of Human Resources in the employee's personnel file. An employee's signature acknowledges only that the employee received and understood the evaluation, not that the employee necessarily agrees with the evaluation. Employees with complaints regarding their evaluation are encouraged to discuss their concerns with their supervisor.

7.5 Employment Categories

Pursuant to the Fair Labor Standards Act (FLSA), all University employees are classified as follows.

7.5.1 Non-exempt Employee

Any salaried or hourly employee who is not exempt from the minimum wage, overtime and record keeping provisions of the FLSA. **Employees are presumed to be non-exempt unless their job duties exempt them from the FLSA.** The University reserves the right to designate any employee as non-exempt.

7.5.2 Exempt Employee

Any salaried employee exempt from the minimum wage, overtime and record keeping provisions of the FLSA. Exempt employees typically are in an executive, administrative or professional position. The exempt status of an employee is determined by exemption criteria established by the U.S. Department of Labor, Wage and Hour Division. The Office of Human Resources and the appropriate vice president has the final responsibility in determining the exempt/non-exempt status of employees under the FLSA. Employees paid less than \$455 per week may **not** be classified as exempt regardless of responsibilities. Employees paid over \$65,000 annually may be classified as exempt regardless of responsibilities.

Note: Staff positions are classified into the following categories.

7.5.3 Full-time Regular Employee

Any position in which the employee is regularly scheduled to work at least 30 hours per week. Employees in this category are eligible for full University benefits. Student workers, regardless of hours, are not considered full-time regular employees and are not eligible for benefits.

7.5.4 Part-time Regular Employee

Any position in which the employee is regularly scheduled to work less than 30 hours per week. Part-time employees may not be eligible for certain employee benefits.

7.5.5 Temporary Employee

Any position in which the employee is scheduled to work in a job assignment with a beginning and predetermined ending date. Ending dates may be shortened or lengthened at the University's discretion and with notification to an agreement with the employee. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for benefits other than those that may be legally mandated, such as workers' compensation insurance and social security. Individuals in temporary positions who are retained from outside agencies are not considered employees of the University for purposes of benefits.

7.5.6 Less than Twelve-month Employee

Full-time exempt or non-exempt employee positions in which the employee is scheduled to work less than twelve months during any twelve-month period. For benefit purposes, these employees are considered full-time regular employees. Except for health insurance, benefits are only accrued during actual time worked.

7.5.7 Faculty and Student Workers

Employees who are employed as a result of a faculty contract issued by the University or who are classified as student workers, except as otherwise noted, are not subject to this handbook. Academic deans also are subject to the policies in the Faculty Handbook except as otherwise noted. Policies, benefits and privileges in this handbook do not apply to employees in this category unless otherwise stated or required by federal or state laws. Policies in this handbook are applicable when federal, state or local employment laws are not addressed in the faculty handbook.

7.5.8 Holding Two Positions Simultaneously

To ensure the University's compliance with FLSA standards, no employee may simultaneously hold a non-exempt position with any other position. Part-time employees may not hold any other position with the University that combined would make them a full-

time employee. Furthermore, a student worker may not simultaneously hold any other permanent or temporary position within the University. An exempt employee must have supervisory approval to hold a second exempt position.

7.5.9 Transfer Policy

No employee may accept another position within the University within six months of the appointment to his or her current position.

The current supervisor may waive the six-month policy at his or her sole discretion. All internal candidates must submit an application for a vacant position form (Appendix O) to Human Resources with a current resume.

7.5.10 Rehire Seniority Policy

The date of hire or seniority date of previous employees, who are rehired by the University, shall be the first day on the job in their new or most current position, except that a previous employee's seniority date will be bridged by determining the employee's previous length of service and moving the new date of hire by a corresponding period of time, if the following conditions are met: (1) the employee must have worked for the University within the twelve calendar months immediately preceding rehire, (2) the employee's termination must have been due to resignation, layoff or other reason other than poor performance or misconduct and (3) at the time of the employee's termination, adequate notice must have been given to the University. The new seniority date must be noted on the payroll status change form at the time the employee is rehired. If applicable, the new seniority date shall be used to determine benefit eligibility. Employees who are rehired within twelve months of their termination will be eligible immediately for vacation/sick leave accrual at their previous rate and will be eligible for immediate reinstatement into the 401(a) retirement plan at their previous vesting status.

7.5.11 Volunteers

All Texas Wesleyan University volunteers must complete a volunteer application/information sheet, Appendix R (FCRA Disclosure Statement), a residency information form and waiver of liability form.

Background checks must be conducted on all prospective volunteers. The cost for the background check will be charged to the department requesting the volunteer. Under no circumstances shall someone be allowed to volunteer without a background check.

Upon successful completion of the background check, the Human Resources Department will notify the department that the individual may start volunteering. The Human Resources Department will maintain a database of all active volunteers. It will be up to each department to notify the Human Resources Department when someone is no longer volunteering within their department.

All volunteers will be unpaid and will not be eligible for any University sponsored benefits. Volunteering does not guarantee an individual of future employment with Texas Wesleyan University. Volunteers wishing to work for Texas Wesleyan University shall follow the same hiring process as all other applicants.

7.5.12 Internships

An internship is a monitored work or service experience that allows Wesleyan students to gain hands on experience in an occupational field. The structure of an internship

can vary depending on the department.

All Texas Wesleyan University interns must complete a volunteer application/information sheet, Appendix R (FCRA Disclosure Statement), a residency information form and waiver of liability form.

The following are common characteristics of an internship:

- Typically lasts about three months and occurs during the summer, fall or spring semester
- May be paid or unpaid
- If unpaid, may require the student to obtain academic credit and must meet certain labor law criteria
- Interns should be provided with an on-site supervisor or mentor
- Promotes academic and/or career development

Paid vs. Unpaid Interns

If all of the factors listed below are met, an employment relationship **does not exist** under the FLSA, and the Act's minimum wage and overtime provisions do not apply to the intern, therefore the intern can be unpaid:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship;
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

Departments interested in hiring an intern will first need to decide if the internship will be paid or unpaid. The position should then be posted in PeopleAdmin.

Students interested in applying for an internship will be required to complete an application in PeopleAdmin. Paid interns will be required to complete the onboarding process which includes the completion of a W-4 and an I-9 form. All interns, paid and unpaid, will be required to track hours worked in Colleague.

7.5.13 Foreign National Employment Policy

Overview

Texas Wesleyan University's ("the University") Foreign National Employment Policy applies to regular, full-time long-term faculty and staff employees. International scholars who are not University employees or contractors are not covered by this policy and should contact the University's International Programs with their immigration questions.

H-1B Sponsorship (Temporary Worker)

The H-1B Temporary Worker Visa allows foreign nationals to work in the United States in

specialty occupations for a period of up to six years. Each application can be made for a period up to 3 years, and must be filed by the employer (i.e., the University). The individual cannot gain an H-1B visa on his or her own. The University must obtain process (i.e., prevailing wage and labor condition application) certification from the [U.S. Department of Labor \(DOL\)](#) and employment authorization approval from the [United States Citizenship and Immigration Service \(USCIS\)](#).

Eligibility

The University will consider extending an offer of full-time employment to a candidate who is not a U.S. citizen or Legal Permanent Resident only for critical and hard to fill specialty positions. See *USCIS requirements for specialty positions* at www.uscis.gov.

Whether the University decides to participate in the application process under the H-1B program for any foreign national candidate for employment is at the sole discretion of the University.

The hiring department has the burden to meet financial and comply with the federal requirements to sponsor and apply for H-1B status on behalf of a foreign national employee. The University will not submit an initial application for H-1B for less than a one-year term. An H-1B sponsored employee cannot work for, receive monetary payment/compensation, or expense reimbursement from any employer, agency or organization outside of the University upon receipt approval of the H-petition (Form I-797) from USCIS.

Procedures

The University has established the following procedures applicable to all hiring and temporary employment sponsorship of foreign nationals:

1. The hiring department requesting to hire a foreign national who is currently ineligible to work in the US must submit justification to and obtain approval from the divisional Vice President and Vice President for Finance and Administration.
 - a. The justification must include the detailed need for the critical specialty position, job description, and sufficient departmental budget allocation for the H-1B process funding.

Special Note: A prevailing wage analysis through the DOL on the critical fill specialty position must be reviewed and approved prior to an offer or extension of employment. Human Resources will coordinate the request for prevailing wages analysis with the hiring department.

- b. All expenditures associated with foreign national employment sponsorship must be approved prior to an offer or extension of employment.

An H1-B visa is issued for the period of validity of the approved H1-B petition for a maximum of three years. The H1-B visa may be extended for another three years. The H1-B sponsored foreign national employee will need a renewal of their visa if they intend to remain in the United States up to the six year maximum period of eligibility stay.

2. The Vice President for Finance and Administration will advise Human Resources of the decision and provide written authorization to proceed with the hiring process.
3. If approved, Human Resources will coordinate the H-1B eligibility process during pre-employment with the hiring department and the foreign national to ensure that the appropriate work authorization is obtained.
4. Prior to hire, the foreign national candidate will be required to sign an employment retention agreement with the University. A copy of the draft employment retention agreement may be obtained from the Human Resources Department.
5. Human Resources will coordinate the H-1B process during employment between the hiring department and foreign national employee.

Termination of Employment

If a foreign national employee's employment ends involuntarily, with or without cause, prior to the end of the approved H-1B work authorization, the USCIS requires the University to provide reasonable cost of return transportation to the last place of foreign residence. If the H-1B employee does not intend to return to his or her home country or last place of residence, the University is not required to provide means of reasonable transportation. The University holds no liability if the H-1B employee voluntarily terminates his or her employment prior to the expiration of the validity of the approved petition.

Green Card Sponsorship (Permanent Resident)

The Green Card Sponsorship allows a foreign national to become a permanent resident based on a non-temporary job offer through a multi-step process. A prospective or current foreign national employee who is inside or outside the United States may qualify for sponsorship under one or more of the employment-based immigrant visa categories. The University must obtain process certification in accordance with [DOL](#) guidelines and petition authorization through the [USCIS](#).

Eligibility

The University may only sponsor permanent residence for foreign national employees based on exceptional University need. Whether the University decides to participate in the Green Card Sponsorship program for any foreign national employee is at the sole discretion of the University.

The sponsoring department has the burden to meet financial and comply with the federal requirements for permanent residency status on behalf of a foreign national employee.

Procedures

The University has established the following procedures applicable to employment sponsorship of foreign nationals for permanent residency:

1. The department requesting to sponsor a foreign national for permanent residency in the US must submit justification to and obtain approval from the divisional Vice President and Vice President for Finance and Administration.
 - a. The permanent residency employment justification must include the detailed need for the permanent critical specialty position, job description, and sufficient departmental budget allocation for the green card process funding.
 - b. All expenditures associated with foreign national employment sponsorship must be approved prior to an offer or extension of employment. An individual in the process for green card sponsorship may require H1-B visa renewals until the final green card is issued. The time for green card issuance depends on the country of origin and processing through the DOL and USCIS.
2. The Vice President for Finance and Administration will advise Human Resources of the decision and provide written authorization to proceed with the green card sponsorship process. Human Resources will advise the foreign national employee of the University's final decision for green card sponsorship.
3. If approved, Human Resources will coordinate the green card sponsorship process with the hiring department and the foreign national to ensure that the appropriate documents are submitted for petition.

Green Card Fees

The University is permitted to participate in cost sharing for the I-140 and I-485 petitions. The foreign national employee will be required to pay half of the associated fees for the green card I-140 and I-485 petitions and sign an employment retention agreement with the

University.

7.6 Salary Administration

7.6.1 Staff Job Classification System

The University has established a staff classification system for staff employees. Hiring supervisors shall ensure that the initial rate of pay for a new employee falls within the appropriate range as established by the system. The University may also give consideration to the current wage scale in the local community and in other similarly situated universities; the education, training and experience of the subject employee; the compensation level of current employees of the University; and, the current-budgeted compensation guidelines.

7.6.2 Hiring Procedures for Budgeted Positions

The hiring supervisor submits a completed Position/Posting Request form to the Finance and Administration office for approval signatures. After approved, the Position/Posting Request form is sent to Human Resources and the position is posted. Human Resources will log and forward resumes to the hiring supervisor as they are received. After candidates have been screened, the hiring department will notify Human Resources of the selected candidates to interview. The hiring department may schedule interviews or request that Human Resources do so. After interviews are scheduled, Human Resources will send candidates an interview confirmation via email with an attached employment application to complete. When interviews are concluded and a candidate has been selected, the hiring supervisor must complete a Request to Hire form and submit it to the Finance and Administration office for approval signatures. At this time, the hiring supervisor may make a verbal offer to the selected candidate, however, the official offer of employment and letter will be sent by the Human Resources office. Once the Human Resources office receives the approved Request to Hire form, the offer of employment letter will be created, signed by the Vice President of Human Resources and sent to the candidate with attached new hire paperwork.

7.6.3 Internal Job Postings/Transfers

The University provides employees an opportunity to indicate their interest in open positions and to advance within the organization according to their skillset and experience. Notices of all regular, full-time job openings are posted, although the University reserves its discretionary right to not post a particular opening.

Internal job postings are a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring supervisor. Other recruiting sources also may be used to fill open positions in the best interest of the organization.

Job openings will be posted in the Office of Human Resources and on the University's website. Jobs will normally remain open for a minimum of five working days. Notice of openings will include the job title, job description, department, summary, essential duties and necessary qualifications.

To be eligible to apply for a posted job, employees must have performed competently for at least six months in their current position. However, the supervisor may waive the 6 months at their discretion. Employees who have received a written warning in the last six months, are on suspension or are on a leave of absence are not eligible to apply for posted jobs. Hiring supervisors should contact the employee's current supervisor for this information. Eligible

employees only may apply for posted jobs for which they possess the required skills, competencies and qualifications.

To apply for an open position, employees should submit a Current Employee application form (Appendix O), letter of interest and resume to the Office of Human Resources listing job-related skills and accomplishments.

The University recognizes the benefit of developmental experiences and encourages employees to talk to their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's supervisor may be contacted to verify performance, skills and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer also may be discussed.

The University also encourages employees to identify friends or acquaintances that are interested in employment opportunities and refer qualified outside applicants for posted jobs.

Employees should obtain permission from the individual before making a referral, share their knowledge of the organization and not make commitments or oral promises of employment.

7.6.4 Merit Increases

Merit increases are based on the results of performance appraisals. The amount of the merit increase, **if any**, is based principally upon the individual's overall performance, the individual's current salary level and available budgeted funds, as determined by the president and the board of trustees.

7.6.5 Promotion or Demotion/Salary Increases or Decreases

Increases or decreases in responsibility and authority may or may not result in a compensation change at the time of transfer, promotion or demotion, and any increase or decrease is subject to the same approval process as any other salary adjustment.

7.6.5.1 Staff Teaching Assignments and Compensation

1. Staff members can have teaching assignments as part of their regular job description. In these cases, the salary for the job will include consideration of the teaching responsibility, and there will be no additional compensation for the teaching assignment.
2. Staff members can teach on an exception or emergency basis. In this case, the Provost will determine whether this activity warrants additional compensation and, if so, how much that compensation will be. The CFO must approve the additional compensation. The staff member will be expected to complete his/her normal duties in addition to fulfilling this teaching assignment.
3. In the event that a staff member repeatedly teaches a class which does not fall under his/her normal job description, the job description must be amended by the Provost to reflect this activity, with compensation to be adjusted as necessary with the CFO's approval. This will effectively place this staff member under the terms of item (1) above.

This policy is to take place immediately, and covers all areas of the University.

7.6.6 Overtime

Exempt employees are not eligible to receive overtime pay. Non-exempt employees shall be paid in compliance with FLSA standards. If non-exempt employees work more than forty (40) hours during a one-week pay period (Sunday at 12:00 a.m. through Saturday at 11:59 p.m.), they will be paid at the rate of "time and one-half" their regular pay rate for the overtime hours worked.

Overtime pay is paid for hours actually worked; a compensated absence, such as a holiday or sick leave, is not considered hours worked for purposes of overtime calculation. Non-exempt employees called into work on a day off will be compensated a minimum of two hours at overtime rates, if applicable. **Overtime hours must be authorized in advance by the employee's supervisor. Non-exempt employees may not take it upon themselves to work overtime. Employees are not allowed to record time in and out for other employees under any circumstances, and may be terminated if they do so.**

7.6.7 Pay Periods

7.6.7.1 Exempt Employees

Exempt employees are paid on the last workday of each month. Pay periods for exempt employees begin on the first day of each month and end on the last day. If the last day of the month falls on a holiday or weekend, exempt employees may be paid on the last regular business day.

7.6.7.2 Non-exempt Employees

Non-exempt employees are paid biweekly on every other Friday. Each two-week pay period for non-exempt employees begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

It is the employee's responsibility to complete, sign and turn in his or her timesheet to the appropriate supervisor in a timely manner.

7.6.8 Time Records

Staff employees are required to keep an accurate record of time worked. This record should be completed weekly for non-exempt employees. Time records must be signed by the employee, verified and signed by the supervisor, and submitted to the payroll department. Exempt employees should report absences from work each month on an exempt employee absence report.

The attendance report will identify days used for vacation, holidays, break days, bereavement, sick leave, jury duty and military leave. The report must be signed by the employee and verified by his or her supervisor. The payroll office will maintain absence reporting records and time sheets.

7.6.9 Attendance

The efficient operation of the University requires punctual and regular attendance of all employees. Absence from work includes any time lost from the job, whether excused or unexcused, including failure to report to work, reporting to work late or not remaining at work as scheduled. Attendance and tardiness are important factors in the evaluation of job performance. Excessive or habitual patterns of absenteeism and/or lateness on the part of employees are not permitted. Absences due to illness or other

circumstances beyond the employee's control may still be considered excessive based on departmental needs.

It is the employee's responsibility to contact his or her supervisor, directly, before the scheduled starting time to inform the supervisor of the reason for the absence. If a supervisor is not available, the employee should contact the next person in authority to report the absence. If the University is closed, the absence must be reported within one hour of its reopening. This shall be done the first day and consecutive days of an absence from the workplace.

If the foregoing policy is not followed, the supervisor may consider extenuating circumstances preventing prompt notification before taking disciplinary action. An absence of three or more consecutive days, without notifying the appropriate supervisor, may be considered a voluntary termination. Excessive tardiness, absenteeism or falsification of time records is grounds for termination of employment.

7.6.9.1 Normal Workweek

The normal workweek for University employees is 40 hours per week; however, some positions are designated at fewer than 40 hours per week. The University's general business hours are Monday through Friday from 8:00 a.m. until 5:00 p.m. (on the main campus).

Department managers have the authority to structure individual working conditions and hours to fit the demands of the respective areas. Employees' regular workweek may include Saturday and Sunday. The pay period for a non-exempt employee is Sunday through Saturday.

7.6.9.2 Break and Rest Periods

Non-exempt employees are allowed two paid 15-minute rest periods during the day and an unpaid lunch break of at least 30 minutes. The break schedule should be approved in advance by the employee's supervisor, in recognition of the department's needs and schedules. **Break periods are not guaranteed.** Employees may take their breaks after notifying designated employees in order to cover workstations. Employees should make every effort to take their breaks in a timely manner. If they are unable to accommodate uninterrupted break periods, they must notify their supervisor immediately.

Additional breaks for smoking are not authorized.

7.7 Work Standards

Without limiting its rights to terminate employment at any time, with or without cause or advance notice, violation of work standards and/or related misconduct may result in disciplinary action, up to and including immediate termination. University employees are expected to meet general standards of conduct while performing their job responsibilities. Including, but not limited to, employees shall not engage in any of the following conduct:

1. Indecent or discourteous behavior
2. Violent acts or threats of violence
3. Dishonesty or disrespectful behavior toward employees, students or guests
4. Failure to observe all safety and other rules necessary for the safe operation of the University

5. Falsification of records, including attendance records
6. Unauthorized disclosure of confidential information
7. Excessive tardiness or absence, or any absence for three (3) consecutive days without proper notification of a supervisor, as defined elsewhere in this handbook
8. Smoking in unauthorized areas
9. Soliciting or circulating information on University property without permission, concerted union organizing activities are allowed during off hours on exterior grounds
10. Reporting for work under the influence of alcohol or drugs, or possessing illegal drugs or alcohol on University property or at University events
11. Abusing University equipment or materials, or misappropriating University funds or other assets
12. Using one's position of employment to gain unauthorized access to secure locations
13. Personal use of University property or assets, or removal of University property or assets from University property without authorization
14. Conducting business for personal gain on University property or time, or engaging in a conflict of interest activity
15. Possessing unauthorized firearms, explosive materials or other lethal or hazardous materials on campus
16. Conducting oneself in a disorderly, deliberate or reckless manner that causes either actual or potential loss, damage or physical injury to the University, its employees or students
17. Fighting or provoking a fight, or attempting to do bodily harm to another individual while on University property or while on University business
18. Behaving in an insubordinate or disrespectful manner to a supervisor or person in authority
19. Interfering with the work duties of another employee
20. Stealing or behaving dishonestly
21. Conducting oneself in a sexually harassing or other threatening or harassing manner
22. Failing to cooperate in any authorized University investigation
23. Inappropriate use of e-mail or the Internet as described by policy
24. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, gender, age, religion or disability
25. Sleeping during working hours

In general, **off-duty activities** of employees are considered to be their own personal business. However, certain types of off-duty activity by employees represent the potential of a material business concern. Employees who engage in, or are associated with illegal or immoral conduct, which may adversely affect the University or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action, including termination. Any employee who is arrested for a crime of violence, dishonesty or a drug or alcohol-related offense must report such an arrest immediately to a supervisor.

7.8

Title IX Policy

Scope of the Policy

Texas Wesleyan University complies with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's educational programs or activities and retaliation; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964 (Title VII); the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act

of 1973 (Section 504), and other applicable laws.

Furthermore, the University strictly forbids retaliation by any member of the University community against anyone who brings a charge of sexual harassment or sexual discrimination.

Texas Wesleyan University believes all members our campus community should live, work, and experience an environment free from harassment and discrimination on the basis of sex. The Title IX Coordinator is responsible for administering and upholding this Title IX policy.

Intent of the Policy

The Title IX policy, in accordance with the final regulations from the federal government that specify how recipients of Federal financial assistance covered by Title IX, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination.

Texas Wesleyan University (hereby referred to as “the University”) does not discriminate on the basis of sex, as well as acts in accordance with the Clery Act and the Violence Against Women Act (VAWA). The University is required to address sexual harassment as a form of sex discrimination in education programs or activities. Texas Wesleyan University will respond promptly and supportively to all individuals, including persons alleged to be victimized by sexual harassment and the persons alleged to have victimized another person, resolve allegations of sexual harassment promptly and accurately under a fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, as well as effectively implement remedies for victims and sanctions for those found responsible for violating this policy.

Once the University has [Actual Knowledge](#) of sexual harassment in one of its education programs or activities, the University must respond promptly in a manner that is not deliberately indifferent. The University is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Behaviors

The University is committed to providing an environment free from sexual harassment or sexual discrimination to all segments of its community; that is, its students, employees, vendors, and guests. It is the responsibility of members of the University community to conduct themselves so that their words or actions cannot be reasonably perceived as harassing, discriminatory, sexually coercive, abusive or exploitive, or as interfering with any other individual's ability to study, work, or experience our campus effectively.

The behaviors included in this policy are referred to as Prohibited Conduct. Prohibited Conduct under this policy includes:

- Discrimination
- Sexual Harassment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking
- Retaliation for reporting any of the above behaviors

Based on the information available at the time of the report, the Title IX Coordinator will make the determination as to whether the case is Title IX or Non-Title IX Sexual Misconduct. In cases that could be defined as Non-Title IX Sexual Misconduct i.e. sexual exploitation, cyberstalking, do not meet the threshold and/or jurisdiction for Title IX as outlined in this policy, the University may address the behavior using an alternate process, i.e. Code of Student Conduct or Employee Handbook.

For more information for these kinds of incidents, please see [Prohibited Conduct](#).

First Amendment

First Amendment concerns differ in educational environments and workplace environments, and the Title IX definition provides First Amendment protections appropriate for educational institutions where students are learning, and employees are teaching. Students, teachers, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive. The exercise of rights protected under the First Amendment does not constitute [retaliation](#).

The University will not restrict applicable rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

Equitable Treatment

Texas Wesleyan University supports the campus community, including students, employees, vendors, and guests within the University's educational program or activity, to have a safe and respectful environment free from discrimination on the basis of sex.

The purpose of this section is to emphasize the importance of treating Complainants and Respondents equitably in the specific context of Title IX, and for the University to provide remedies to Complainants and avoid punishing Respondents prior to conclusion of a fair process. The University, under this policy's grievance process, will treat Complainants and Respondents equally with only few exceptions for strict equality allowed under the rules from the Department of Education.

The University is responsible for ensuring equal access to education programs and activities and should not place the burden of gathering relevant evidence, or meeting a burden of proof, on either party. Moreover, as it relates to consent, the burden to prove consent or lack thereof does not fall on to the Complainant or the Respondent.

Exceptions to strict equality where equitable treatment of the parties requires recognizing that a Complainant's interests differ from those of a Respondent with respect to the purpose of the grievance process. This is intended to provide both parties with a fair, truth-seeking process that reasonably considers differences between a party's status as Complainant as compared to one's status as Respondent. Thus, with respect to remedies and disciplinary sanctions, strictly equal treatment of the parties is not feasible and, to treat the parties equitably, a Complainant must be provided with remedies where the outcome shows the Complainant to have been victimized of the Prohibited Conduct named within this policy; similarly, a Respondent must be sanctioned only after a fair process has determined the Respondent to be responsible under the grievance process outlined in this policy.

Presumption of Non-Responsibility

Texas Wesleyan University, in accordance with regulations from the Department of Education, has in place the presumption that the Respondent(s) named in a Title IX grievance process is (are) not responsible for the violation until a fair grievance process, outlined in this policy, is followed and completed.

The presumption of non-responsibility does not provide any advantage to the Respondent over the Complainant and does not imply that a Complainant has lied or made a false report. This presumption only helps ensure that a Respondent is not treated as responsible prior to the University's Title IX grievance process. This presumption does not allow or require the University to presume that a Respondent is truthful or credible. The University is prohibited from drawing any inferences about credibility based on status as a Complainant or Respondent. Credibility is determined as a matter of course of the grievance process.

Prompt Assessment of Complaints

The University is committed to promptly investigating complaints of sexual harassment made by any individual, regardless of affiliation with the University. The Title IX Coordinator is responsible for executing prompt delivery of options to the Complainant regarding supportive measures, options to report, information on the Title IX grievance process, etc., as well as the decision to not investigate if the Complainant does not wish to file a formal complaint.

Access to Policy

The Title IX policy, including the Title IX Coordinator's contact information, will be available on the Texas Wesleyan University website, within each University handbook or catalog for all admitted and current students, as well as current and potential employees to access. This also includes guests (i.e., students as part of Early College High School programs, participants in summer camps and conferences) to our campus.

To access the Title IX policy, please visit txwes.edu/titleix.

Temporal Scope of Policy

This policy will be in effect on August 14, 2020, per the regulations from the Department of Education. Any reports made before the above-mentioned date will use the Unified Harassment and Discrimination policy. Any reports made on or after the date of August 14, 2020, will use this Title IX policy. If a report is made with the University after the effective date of this policy and the alleged incident occurred before the effective date, the University is allowed to pursue another University grievance process.

Related Policies

In addition to this policy, the conduct of students, employees, and other Texas Wesleyan University community members may be governed by other University policies, including but not limited to:

[Family Educational Rights and Privacy Act \(FERPA\)](#)

Clery Act and Campus Security Authorities

[Code of Student Conduct](#)

Amnesty Policy (see

[Employee Handbook](#)

Faculty Handbook

Minors on Campus

(Definition/Reporting Procedures/High School Programs)

Inappropriate Relationships

The University prohibits relationships of a dating, intimate or sexual nature between faculty/staff and any student with whom the faculty or staff member has professional responsibility, even if the relationship is consensual. Professional responsibility may include, but is not limited to athletics, committee work, university-sponsored activities or events, and any other direct educational or University employment related control that gives the faculty or staff member authority or power over the student that could subsequently affect the student's academic or work environment and/or success. These types of relationships are strongly discouraged even when there is no direct relationship with authority/power that could be exerted over the student. In addition, faculty members may not teach or take any action that may influence the grade of an immediate family member enrolled at the University. Immediate family members are defined as the spouse, significant other, children (natural, adoptive or step) or any dependent person residing with the faculty member. An exception to this policy may be authorized by the dean of the school in question. Faculty members may request an exception, in-writing, to the dean by outlining the reasons that support the requested exception.

Vendor Contracts

Applicability and Jurisdiction

Texas Wesleyan University, to be in accordance with the rules and regulations from the Department of Education, is required to designate jurisdiction for this policy. This jurisdiction includes physical geography and the designation of parties.

Individuals Covered by this Policy

The Title IX policy applies to all currently enrolled students, employees, contractors, vendors, and guests of the University. For more information, see [Definitions](#).

- Students
- Employees
- Students in dual credit/enrollment programs
- Students in institution-operated K-12 schools

Jurisdiction

This policy applies to conduct that takes place:

- On the campus or Texas Wesleyan University premises, including any building owned or controlled by a student organization officially recognized by the University,
- Locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the harassment occurs;
- In the context of any Texas Wesleyan University-related or sponsored education program or activity that occurs in the United States;
 - An education program or activity includes circumstances over which the University exercises substantial control over both the Respondent and the context in which the harassment occurred, such that the factual circumstances of online harassment must be analyzed to determine if it occurred in an education program or activity; or
- Through the use of Texas Wesleyan University-owned or provided technology resources.

This policy does not apply to conduct that:

- Occurs outside of the United States; or
- Does not rise to the definition of Prohibited Conduct outlined in this policy.
 - If the alleged conduct is determined to be Non-Title IX Sexual Harassment; the Title IX Coordinator will determine the appropriate grievance process.

Allegations reported to the Title IX Coordinator that are deemed to be outside of the University's jurisdiction, the University is required to provide a mandatory dismissal of allegations in a formal complaint about conduct not occurring in the University's education program or activity. Such a dismissal does not preclude action under another provision of the University's Code of Student Conduct, or other University grievance process.

For more information, see [Dismissals](#).

Title IX Coordinator

The Title IX Coordinator is designated by the University to coordinate compliance with Title IX responsibilities. The University's Title IX Coordinator is authorized to institute corrective measures on behalf of the University.

Any individual, including a non-University affiliate, may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, via online report form, by mail, by telephone, or by e-mail, using the contact information listed below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such reports can be made at any time, including outside of normal business hours.

Chelsea Sepolio, Director for Title IX and ADA Compliance (Title IX Coordinator)

- Online form (HYPERLINK)
- Email: titleix@txwes.edu
- Office Phone: 817-531-4890
- Mailing Address
 - 1201 Wesleyan St.
 - C/O Dean of Students Office
 - Fort Worth, TX 76105
- Physical Address
 - 3165 E. Rosedale St.
 - Fort Worth, TX 76105
 - Second Floor, Suite 230

Deputy Coordinators for Title IX

Deputy Coordinators for Title IX are resources to the campus community to help navigate the Title IX process. Reporting to a Deputy Coordinator does not satisfy the actual knowledge standard for Texas Wesleyan University.

Name	Title(s)	Contact Information
Deborah Cavitt	Purchasing Director	817-531-4298 Purchasing Office Oneal-Sells Administration Building, Basement
Dr. Angela Dampeer	Associate Vice President for Human Resources	817-531-4403 Human Resources Office Oneal-Sells Administration Building, Basement
Dr. Steven Daniell	Associate Provost of Academic Affairs	817-531-4405 Provost Office Oneal-Sells Administration Building, 1st Floor
Dr. Gary Stout	Associate Vice President for Student Affairs	817-531-6595 Student Affairs Suite Martin Center, 240
Steven Trachier	Associate Athletic Director and Head Women's Basketball Coach	817-531-4874 Athletics Office Sid Richardson Building, First Floor

Texas Wesleyan University reserves the right to utilize internal or external resources to facilitate investigation, adjudication, or other aspects of the Title IX grievance process. This may include, but is not limited to: investigators, advisors, decision-makers, facilitators of an Informal Resolution, or other designated role.

Assessment for Timely Warnings or Emergency Notifications

This policy applies to the issuance of timely warnings and emergency notifications required by the Clery Act to all faculty, staff, and students.

The Title IX Coordinator will collaborate with Campus Security to follow the University's policy and protocol when issuing a Timely Warning or Emergency Notification at it relates to reports of sexual harassment as defined in this policy.

Timely Warnings

The University will issue a Timely Warning for any Clery Act crime that occurs within its Clery defined geography that is:

- Reported to campus security authorities or local police agencies; and
- Is considered by the institution to represent a serious or continuing threat to students and employees.

Timely Warnings are not limited to violent crimes or crimes against persons. Timely warnings may be issued for threats to persons or to property. Anyone with information warranting a timely warning should report the circumstances to one or more of the following offices by telephone, email or in person:

- Campus Security 3220 Avenue A (817) 531-4911
- Dean of Students Brown Lupton Center, Room 131 (817) 531-4872

Decision to Issue a Timely Warning

The decision to issue a Timely Warning will be considered on a case-by-case basis considering the following factors:

- The nature of the crime;
- The continuing danger to the campus community; and,
- The possible risk of compromising law enforcement efforts.

The decision to issue a Timely Warning will be made by the Director of Campus Security. If time permits, the decision will be made in consultation with the Vice President for Student Affairs/Dean of Students and the Vice President for Enrollment, Marketing, and Communications.

Emergency Notifications

The University is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus or on public property immediately adjacent to the University. This is accomplished through the Texas Wesleyan Alerts System. Texas Wesleyan Alerts is an automated system of sending emergency alerts by email, voice mail, phone calls, and text messages.

The Director of Campus Security will, upon receiving information that meets the criteria of an emergency notification, issue the Emergency Notification. Additionally, the Dean of Students, Human Resources, and Office of Communications have been trained in issuing Emergency Alerts.

The Alerts will go out to all registered students, faculty and staff, by all means they have registered in the Alert System; email (required), voice call, and/or text message. The Office of Communications will also disseminate the alert through the university website in the form of an alert banner and update university social media (Facebook and Twitter.)

Regulations require that all enrolled students and current employees be added to the Texas Wesleyan Alert System. The system provides notification of university-related emergencies via telephone, email and text messaging options. To comply with this mandate, all Texas Wesleyan email addresses have been registered.

If you wish to update your profile to receive the alerts in the form of a text message or telephone call, you can do so by logging into "Ramlink" or by a link located on the "Emergencies" page of the university website at <https://txwes.edu/security/emergency/>.

For those that do not wish to receive emergency notifications from the University, they may choose to

unsubscribe. Each fall, all enrolled students and current employees are automatically registered again, which will require them to unsubscribe.

The Director of Campus Security will issue reminders regarding Texas Wesleyan Alerts, at least once per semester, to faculty, staff, and students. Reminders will include the need to update personal contact information. The Office of Human Resources will also request copies of any opt-out forms from the Registrar each semester.

Employee Responsibilities

Reporting

Texas Wesleyan University complies with the Department of Education's regulations as well as Texas state law as it relates to Mandatory Reporting. Under state law, all employees that are designated as Mandatory Reporters are obligated to report allegations of sexual harassment, sexual assault, dating violence, and stalking to the Title IX Coordinator. A Mandatory Reporter's disclosure to the Title IX Coordinator satisfies state law and the Title IX Coordinator being informed initiates the University's actual knowledge.

Participation in the Process

As a member of Texas Wesleyan University, employees are expected to participate in the process in the following ways:

- You must facilitate any accommodations determined by the Title IX Coordinator.
- Supportive measures, Remedies, and/or Sanctions from the Title IX Coordinator are to be granted, as necessary.
- Assist with other requests by the Title IX Coordinator.

Definitions

Actual Knowledge

Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who have authority to institute corrective measures on behalf of the University or to any employee of an elementary and secondary school.

At Texas Wesleyan, the Title IX Coordinator (or designated Deputy Coordinator) is the only University employee authorized to institute corrective measures on behalf of the University.

Advisor

An individual who accompanies a Complainant or Respondent during the investigatory process and/or the Title IX Hearing to serve on behalf of the party to allow for cross-examination. This individual can be an attorney, but is not required to be an attorney. This individual cannot be a party or a witness participating in the grievance process.

Except for conducting cross-examination at a Title IX Hearing, the advisor's role is limited to providing support and guidance to their advisee and the advisor may not speak or otherwise represent their advisee throughout the process.

Each principle party is required to have an advisor for the hearing stage of the Title IX grievance process. If a party does not have an advisor, the University will provide an advisor free of charge. The University's pool of advisors are University employees and are trained to serve in this capacity. The party has the right to select an advisor of their choosing from this pool.

If a party has not retained an advisor, or voluntarily selected an advisor from the respective pool, the University is required to assign an advisor. Assigned advisors are not obligated to avoid conflicts of interest and can fulfill the role regardless of the scope of the advisor's other duties as a University employee.

Where a party does not take the opportunity to select an advisor of the party's choice, that choice falls to the University.

Appellate Administrator

An individual that is tasked with reviewing and ruling on a determination from the Title IX Hearing. This individual can overturn, uphold, or adjust a determination of responsibility or sanction(s) applied. Upon receipt of the Title IX Appeal Form, the Appellate Administrator will have seven (7) business days to render a determination and will send notification to the Complainant and the Respondent directly and include the Title IX Coordinator.

Respondent's Designation	Appellate Administrator's Role	Appellate Administrator's Name
Student	Vice President for Student Affairs and Dean of Students	Dennis Hall, Ph.D.
Employee (Faculty)	Provost and Senior Vice President	Hector Quintanilla, Ph.D., CPA
Employee (Staff)	Vice President of Finance and Administration	Donna Nance

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment. The complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

Conduct File

A conduct file is for students and includes, but is not limited to, documented incident reports, informational reports, written statements, evidence relevant to the individual or evidence used in a Title IX grievance procedure, FERPA waivers, photo or video documentation, and notes added by the Title IX Coordinator. All items within the conduct file are subject to FERPA.

Conduct files will be maintained by the Title IX Coordinator for seven (7) years. For more information, see [Record Retention](#).

Consent

Words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objectives of another, or by taking advantage of the incapacitation of another, where the individual knows or should have known of such incapacity. Consent is absent when the activity in question exceeds the scope of consent given previously.

Use of alcohol or drugs may impair an individual's capacity to freely consent and may render an individual incapable of giving consent.

- Silence or the absence of resistance alone is not consent.
- Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- Continued pressure can be coercive and is also a violation of this policy.
- Consent to some sexual contact cannot be presumed to be consent for other sexual activity.
- A current or previous dating relationship is not sufficient to constitute consent.

According to Chapter 22 of the Texas Penal Code, in order for sexual activity to be considered legal, consent must be given by:

- A person who is old enough to legally agree to sex (an adult aged 17 or over);
- A person who is mentally capable of understanding the activity;
- A person who is fully conscious and aware of the activity;

- A person who has not been intoxicated or drugged against their will; and,
- A person who has not been threatened or coerced.

Decision-Maker

An individual who leads and administers the Title IX Hearing. This individual is a University employee or contracted Title IX designee tasked with presiding over the Title IX Hearing to assess the relevancy of cross-examination questions and to render a determination of responsibility.

Discipline File

A discipline file is for employees and includes, but is not limited to, documented incident reports, informational reports, written statements, evidence relevant to the individual or evidence used in a Title IX grievance procedure, waivers, photo or video documentation, and notes added by the Title IX Coordinator. All items within the discipline file will be subject to FERPA or other applicable privacy mandates.

Discipline files will be maintained by the Title IX Coordinator in accordance with Human Resources for seven (7) years. For more information, see [Record Retention](#).

Employee

Any individual employed by the University, including temporary employees.

Evidence

Any verbal, physical, or digital content applicable to the investigation and the Decision-Maker to assess to determine responsibility. This includes inculpatory and exculpatory evidence. Inculpatory evidence is defined as any evidence that is favorable to the Complainant's case (e.g. Respondent is responsible). Exculpatory evidence is defined as any evidence that is favorable to the Respondent's case (e.g. Respondent is not responsible).

For more information, see [Preservation of Evidence](#).

Formal Complaint

The formal complaint is initiated once the report is signed by the respective Complainant alleging sexual harassment against a Respondent and requests that the University investigate the allegation of sexual harassment. A signed formal complaint may initiate a Formal Resolution or Informal Resolution of the Title IX grievance process.

In cases where the Complainant does not wish to sign the formal complaint, the University's Title IX Coordinator can sign the formal complaint depending on the circumstances. In such situations, the Title IX Coordinator, as signer of the complaint, does not become the Complainant or otherwise a party to the grievance process under this policy.

In cases where there are multiple Complainants in an incident, the University will allow for each Complainant to sign their respective report and, thus, initiating a Formal Resolution for only their Title IX grievance process.

To satisfy a formal complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

Incident Database

The University will utilize Maxient, or other designated platform, as its case management software.

Investigator

An individual tasked with meeting with the principle parties, witness(es), and conducting a timely and

thorough investigation portion of the Title IX grievance process.

The University exercises a two-investigator model to ensure an investigation is neutral and fact-finding. Investigators must be either a Vice President, Associate Vice President, one directly reporting to a Vice President, one employed at the director level, or one specifically designated by a Vice President. If the Respondent is a faculty member, the Title IX Coordinator will consult with the Office of the Provost for recommendations on respective investigators. If the Respondent is a staff member, the Title IX Coordinator will consult with Human Resources for recommendations on respective investigators.

Program or Activity

Includes locations, events, or circumstances over which the institution exercises substantial control over both the respondent and the context in which the sexual harassment occurs. This also includes any building owned or controlled by a student organization that is officially recognized by the University.

Any university-sanctioned event or function, including employment, athletics, field trips, etc.

For the sake of this policy, program or activity does not apply to incidents that happen outside of the United States. In these cases, incidents may be investigated and adjudicated through another process (e.g. student conduct process). For more information, see [Jurisdiction](#).

Remedies

Individualized services or outcomes for the Complainant after a determination of responsibility via Title IX Hearing process, which are designed to restore or preserve the Complainant's equal access to their educational program. Remedies provided to the Complainant may burden the Respondent and be punitive or disciplinary in nature.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation

Any intentional, adverse action taken by a responding individual or allied third party against a participant or supporter of an individual exercising rights under Title IX including participating or refusing to participate in a Title IX grievance process or other protected activity under this policy, including but not limited to the Title IX grievance process.

For more information, see [Retaliation](#).

Sanctions

Outcome(s) for the Respondent after a determination of responsible is found.

During the timeframe of an appeal, sanctions are held in abeyance. If no appeal is filed by either the Complainant or the Respondent, the decision becomes final.

Sanctions cannot be imposed against a Respondent unless the University completed a grievance process that complies with this policy.

Sexual Harassment

Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following prongs:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
3. Any instance of sexual assault under (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

For more information, refer to the [Prohibited Conduct](#) section.

Standard of Evidence

The level of certainty and the degree of evidence necessary to establish proof in a criminal or civil

proceeding.

The University utilizes the Preponderance of the Evidence standard. Preponderance of the Evidence is met if the proposition is “more likely to be true than not true.” In other words, the standard is satisfied if there is a greater weight indicating that the proposition is true.

Student

All persons currently enrolled at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. One who withdraws from the University after allegedly violating the policy, who is not officially enrolled for a particular term but who have a continuing academic relationship with the University, or who has been notified of their acceptance for admission is considered a student.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment.

For more information, see [Resources and Supportive Measures](#).

Third-Party Reporter

Any person (i.e., the victim of alleged sexual harassment, a bystander, a witness, a friend, or any other person) may report sexual harassment and initiate the University’s obligation to respond to the sexual harassment allegation.

Third-party reporting does not require the third party themselves to become the Complainant.

In cases where the Complainant is a minor that is not affiliated with the University, a parent or guardian is allowed to report the individual's victimization and to make other decisions on behalf of the individual, such as considering which supportive measures would be desirable and whether to exercise the option of filing a formal complaint. In such a situation the parent or guardian does not, themselves, become the Complainant; rather, the parent or guardian acts on behalf of the Complainant.

Vendor

An individual or entity that sells goods or services to the University. Vendors are subject to University policies and processes. Vendors are not Mandatory Reporters

Volunteer

An individual that is not classified as an employee of the University. This includes, but is not limited to, athletic coaches. Volunteers are subject to University policies and processes. Volunteers are not Mandatory Reporters under this policy.

Witness

Any individual that can provide relevant information or direct knowledge relevant to the investigation, including an outcry witness. The University does not allow for character witnesses. A character witness is defined as a person who attests to another’s moral conduct or good reputation.

The University provides the principle parties equal opportunity to present fact and expert witnesses during the Title IX investigation and hearing.

Prohibited Conduct

For the sake of this policy, Prohibited Conduct encapsulates the behaviors below.

Discrimination

Discrimination is the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex. For the sake of this policy, discrimination on the basis of sex, including sexual harassment, is prohibited.

Discriminatory Harassment

Discriminatory harassment is the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex. For the sake of this policy, discrimination on the basis

of sex, including sexual harassment, is prohibited.

Discriminatory harassment is verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, gender, national origin, religion, age (40 or over), physical or mental disability, sexual orientation, or because of his or her opposition to discrimination or his or her participation in the discrimination complaint process. In general, harassment is against the law when it creates an intimidating, hostile, or offensive working environment, or when it interferes with an individual's work performance.

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 any sex/gender. The victim does not have to be of the opposite sex/gender.

The harasser can be the victim's supervisor, an employee of the University, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

The harasser's conduct must be unwelcome.

Harassment Based on Sex

Discrimination on the basis of sex, which includes sexual harassment, is prohibited. Per the regulations from the Department of Education, sexual harassment is separated into three prongs.

An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

Any instance of sexual assault under (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Quid Pro Quo harassment and Clery Act/VAWA offenses (Prong 1 and Prong 2, respectively) are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access. Thus, a single incident is sufficient under Prong 1 and Prong 3.

Any individual, irrespective of sexual orientation or gender identity, may be victimized by the type of conduct defined as sexual harassment.

Prong 1—Quid Pro Quo

An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, a *'this-for-that'* bargain. This includes when a University employee holds authority and control over a student's success or failure in a class or extracurricular activity. Communicated implicitly or explicitly, making educational benefits or opportunities contingent on a person's participation in unwelcome conduct on the basis of sex is a violation of Title IX. Harassment under this prong is not required to be severe and pervasive; abuse of authority in the form of even a single instance of *Quid Pro Quo* harassment (where the conduct is not "pervasive") is inherently offensive and serious enough to jeopardize equal educational access. Such harassment may involve verbal conduct therefore, there is no risk of chilling protected speech or academic freedom by broadly prohibiting *Quid Pro Quo* harassment because such verbal conduct, by definition, is aimed at compelling a person to submit to unwelcome conduct as a condition of maintaining educational benefits.

In cases where the individual to allegedly violate this prong is a volunteer with the University, the case will follow a separate grievance process. Unwelcome conduct of a non-employee individual may constitute sexual harassment under the second or third prongs.

Prong 2— Severe, Pervasive, and Objectively Offensive

Sexual Harassment, under this prong, is defined as unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it denies a person access to the institution's education program or activity.

Prong 3—Clery/VAWA Crimes

Included under this prong is sexual assault, dating violence, domestic violence, and stalking as defined under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA).

Sexual Assault

Sexual Assault is an umbrella term that encompasses Nonconsensual Sexual Penetration; Nonconsensual Sexual Contact; and conduct that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

Nonconsensual Sexual Penetration: Sexual Penetration, however slight, performed upon another person that occurs without that person's Consent. "Sexual Penetration" means penetration of a vagina or anus by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person

Nonconsensual Sexual Contact: Sexual Contact, however slight, performed upon another person that occurs without that person's Consent. "Sexual Contact" means intentional physical contact with another person's breasts, buttocks, groin, or genitals, whether clothed or unclothed; intentional contact with another person using one's breasts, buttocks, groin, or genitals, whether clothed or unclothed; causing another person to physically contact oneself with or on the other person's breasts, buttocks, groin, or genitals, whether clothed or unclothed; or any other type of intentional physical contact done in a sexual manner or for the purpose of sexual arousal or gratification, based on the perspective of a Reasonable Person

Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of any individual, including attempted rape.

Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent. The legal age of consent, as defined by Texas, is 17 years old.

Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Dating Violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

In cases involving allegations of mutual acts or threats of acts of violence, the designated investigator(s)

will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the parties; the relative severity of the injuries inflicted on each person; information gathered from the persons involved in the situation and witnesses to the situation; and whether the acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for purposes of evaluating dating violence or domestic violence.

Domestic Violence

Domestic violence is defined as a felony or misdemeanor crime of violence committed:

By a current or former spouse or intimate partner of the victim;

By a person with whom the victim shares a child in common;

By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;

By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Retaliation

Retaliation means an action taken because of a person's participation in a protected activity and that would discourage a reasonable person from engaging in protected activity.

"Protected activity" means a person's good faith:

Opposition to Prohibited Conduct or assisting a person who opposes Prohibited Conduct;

Report of Prohibited Conduct to the University, the police, or to a state or federal agency or assisting a person who reports Prohibited Conduct;

Participation (or reasonable expectation of participation) in any manner (e.g., in an investigation, proceeding, or hearing relating to Prohibited Conduct) or requesting a supportive measure under this policy; and/or

Exercise of rights or responsibilities under any provision of the Clery Act. An action is not taken in good faith if done with knowing or reckless disregard for information that would negate the accuracy of the

report or information. Retaliation is a violation of this policy regardless of whether the underlying allegation of a violation of this policy is ultimately found to have merit.

It is prohibited for any University or other person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

This provision protects any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, any witness, and any other individual who participates or refuses to participate in an investigation, proceeding, or hearing related to the Title IX regulations.

Charging an individual with Code of Student Conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

In an effort to prevent incidents of retaliation, the University must keep private the identity of Complainants, Respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

The exercise of rights protected under the First Amendment does not constitute retaliation. For more information, see [First Amendment](#).

Charging an individual with a Code of Student Conduct violation for making a materially false statement in bad faith during a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

False Claims

The University must inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. See Falsification within the Code of Student Conduct.

Charging an individual with a Code of Student Conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Reporting Options

A Complainant has multiple options for reporting Prohibited Conduct. A Complainant may report Prohibited Conduct to the University's Title IX Coordinator, a University employee, or to the police. The Complainant's safety and wellbeing is critical when reporting an allegation of Title IX. If the Complainant or the University has a concern for the safety of themselves or the campus community, the University will contact the Fort Worth Police Department. Ultimately, the decision to pursue a criminal complaint relative to the Complainant's report rests with the Complainant.

Individuals may file a report in person, online, via the conduct hotline, or via email.

Online form ([HYPERLINK](#))

Email: titleix@txwes.edu

Office Phone: 817-531-4890

Mailing Address

1201 Wesleyan St.

C/O Dean of Students Office

Fort Worth, TX 76105

Physical Address

3165 E. Rosedale St.
Fort Worth, TX 76105
Second Floor, Suite 230

Preservation of Evidence

The University recognizes that a Complainant may need time to decide whether to report an incident of Prohibited Conduct to law enforcement and/or the University. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident. The University strongly encourages Complainants, as soon as possible after experiencing Prohibited Conduct, to take steps to preserve evidence of the Prohibited Conduct, such as:

Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72 hours after the incident;

When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;

Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);

Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Instagram, Facebook, Twitter);

Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and

Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigation.

Law Enforcement

Prohibited Conduct may constitute both a violation of this policy and criminal law. Therefore, the University encourages Complainants to report incidents of Prohibited Conduct to the police, but it is not mandatory. The University will always provide the option to report to police, but that decision lies with the Complainant. Prompt reporting of an incident to law enforcement is especially critical for incidents of Nonconsensual Sexual Penetration because the collection and preservation of evidence relating to Nonconsensual Sexual Penetration often is essential for law enforcement investigations and criminal prosecutions. A Complainant has the right to decline to report the incident to law enforcement. Even if a Complainant does not report the incident to law enforcement, the Complainant may still request supportive measures by reporting the incident to the Title IX Coordinator.

In cases where the incident is reported to law enforcement, the University is not discharged of the legal obligation to provide education programs or activities free from sex discrimination by referring Title IX sexual harassment allegations to law enforcement (or requiring or advising Complainants to do so). The University recognizes that the purpose of law enforcement differs from the purpose of what the University is offering: education programs or activities free from sex discrimination.

Whether or not particular allegations of Title IX sexual harassment also meet definitions of criminal offenses, it is the University's obligation to respond supportively to the Complainant and provide remedies where appropriate, to ensure that sex discrimination does not deny any person equal access to educational opportunities.

Concurrent Law Enforcement and University procedures

In the event there is a criminal or civil process as well as a University's administrative process, the University will cooperate with law enforcement if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University's policy and procedures may differ in significant respects from criminal law.

A Complainant may seek resolution through the University's procedures outlined in the policy, may pursue criminal action, may choose one but not the other, may choose both, or may choose neither.

Procedures under the policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Although the University may delay temporarily the fact-finding portion of its investigation while law enforcement is gathering evidence, the University will implement appropriate supportive measures during such a delay as well as provide respective notice.

Decisions made or penalties imposed by the University are not based on a result of criminal or civil charges against a Respondent arising from the same incident being dismissed, reduced, rejected, sustained, or not prosecuted; however, a Respondent's plea or a finding against a Respondent in a criminal or civil proceeding may, at the University's discretion, be used by the University in a University disciplinary proceeding.

Institution

A person who wishes to report Prohibited Conduct to the University should contact the Title IX Coordinator or a Mandatory Reporter. Reporting to the Title IX Coordinator is the most direct form of reporting and initiates the University's actual knowledge.

For more information, see [Title IX Coordinator](#).

If a person reports [Prohibited Conduct](#) to a University employee who is not the Title IX Coordinator, then the employee's responsibility to report that information to the University depends on whether the employee is a Mandatory Reporter.

Mandatory Reporter

A Mandatory Reporter is a University employee who is required under Texas law to report information about known or suspected sexual harassment, sexual assault, dating violence, stalking to the Title IX Coordinator, whether the employee received the information by means of a complaint, report, personal observation, or otherwise, including information learned from third parties. A University employee is almost always a Mandatory Reporter when either the Complainant or Respondent is a student.

Employees who have questions about their reporting responsibilities, or students who have questions about an employee's reporting responsibilities, should contact the Title IX Coordinator.

A University employee is a Mandatory Reporter if either of the following apply:

The Prohibited Conduct involves either a Complainant who is a student or a Respondent who is a student; or,

The employee is the supervisor of either a Complainant who is an employee or a Respondent who is an employee, or otherwise has the authority to redress the Prohibited Conduct (e.g., human resources administrators, Dean of Students Office employees, Title IX Officials, department heads, deans, vice presidents, campus security).

Campus Security Authorities (CSA)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) mandates that institutions must disclose statistics both for crimes reported to local police agencies or campus security and crimes reported to campus security authorities.

Campus Security Authorities include the following:

A member of a campus police department or a campus security department of an institution.

Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, the following positions:

Division of Student Affairs and Residence Life personnel

Athletics Director and Coaching staff

Faculty Advisors, both academic and advisors to student organizations

An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many people, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

Those whose positions with the universities qualify them as Campus Security Authorities should note their obligation to report all criminal activity to Campus Security.

Confidential Resources

Confidential Resources are University employees who are not obligated to share any personally identifying information about a report of sexual violence (such as the survivor or accused's name) with law enforcement, the Title IX Coordinator, or any other University administrator.

The confidential resources for Texas Wesleyan University are the following individuals:

Anice Lewis-Hollins Director of Health Service 817-531-4948 alewis-hollins@txwes.edu	Scott Methvin Counseling Center Director/Counselor 817-531-4859 smethvin@txwes.edu
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Amnesty For Victims

The University provides amnesty to student victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

For Those Who Offer Assistance (Good Samaritan)

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students, amnesty may also be extended on a case-by-case basis to the student receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Students not to extend amnesty to the same person repeatedly.

Texas Wesleyan University may not take disciplinary action against a student who, in good faith, reports being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, domestic violence or stalking, for a violation by the student of the Code occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process regarding the incident.

This amnesty provision does not apply to a student who reports their own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

Texas Wesleyan University reserves the right to investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, domestic violence, or stalking was made in good faith. Texas Wesleyan University has the discretion to determine good faith, but in no event will good faith exist if the student is found responsible for sexual harassment, sexual assault, dating violence, domestic violence, or stalking at or near the time of the incident.

Resources and Supportive Measures

On and Off Campus

Below are resources and support that can be found on campus or off campus.

On-Campus

Community Counseling Center
3110 E Rosedale St, Fort Worth, TX 76105
Phone: 817-531-4859
Fax: 817-531-4213
TWCCC@txwes.edu

Chelsea Sepolio, Director for Title IX and ADA
Compliance
3165 E. Rosedale St., Fort Worth, TX 76105
Phone: 817-531-4890
csepolio@txwes.edu

Off-Campus (Local)

Women's Center of Tarrant County
Fort Worth: 817-927-4040
1723 Hemphill
Fort Worth, TX 76110
Arlington: 817-548-1663
401 West Sanford, Suite 1200
Arlington, TX 76011
Rape Crisis Program: 817-927-4039
Employment Program: 817-927-4050
24/7 Hotline: 817-927-2737
General Counseling – 817-927-1000
<https://www.womenscentertc.org/>
Trauma Support Services of North Texas, Inc.
407 North Cedar Ridge Rd. Suite 315
Duncanville, TX 75116
972.709.4904
(All services free and confidential to Dallas and
Tarrant County residents)
www.tssnt.org

Dallas Area Rape Crisis Center (DARCC)
Presbyterian Hospital Dallas
Jackson Building, Lower Level
8198 Walnut Hill Lane
Dallas, TX 75231
24 hour local hotline: 972-641-RAPE (7273)
Dallas Office: 214-345-5096
(Services are available to anyone impacted by
sexual violence. All services are confidential and
free of charge. Services are also available in
Spanish).
<https://dallasrapecrisis.org/>
The Turning Point Rape Crisis Center
P.O. Box 866754
Plano, TX 75086
972.985.0951
24-Hour Crisis Hotline – 800.886.7273
(Services are free of charge)
www.theturningpoint.org

Hotlines/Helplines

817-335-3022 (Crisis & Screening -Tarrant Co. MHMR)
866-672-5100 (Suicide & Crisis Center of North Texas)
214-828-1000 (24/7 Crisis Hotline)
800-273-TALK (8255) (24/7 Hotline -Talk National Suicide Prevention)
888-628-9454 (Spanish-speaking)
800-273-TALK (8255) then press 1 (Veterans Crisis Line)
800-799-4TTY (4889) (Hearing impaired)

Protective Orders

Texas Wesleyan University cannot institute Protective Orders as they are court-ordered.

If you have been a victim of violence, stalking or sexual abuse, you can apply for a court order to keep your abuser away from you. This order is called a Protective Order (“PO”). There are different kinds of PO’s for victims of domestic abuse, dating violence, sexual assault, stalking and human trafficking.

A Protective Order orders an abuser:

Not to hurt, threaten, or harass you or your children, either directly or through another person;

To stay away from you, your family, your home, workplace, and children’s day care or school;

Not to carry a gun, even with a license.

The judge can also:

Order payment of child support and medical support,

Set terms and conditions for visitation with the children,

Order the abuser to attend anger management classes,

Order drug testing,

Order the abuser to attend a substance abuse treatment program,

Order the offender out of the home (“kick out order”).

There are several ways to apply for a Protective Order:

Contact your local county or district attorney’s office,

Contact your local family violence shelter, call 1.800.799.SAFE (7233) to find the nearest one,

Contact your local legal aid office,

Hire a private attorney,

Complete the do-it-yourself PO Kit available from www.texaslawhelp.org. Trying to get a protective order without an attorney should be your last resort.

What must I show to get a PO? What you must show depends on the type of protective order.

For a family violence protective order, you must be able to show that violence has occurred and it is likely that violence will continue in the future.

For stalking, sexual assault, and human trafficking protective orders, you must be able to show the abuser committed either stalking, sexual assault, or trafficking.

Some considerations:

Family violence includes any intimate partner violence, including dating violence and violence between same-sex partners,

A specific relationship with the abuser is not required for sexual assault, stalking and human trafficking protective orders.

Call the police when an incident occurs. If you have made reports before, it is more likely that a PO will be granted,

Don’t delay in applying for a protective order. Apply right after the incident. Waiting will reduce your chances of getting a PO, because the threat of immediate danger has passed.

Document incidents of abuse. Photograph injuries, save threatening voice messages, texts and emails. The more details you provide, the more likely you are to get a PO.

The duration of a PO depends on a few aspects: the type of abuse (stalking, dating violence, sexual assault, family violence); the seriousness of the harm, if children were present, if an arrest was made, past violence, the likelihood of future violence, and other factors. PO’s for family violence usually last two years, but can be for any duration, including for life. Sexual assault and stalking POs can last for life.

If the abuser violates a PO, they can be arrested and charged with a crime. Multiple violations can result in felony charges.

Texas Wesleyan University will comply with Protective Orders that are provided to the University. If you wish to provide a Protective Order to the University, please contact Campus Security at 817-531-4290.

Supportive Measures

Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The institution must maintain as private any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such privacy would not impair the ability of the University to provide the supportive measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

At the conclusion of a Title IX grievance procedure with a determination of responsible, supportive measures evolve into Remedies that are offered to remain in place to the Complainant.

Accommodations and Interpretive Services

Disability Resources

Texas Wesleyan University values all individuals that comprise our campus community and works to support them. The University must comply with obligations under disability laws with respect to students, employees, or participants in a Title IX reporting or grievance process situation: including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Individuals with Disabilities Education Act (DEA), and other applicable laws.

If a student or employee has a disability caused or exacerbated by, or arising from, sexual harassment, the University must comply with applicable disability laws (including with respect to providing reasonable accommodations) irrespective of whether the sexual harassment that caused or exacerbated the individual's disability constitutes Title IX sexual harassment to which the University must respond under these final regulations.

To the extent that disability accommodations may overlap with supportive measures or remedies required under Title IX, in these instances, the Title IX Coordinator is responsible for the effective implementation of such supportive measures or remedies.

Interpretive Services

Access to effectively participate in a Title IX reporting or grievance process is important to the University. If there is a need for an interpreter, translator, or other similar service, the University may provide that service to the participant free of charge.

Student Responsibility

The University is prepared to provide the necessary resources to accommodate reasonable requests, however, it is the responsibility of the student to initiate that request using the form available above in the Disability Resources section.

Interim Action

Interim action is action taken on behalf of the University. There are two kinds of interim action, emergency removal or administrative leave.

Emergency Removal

An emergency removal is an interim or temporary action is reserved for student Respondents involved in a Title IX incident. The University has the discretion to enact an emergency removal of a student Respondent if:

The University determines on a case-by-case basis that an immediate physical threat to the health or safety of any student or others arising from the alleged sexual harassment justifies removal; and, Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

An emergency removal must not effectuate, in any way, a pre-judging of the allegation(s) against the Respondent, who is entitled to a presumption of non-responsibility pending the completion of a grievance

process. The University may remove a student Respondent on an emergency basis whether a grievance process is underway or not. Moreover, this section does not impose a temporal restriction on when an emergency removal may be considered and implemented, as risks arising from sexual harassment can occur at any time.

Emergency removal of a student Respondent can happen before an investigation into sexual harassment allegations concludes, or where no grievance process is pending (i.e., at the time of the University receiving of the report). The University is permitted to remove student Respondents in emergency situations that arise out of allegations of conduct that could constitute Prohibited Conduct under this policy.

An emergency removal is not limited to instances where the Complainant has reported an alleged sexual assault or rape, but could also be justified to address alleged severe, pervasive, and objectively offensive verbal or online harassment. The identification of an immediate risk situation is not limited to the details of the alleged sexual harassment incident itself but may also evaluate and respond to a Respondent's related post-incident actions or behaviors.

In instances where the Respondent's actions pose an immediate and identified threat, but do not arise from allegations of sexual harassment, the University is allowed to respond under its Code of Student Conduct or in accordance with applicable laws.

Student Respondents that have been subject to an emergency removal are to be provided notice and an opportunity to challenge the decision immediately following the removal.

These requirements shall not be construed to modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), or the Americans with Disabilities Act (ADA). Thus, the removal of a student on an emergency basis under this portion may occur, but only to the extent that such removal conforms with the requirements of the IDEA, Section 504, and the ADA.

Administrative Leave

Administrative leave is an interim or temporary action for non-student employee Respondents involved in a Title IX grievance process. The University has the discretion to place an employee Respondent on administrative leave with or without pay, dependent on the circumstances but without an undue burden on the Respondent.

The process for putting a non-student employee Respondent on administrative leave can only begin after a formal complaint has been filed against the Respondent and as the grievance process begins. Administrative leave is designed to effectuate a temporary separation of the non-student employee while the grievance process ensues under its reasonably prompt time frame.

The University can place student-employees on an administrative leave in a non-emergency situation, but the decision must be evaluated using the emergency removal standards and must not unreasonably burden the Respondent.

Employee Respondents that have been subject to administrative leave are to be provided notice and an opportunity to challenge the decision immediately following the removal.

This provision shall not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (ADA). Thus, administrative leave may occur, but only to the extent that it conforms with the requirements of Section 504 and the ADA.

Grievance Procedures

Introduction

The University, in accordance with the regulations from the Department of Education, is required to investigate formal complaints in a manner that is consistent and transparent while maintaining equity, timeliness, and support. This can be done through a Formal Resolution or an Informal Resolution.

Equity

The University will treat Complainants and Respondents equitably by recognizing the need for Complainants to receive remedies where a Respondent is determined responsible and for respondents to face disciplinary sanctions only after a fair process determines responsibility. The University presumes the non-responsibility of Respondents until conclusion of the grievance process.

Objective Evaluation of Evidence

The University's grievance procedures require an objective evaluation of all relevant evidence available in a particular case, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. Principle parties will be able to inspect and review all relevant evidence before a determination of responsibility is made.

The aspect of 'all' the evidence is tempered by what a thorough investigation effort can gather within a reasonably prompt time frame.

The University is also charged with protecting every party's right to consent to the use of the party's own medical, psychological, and similar treatment records.

Training

Training of Title IX personnel, including the Title IX Coordinator, Deputy Coordinators for Title IX, investigators, decision-makers, facilitators of Informal Resolution, must participate in training on the definition of sexual harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

For more information, see the Training Materials section of this policy.

Prompt Timeframes

The University recognizes the value of timely and thorough grievance processes and will conduct the Title IX grievance process with both characteristics. The burden of proof placed on the University i.e. gather evidence, should not deviate from the University's effort to provide a fair, timely, and thorough Title IX grievance process, within designated reasonable time frame.

The principle parties, Complainants and Respondents, are encouraged to participate fully and robustly in the investigation process, by providing evidence, presenting fact and expert witnesses, reviewing the evidence gathered, responding to the investigative report that summarizes relevant evidence, and asking questions of other parties and witnesses before a Decision-Maker has reached a determination regarding responsibility.

Standard of Evidence

The University utilizes the Preponderance of the Evidence standard. Preponderance of the Evidence is met if the proposition is "more likely to be true than not true." In other words, the standard is satisfied if there is a greater weight indicating that the proposition is true.

Privileged Information

The University's grievance process respects information protected by a legally recognized privilege (for example, attorney-client privilege, doctor-patient privilege, spousal privilege, and so forth),

information acquired by the University will be kept private and confidential in accordance with privacy laws.

The University's grievance process must not access, consider, rely on, or disclose information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

Sanctioning and Remedies

If the Title IX Hearing has rendered a determination of responsible, the transcript from the Title IX hearing, the investigation report, and relevant inculpatory and exculpatory evidence will be turned over to the Title IX Coordinator to assess respective sanction(s) and remedies on a case-by-case basis.

Range of Remedies

Remedies can include individualized supportive measures but need not be non-disciplinary and may include, but are not limited to, mutual no-contact order continued.

Range of Sanctions

Sanctions may include, but are not limited to, educational opportunities i.e. online certificate, probation, suspension, or expulsion. The University will exercise thoughtful care when assessing the sanction(s) imposed on a Respondent with a determination of responsibility.

Appeals Available under this Policy

It is the right of the student or employee to appeal decisions made under this policy.

Appeal the Title IX Hearing and/or Sanction(s)

Afforded to the Complainant(s) or the Respondent(s)

Appeal the Dismissal of the Complaint

Afforded to the Complainant(s) or the Respondent(s)

Appeal the Interim Action of the Respondent

Afforded to the Complainant(s) or the Respondent(s)

Either party, Complainant(s) or Respondent(s) are eligible to appeal on at least one (1) of the following grounds:

Procedural irregularity that affected the outcome of the matter,

New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome of the matter, and/or

Title IX personnel (Title IX Coordinator, investigator, or decision-maker) had a conflict of interest or bias, that affected the outcome of the matter.

Notice

The Title IX Coordinator will provide written notice throughout the Title IX reporting and grievance process with participants.

In the case of a Formal Resolution, the Title IX Coordinator may send the following notices to the Complainant and the Respondent. The University will send written notice of any investigative interviews, meetings, or hearings to the participants. Notices include, but are not limited to:

Notice of Allegation and Investigation

Sufficient details known at the time, including:

The identities of the parties involved in the incident, if known.

The conduct allegedly constituting sexual harassment under this policy.

The date and location of the alleged incident, if known.

Names, titles, and role of the Investigators

Presumption of Non-Responsibility and that a determination regarding responsibility is made at the conclusion of the grievance process

Right to have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence

Inform the parties of any provision in the University's Code of Student Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process

The right to be free of retaliation

Sufficient time to prepare a response before any initial interview

Notice of Hearing

Specific date, time, location (including online location), of hearing

Hearing Decorum

Requirement to have an advisor, provide access to pool

Provide Investigative Report

Presumption of Not Responsible

Name of the Decision-Maker with form to request a recusal

Notice of Hearing Outcome and Sanctions/Remedies

Appeal information with link to complete the online Appeal Request Form

For specific information, see Determination of Responsibility

Notice of Dismissal (Mandatory or Discretionary)

Include reasoning for dismissal

Opportunity to challenge the decision to dismiss

Notice of Delay

Dismissal

The University must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined this policy even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy. If dismissed, the University can pursue action under another provision of the University's Code of Student Conduct or other grievance process.

Below are two types of dismissal that the University can employ under this policy.

Mandatory Dismissal

The University is required to dismiss a formal complaint of sexual harassment in three specific circumstances:

The alleged conduct would not constitute sexual harassment as defined under this policy, even if proved;

The alleged conduct did not occur in the recipient's education program or activity; or

The alleged conduct did not occur against a person in the United States.

This provision incorporates the terms "sexual harassment," "education program or activity," and "against a person in the United States," which are defined and/or explained in other sections of this policy.

Discretionary Dismissal

The University is allowed to dismiss a formal complaint of sexual harassment or any allegations therein if at any time during the investigation or hearing:

A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;

The Respondent is no longer enrolled or employed by the University; or

Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator receives a withdrawal from the Complainant during the investigation or hearing, the University may dismiss complaint or may decide to continue with the investigation and hearing in certain situations. Below are some examples in which the University can continue an investigation or

hearing:

When the information obtained supports that the Respondent may pose an ongoing risk to the campus community;

Where the University has gathered evidence apart from the Complainant's statements and desires to reach a determination regarding the Respondent's responsibility; or,

When a determination regarding responsibility provides a benefit to the Complainant even where the University lacks control over the Respondent and would be unable to issue disciplinary sanctions, or other reasons.

When the Respondent is no longer enrolled or employed, the University may choose to dismiss the complaint. In cases like this, the University might not have a way to gather evidence sufficient to make a determination.

Finally, the University is allowed to dismiss a formal complaint of sexual harassment when "specific circumstances" exist that prevent the University from "gathering evidence sufficient to reach a determination" as to the formal complaint or allegations. Below are some examples in which the University may present "special circumstances" supporting dismissal:

When no Complainant is identified during the investigation.

Without knowing a Complainant's identity, the University may not be able to gather evidence necessary to establish elements of conduct defined as sexual harassment under this policy, such as whether alleged conduct was unwelcome, or without the consent of the victim.

When a formal complaint contains allegations that are precisely the same as allegations the University has already investigated and adjudicated.

When the length of time elapsed between an incident of alleged sexual harassment, and the filing of a formal complaint, prevent the University from collecting enough evidence to reach a determination.

When the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant's statement in the formal complaint or as recorded in an interview by the investigator.

Misconduct Outside of the Scope of this Policy

In instances of an allegation that falls outside of this policy's application or jurisdiction, the University can investigate and adjudicate misconduct in a separate grievance process (e.g., Code of Student Conduct, Title VII).

Written Notice of Dismissal

If the University dismisses, the University must provide written notice to the Complainant and the Respondent that includes reasoning for that dismissal.

Either party may submit a request to challenge the dismissal of a formal complaint or allegations therein of sexual harassment. Under this provision, the grounds to challenge are:

Procedural irregularity that affected the outcome of the matter;

New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome of the matter; and/or

Title IX personnel (Title IX Coordinator, investigator, or decision-maker) had a conflict of interest or bias, that affected the outcome of the matter.

Intake Process

After receiving a report of Prohibited Conduct, the Title IX Coordinator will take immediate and appropriate steps to:

Meet with, or otherwise communicate with, the Complainant to:

Offer supportive measures

Provide Reporting Options and potential options within the Title IX grievance process (formal or informal)

Provide objective information regarding a formal complaint

Gather sufficient information regarding the incident

Deter Retaliation

Attempt to remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance

In cases where the allegation is Non-Title IX sexual harassment:

Notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community;

Notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures; and

Options to pursue a separate grievance process (e.g., Code of Student Conduct, Title VII).

Subject to a Complainant's request to sign a formal complaint, initiate the investigation and resolution procedures outlined in this policy, based on an initial assessment, the alleged conduct meets the definition of Prohibited Conduct and falls within the scope and applicability of this Policy; and

If the Complainant requests, assist the Complainant in reporting the incident to the police.

The Title IX Coordinator may delegate the authority to take the some or all the steps described above to a Deputy Coordinator for Title IX.

Consolidation of Complaints

The University may consolidate formal complaints arising out of the same factual circumstances in two instances:

Where there is more than one Complainant or Respondent.

Where a cross-complaint has been filed by a Respondent against a Complainant.

Multiple Parties

In instances where there are multiple parties as either the Complainant or the Respondent, the University can utilize a single investigatory and adjudicatory process in a consolidated complaint. In such cases, each party (and their advisor, if elected) would independently receive notices and evidence for review. The University will only create one investigative report in such multi-party cases. All parties to a consolidated complaint will also receive the same written determination.

The determination of responsibility in multi-party cases may be different with respect to each allegation depending on the facts. The written determination must be provided simultaneously to the parties and may not be redacted.

Cross-Complaints

In the event of a cross-complaint, each party is entitled to the rights attached to their respective status. In other words, a Respondent who files a cross-complaint against the Complainant would be entitled to request supportive measures that otherwise would be reserved to the Complainant.

Principle parties may participate fully and robustly in the investigation process, by providing evidence, presenting fact and expert witnesses, reviewing the evidence gathered, responding to the investigative report that summarizes relevant evidence, etc.

Formal Resolution

Investigation

Upon receipt of a formal complaint of sexual harassment or sexual discrimination against a student, employee, guest or vendor, the Title IX Coordinator will assign it to two (2) investigators. Investigators must be either a Vice President, Associate Vice President, one directly reporting to a Vice President, one employed at the director level, or one specifically designated by a Vice President.

The assigned investigators shall investigate the complaint, interview the principle parties and witnesses involved, and gather all pertinent information. The investigation shall be completed in a timely and thorough manner. An investigation report shall be prepared and provided to the principle parties and their advisors as well as the Title IX Hearing's decision-maker.

At any stage in the investigation, the Respondent may be subject to interim action. Specific interim action is dependent on the role of the Respondent within the University. If the complaint is against a guest or vendor, the guest may have his or her privileges as a guest suspended, or the vendor may have its business dealings with the University suspended, or the guest or vendor may be prohibited from having contact with faculty, staff, students, guests, or vendors of the University until the complaint is resolved.

With notice provided to the participating parties, the investigators will serve as fair, neutral, fact-finding bodies. The investigators will conduct the interviews with the following parties and in this sequence:

Initial interview with the Complainant(s)

Initial interview with the Respondent(s)

Interview witness(es)

Follow-up interview with the Complainant(s)

Follow-up interview with the Respondent(s)

The University will provide the principle parties an equal opportunity to inspect and review any evidence so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation by sending the evidence subject to inspection and review.

Investigation Report

Once interviews are complete, the investigators will create the investigation report that summarizes all interviews, including witness statements, evidence provided, etc. The University will provide the principle parties the investigation report. The principle parties will have ten (10) business days to review, edit, comment, or clarify via a written response, which the investigators will consider prior to completion of the final investigation report. The investigators are not be required to accept a late submission from the principle parties.

If the return written response triggers additional investigative responsibilities and those responsibilities uncover additional evidence, then the parties will be given another opportunity to respond. This may result in a second cycle of inspection and review of evidence, if not more.

Investigators will generate the final investigation report or may provide the parties with written notice extending the investigation and explaining the reason for the extension.

Once completed, the investigation report will be sent to the principle parties and their advisor(s) at least ten (10) business days before the hearing date. If a party wishes to submit a written response to the investigation report, the party must submit the report at least 48 hours prior to the scheduled start of the hearing.

Hearing

Decision-Maker

The Decision-Maker is obligated to serve impartially and as a neutral party and cannot be the Title IX Coordinator. The Decision-Maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question posed by an Advisor, the Decision-Maker must first determine whether the question is relevant and explain to the

party's advisor asking cross-examination questions any decision to exclude a question as not relevant. Therefore, once the advisor asks the question, and before the party or witness can respond, the Decision-Maker must assess relevancy of that question to the case; if the Decision-Maker determines that it is not relevant, then the Decision-Maker must justify that decision and the party is not allowed to respond. The Decision-Maker and the Advisors are the only individuals who can ask questions to the principle parties and/or witnesses—never the principle parties themselves.

Decision-Maker Selection

The Decision-Maker will be drawn from a pool of employees or external experts trained in hearing Title IX cases by the Title IX Coordinator. The Complainant and Respondent will have the opportunity to state whether they feel the Decision-Maker should not participate in that role due to bias, conflict of interest, or any other reason which would prevent them from making a fair assessment of the evidence. To do so, the principle parties must submit a form to the Title IX Coordinator. The final decision on any such requests for recusal will be made by the Title IX Coordinator. The Decision-Maker will hear the case and determine, based on the preponderance of the evidence, whether there has been a Title IX violation by the respondent.

Before the Hearing

The Decision-Maker must review the Title IX investigation report prepared by the assigned investigators and reviewed by the Title IX Coordinator. The Title IX investigation report contains all reported and relevant information, as well as relevant and reviewed evidence, regarding the incident in question prior to the date of the Title IX Hearing.

Additional information may be offered in the form of written statements, documents, items, or oral information from the Complainant, the Respondent, and witnesses to the Decision-Maker for review. The information will be forwarded to the Decision-Maker once relevance to the case is established, as well as the Title IX Coordinator confirming that parties who provided a statement or evidence to the investigation will be subject to cross-examination.

Should a party or witness who has provided a statement or evidence to the investigation not submit to cross-examination at the live hearing, that person's statement and related evidence cannot be admitted into the Title IX Hearing. The Decision-Maker, then, must not rely on any statement of that party in reaching a determination regarding responsibility. Moreover, the Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the Title IX hearing or refusal to answer questions during the hearing.

Use of Technology

The Title IX Hearing will be conducted virtually and will include audio and video capabilities and include accommodations (e.g., closed captioning). If any party or witness would like to reserve respective technology or a room on campus to conduct the Title IX Hearing, please notify the Title IX Coordinator.

Good Cause for Delayed Hearing

Texas Wesleyan University will use discretion when determining good cause to delay a Title IX Hearing. Below are examples that might constitute a delay for good cause:

Absence of a party, an advisor, or a witness;

Concurrent law enforcement activity; or,

Need for language assistance or accommodation of disabilities.

If you would like to request a delay of the Title IX Hearing, please contact the Director for Title IX and ADA Compliance who will assess all requests. For contact information, see [Title IX Coordinator](#).

The University will comply with obligations under applicable disability laws, and contemplate that disability accommodations (i.e., a short-term postponement of a hearing date due to a party's need to seek medical treatment for anxiety or depression) may be good cause for a limited extension of the University's designated, reasonably prompt time frame for the grievance process.

The decision to allow delays is at the discretion of the Title IX Coordinator.

Live Hearing with Cross-Examination

The Title IX Hearing is a closed hearing; it is not open to the public. These hearings are conducted live and in real-time. The individuals who may appear before the Title IX Hearing Decision-Maker include: the Complainant, the Respondent, the respective advisor of each principle party, and any individuals appearing as witnesses. The Title IX Coordinator, though not a participant, should be present for all Title IX Hearings.

Due to the sensitive nature of these cases, Texas Wesleyan University will utilize technology to conduct the hearings as the principle parties are to be in separate rooms. The Title IX Hearing will be conducted virtually to maintain distance between parties and allow for private advice from the advisor.

The University recognizes the toll that a Title IX Hearing can take on a person, therefore, the Title IX Coordinator will use discretion when scheduling a Title IX Hearing; potentially limiting hours per day might cause for multiple sessions. The Title IX Coordinator will manage the scheduling and consider conflicting schedules, allow for emergencies or unanticipated events, and keep sessions temporally similar.

Advisors

Principle parties (the Complainant and the Respondent) can select an advisor of their choice and one (1) advisor is required for the Title IX Hearing. The role of the advisor is to advise their party, participate in cross-examination, and abide by the Hearing Decorum.

If a party does not have an advisor present at the live hearing, the University must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

In cases that the advisor is an attorney and is utilized during the investigation stage of the Title IX grievance process, the student is obligated to provide written notice to the Title IX Coordinator at least three (3) business days in advance to the scheduled meeting to allow that the University's General Counsel to be present as well. If a party's advisor is an attorney, the University's General Counsel is expected to be present at the Title IX Hearing.

In cases where the Title IX Coordinator signs the formal complaint, the Title IX Coordinator will not act as the Complainant or otherwise a party to the grievance process. In all situations, the Title IX Coordinator or the investigators will never be the decision-maker in a Title IX Hearing.

It is the expectation of all parties involved in a Title IX Hearing to keep all information learned in preparation for the hearing, and at the hearing, private. This expectation should not, and does not intend to, inhibit a party's ability to gather evidence, speak to witnesses, or discuss the allegations that would allow the parties to have a fair and equal opportunity.

Accommodation requests for the Title IX Hearing can be made. These requests apply only to the Title IX grievance process and/or hearing.

The advisor has the opportunity to, at the time of selection, decline the appointment made by the party or the Title IX Coordinator. The advisor is not obligated to accept the selection.

Procedure at Hearing

Introduction and role of the Decision-Maker

The Decision-Maker will read the Hearing Decorum and ask for verbal agreement from both principle parties and advisors to abide by those expectations.

Decision-Maker will state their role as well as ask if all parties are present.

Verbal acknowledgement is necessary to proceed.

Decision-Maker allows for a 10-minute maximum of an opening statement. The Complainant will be the initial speaker.

If the Complainant declines or begins and needs assistance, the Complainant's Advisor may finish the opening statement.

Decision-Maker allows for a 10-minute maximum of an opening statement. The Respondent will be the

initial speaker.

If the Respondent declines or begins and needs assistance, the Respondent's Advisor may finish the opening statement.

The advisor of the Complainant calls the Complainant, witnesses, and produces relevant inculpatory and exculpatory evidence and allow for cross-examination by the advisor of the Respondent.

The advisor of the Respondent calls the Respondent, witnesses, and produces relevant inculpatory and exculpatory evidence and allow for cross-examination by the advisor of the Complainant.

The Decision-Maker renders a decision of responsibility to the Respondent.

It is also the duty of the University to simultaneously send the parties a written determination explaining the reasons for the outcome.

Texas Wesleyan University will capture and store the hearing's recordings for seven (7) years and will transcribe the recordings to be made available to the principle parties for inspection or review, upon request. It is the responsibility of the University to create an audio or audiovisual recording, or transcript, of any live hearing.

Hearing Decorum

The Decision-Maker reserves the right to intervene during the hearing to maintain proper decorum of all parties involved.

All questioning must be relevant, respectful, and non-abusive. This expectation is set for all of the participants in the hearing.

The dignity and integrity of the hearing is always to be respected and maintained by all parties and individuals. The University will rely on the recording and transcript provided by the University. Any photos or separate recordings by other parties are not official.

Attire for all parties should be appropriate and business casual.

It is expected that no one speak over another person, as much as it can be avoided, as the Title IX Hearing will be transcribed.

Advisors and their parties should mute private conversations to ensure confidentiality and omit from the permanent hearing recording.

Address all remarks to the Decision-Maker, not to opposing advisor, or the other principle party.

All parties should be stationary (i.e., not driving) during the hearing.

Breaks will be allowed by the Decision-Maker at their discretion. It is expected that all parties, unless expressly instructed, will return to the hearing.

Determination of Responsibility

The decision-maker presiding over the Title IX Hearing is charged with determining responsibility using the preponderance of the evidence standard based on the applicable information gathered through the grievance process (testimony of principle parties, evidence presented, the investigation report, etc.).

After the Title IX Hearing, the decision-maker will render a determination of responsibility and it will be simultaneously shared with the principle parties as well as advisors.

The written determination will contain the following, but is not limited to:

Identification of the allegations potentially constituting sexual harassment as defined in this policy;

A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

Findings of fact supporting the determination;

Conclusions regarding the application of the University's policy to the facts;

A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and

The University's procedures and permissible bases for the Complainant and Respondent to appeal.
Determination of Sanction(s)

Once the Title IX Hearing is complete and, if the Respondent was determined to be responsible, the Title IX Coordinator will assess sanction(s) and remedies that are fair and consistent with the allegation. The decision of sanction(s) and remedies will be sent to the respective parties via email.

Appeal of Title IX Hearing

The University is required that to offer both parties (Complainant and Respondent) an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

Procedural irregularity that affected the outcome of the matter;

New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Principle parties will have five (5) business days to file an appeal after the Notice of Hearing Outcome and/or Notice of Sanctions/Notice of Remedies is sent.

The decision from the respective appellate administrator will be sent to you via email in seven (7) business days. This decision is final.

If an appeal is filed by either principle party, the decision is not final until the appellate administrator's decision has been reached. If no appeal is filed by any party after the allotted five (5) business days, the decision is final.

Informal Resolution

The University can choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.

The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, a school may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

In cases that allege an employee sexually harassing a student, informal resolution is not an option.

Notice

At any time prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. The Title IX Coordinator must be informed of this decision and will facilitate the transition from the Informal Resolution process to the Formal Resolution process.

In the case of a reluctant Complainant, the Title IX Coordinator may initiate the Informal Resolution process if both parties agree.

Process

The goal of the Informal Resolution is to attempt to reach an outcome that is acceptable to both the Complainant and the Respondent. The University does not make a determination as to whether a Respondent has engaged in Prohibited Conduct, instead, attempts to facilitate a mutually acceptable resolution. Title IX Coordinator will determine which allegations are eligible for resolution via the Informal Resolution process.

For qualifying cases, both the Complainant and Respondent may request resolution of an allegation via the

informal resolution process.

In the informal resolution process, a trained mediator will speak to those people whose involvement is necessary to facilitate a resolution. Frequently, this includes only the Complainant and Respondent. Possible informal resolutions might include, but are not limited to:

Facilitating an agreement between the parties;

Separating the parties;

An agreement by Respondent to cease the behavior;

Referring the parties to counseling programs;

Assisting the Respondent to better understand the effects of their conduct and ways in which the behavior might be changed; or

Participation in targeted educational or training programs about consent, equal opportunity, diversity or other respective program.

If the parties involved in the Informal Resolution process fail to reach a mutually agreeable outcome for the alleged conduct, the allegation will be resolved via the Formal Resolution process. Agreements reached via the Informal Resolution process shall be final and cannot be appealed absent the discovery of new and material information or other similar circumstances, in which case a new investigation may be initiated.

Early College High School Program

The University participates in programs that facilitate the education of K-12 students on the campus. In cases of reported prohibited conduct are made that include the K-12 participant, the University's employee, or the incident occurred on the campus, the University is responsible to investigate and adjudicate under an abbreviated Title IX grievance process and will cooperate with the respective school district.

Reporting

All employees a part of the Early College High School program are mandatory reporters and are required to inform the High School's Title IX Coordinator and the [University's Title IX Coordinator](#).

A report of conduct that could constitute sexual harassment made to any elementary or secondary school employee constitutes actual knowledge for the purpose of triggering a school's obligations under Title IX.

Parent or Guardian Participation

The participation of a parent or guardian of a student enrolled in the Early College High School program with the University is not necessary, but encouraged. While the student is a designated a minor, their educational record as it relates to FERPA is active.

Grievance Process

Upon receipt of complaint, the University will promptly offer the Complainant supportive measures and explain the process for filing a formal complaint, conduct an [investigation](#) following the outlined process, as permitted, and be in communication with the respective parties throughout the grievance process. This includes the [Investigation Report](#) and respective timeframe.

Mentioned earlier, participants in an Early College High School-related Title IX grievance process is subject to the same treatment of the following, but not limited to:

[Supportive Measures](#)

[Interim Action](#)

[Notice](#)

[Accommodation and Interpretive Services](#)

Hearing

Under 37.009(f): "Before a student may be expelled under Section 37.007, the board or the board's designee must prove the student a hearing at which the student is afforded the appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the district."

The University will provide written notice to both parties prior to any investigative interviews or meetings.

Participants are allowed a written submission of questions prior to adjudication, a procedure that benefits the truth-seeking purpose of the process even when the rights of a young student are exercised by a parent or legal guardian.

Education and Prevention

Education and prevention are vital to promote a safe environment for our campus community. Texas Wesleyan University is committed to providing meaningful, effective, and on-going education and prevention programs for its students and employees. This collaborative effort is outlined below and is enforced by the Title IX Coordinator.

Similar information can be found in the University's Annual Security and Fire Safety Report.

Primary and Ongoing

All first-time students at Texas Wesleyan University participate in sexual assault education and prevention as well as alcohol education. Student-employees (i.e., Resident Assistants and New Student Mentors) receive training on the Clery Act and Title IX. All employees participate in discrimination education, sexual harassment education, education on boundaries, Campus SaVE Act, and more.

Bystander Intervention

Bystander intervention is action to effectively assist in the prevention of sexual violence due to feeling empowered and equipped with applicable skills and knowledge. Bystander intervention does not have to jeopardize the safety of the bystander.

Bystander intervention and "bystander education programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk for sexual violence. This approach gives community members specific roles that they can use in preventing sexual violence, including naming and stopping situations that could lead to sexual violence before it happens, stepping in during an incident, and speaking out against ideas and behaviors that support sexual violence. It also gives individuals the skills to be an effective and supportive ally to survivors after an assault has taken place."

<http://www.nsvrc.org/bystander-intervention-campaigns-and-programs>

Bystander intervention can be something as quick as telling a friend that their sexist language is offensive or as great as a college student calling the police if they witnesses an act of sexual violence from a residence hall window. Regardless of the level of intervention, there are safe ways to help prevent sexual violence.

4 D's of Bystander Intervention

Direct—Respond directly to the aggressor or physically intervene if necessary, but safely. Be confident, assertive, and calm.

Examples: Safely engage a street harasser and directly ask them to stop their behavior.

Delegate—Bring in another person to help, possibly someone with more perceived authority.

Examples: Alert a store manager, bus driver, club bouncer, or someone else to help intervene.

Distract—A subtle and creative way to intervene. Distract either the harasser or the target with conversation unrelated to the harassment to derail and de-escalate the situation.

Examples: Ask for directions; Spill your drink "accidentally;" Pretend you know one of them.

Delay—If you can't intervene in the moment, you can check in with the person being harassed afterwards to see if you can do anything to support them, illustrating that they are not alone.

Examples: "Is everything okay? Is there anything I can do?" "Is there someone we can call?" "Can I buy you a cup of coffee?"

Bystander Intervention training is offered to students and employees of the University every semester.

Risk Reduction

Risk reduction tips can often take a survivor-blaming tone, even unintentionally. With no intention to survivor-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual

sexual act.

Make your limits known as clearly and early as possible.

Tell a sexual aggressor “no” clearly and firmly.

Try to remove yourself from the physical presence of a sexual aggressor.

Find someone nearby and ask for help.

Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a person who is intoxicated as a sexual opportunity.

Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct: Clearly communicate your intentions to your sexual partner and give them a chance to clearly relay their intentions to you.

Understand and respect personal boundaries.

Do not make assumptions about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then consent is not present.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.

Do not take advantage of someone’s drunkenness or drugged state.

Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.

Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Annual Training

The Title IX Coordinator, investigators, advisors, decision-makers, or any person designated by the University to facilitate an informal resolution process are required to undergo annual training on the following topics:

All

Scope of the institution’s education program or activity

The technology to be used at a live hearing

Issues of relevance of questions and evidence

Rape shield protections

Trauma-Informed interviewing practices

Investigators

How to conduct an investigation and fair grievance process

Including hearings, appeals, and Informal Resolution processes

Issues of relevance to create an investigative report that fairly summarizes relevant evidence

Issues of relevance in creating an investigative report

Bias

Decision-Makers

How to determine relevancy

Including evidence and questioning

How to serve impartially

Including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.

Training on any technology to be used at a live hearing

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Not all of the training topics listed above are required for all Title IX personnel, but respective of the role that each individual serves as a part of the Title IX personnel.

Record Management

The University will maintain records and documentation concerning sexual harassment reports, formal complaints, investigations, and adjudications for seven (7) years.

Reports

Under state law, the Title IX Coordinator is required to report certain data to the President of the University. Including:

Date of Incident

Date of Report

Allegation

Finding

Sanction(s), if applicable

Training Materials

The University will publish materials used for training Title IX Coordinators, investigators, Decision-Makers, and persons who facilitate informal resolutions on the University's website or make these materials available upon request for inspection by members of the public.

Data Custodian

The Title IX Coordinator is responsible for maintaining the relevant records on behalf of the University.

Record Retention

To be in compliance with the Department of Education's regulations as well as the Clery Act, the University will maintain records of:

The investigation, including any determination of responsibility, any required audio or audiovisual recording or transcript;

Any supportive measures provided to the Complainant and/or the Respondent;

Any disciplinary sanctions imposed on the Respondent, and any remedies provided to Complainant;

Any appeal and its result;

Any informal resolution and its results;

Documentation for any conclusions made on behalf of the University's and that it has taken measures designed to preserve access to the institution's educational program or activity; and

All materials used to train investigators, adjudicators, and Title IX coordinators with regard to sexual harassment.

The University must make these training materials available on its website or upon request for inspection by members of the public.

Duration

To be in compliance with the Department of Education's regulations as well as the Clery Act, the University will maintain relevant records for seven (7) years.

Access

You have the right to inspect and review the student's education records, upon written request for access, the University has 45 days to complete that request. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

For more information regarding Family Educational Rights and Privacy Act, see [Related Policies](#).

Interpretation and Revision

Final Decision Maker

The Board of Trustees of Texas Wesleyan University is the final decision maker.

Review Process

Any changes or edits made to this policy may proceed through the following review process:

Review by the Executive Staff of the University

Review (and subsequent approval) by the Board of Trustees of Texas Wesleyan University

This policy will be reviewed annually by the Title IX Coordinator and Deputy Coordinators for Title IX. This policy is subject to change as regulations from the Department of Education are released.

Date of Effect

Per the Department of Education Notice

7.8.1

Freedom From Harassment and Discrimination: Other Protected Characteristics Policy

Statement of Non-Discrimination

Harassment and discrimination are illegal under federal and state statutes, including but not limited to, Title VII of the Civil Rights Act of 1964, the Texas Commission on Human Rights Act, and is prohibited at Texas Wesleyan University (the "University").

Discrimination

The University prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include gender identity and gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of University policy.

The University is committed to providing an environment of academic study and employment free from harassment or discrimination to all segments of its community, that is, its faculty, staff, students (current or former), guests and vendors. It is the responsibility of members of the University community to conduct themselves so that their words or actions cannot be reasonably perceived as harassing, discriminatory, sexually coercive, abusive or exploitive, or as interfering with any other individual's ability to study or work productively at the University.

Harassment

Prohibited harassment is defined as physical, verbal, or nonverbal conduct based on any individual's race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include gender identity and gender expression, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the individual's ability to study or work productively;
2. Creates an intimidating, threatening, hostile, or offensive environment; or
3. Otherwise adversely affects an individual's performance, environment, or employment or scholastic opportunities.

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

Retaliation

Furthermore, the University strictly forbids retaliation by any member of the University community against anyone who brings a charge of discrimination or any other form of harassment. Once the University has knowledge of conduct or behavior that could be reasonably construed as harassment or discrimination, action under this policy must be initiated and followed to its conclusion.

Examples of retaliation may include wrongful termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Any member of the University community who intentionally makes a false claim, offers false statements, or refuses to cooperate with a University investigation regarding harassment or discrimination is subject to appropriate discipline.

Any violation of any aspect of this policy toward any faculty member, staff member, student, guest or vendor will subject the violating faculty member, staff member, student, guest or vendor to appropriate disciplinary action or sanction, which may include: dismissal from employment for faculty and staff, cancellation of student status for students, and loss of business or other campus privileges for vendors and guests.

Timing of Complaint

Any complaint, either oral or written, must be communicated to the appropriate University representative immediately as indicated by this policy, but no later than 60 calendar days from the most recent occurrence of the alleged behavior.

Confidentiality of Proceedings and Records

All persons involved in the investigation, adjudication or resolution of complaints shall preserve the confidentiality of information relating to such investigation, adjudication or resolution, to the extent possible. Such confidential information shall only be disclosed on a need-to-know basis to those in the University or their designees and legal representatives (including outside counsel) authorized to participate in the investigation, adjudication or resolution, or to those outside the University, as required by court order or otherwise required by law. The University cannot guarantee confidentiality.

Proceedings

Once the complaint has been received, the appropriate authority, as defined by this policy, shall promptly initiate the specific complaint and investigation procedure applicable for the accused individual, according to this or other appropriate University policy.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Complaint Procedures in General

The University recognizes the need for each of the three segments of the University community (faculty, staff and students), with their unique missions and roles, to have their own respective complaint procedures. Although this is a comprehensive policy for the University community, specific complaint procedures are listed for each segment, depending upon which member of the University community is being charged with harassment or discrimination. Complaints against vendors and guests should follow the complaint procedures for charges against staff employees.

Complaints should be delivered in writing to the appropriate person as specified in this policy. However, verbal complaints may be accepted. Complaints must provide the name of the person alleged to have harassed or discriminated against the complainant, specific details of the alleged conduct or act, a list of witnesses (if any), a desired remedy, and any other pertinent details.

Who May Use the Procedure

The complaint procedure described herein shall be available to any faculty member, staff member, student, vendor or guest who believes that he or she has been harassed or discriminated against by a faculty member, staff member, student, vendor or guest in the context of the accused individual's performance of University-related functions.

If appropriate, the University shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation

Lodging of Complaint Involving a Faculty Member

Any complaint of harassment or discrimination against a faculty member shall be reported immediately to the Provost or than a Title IX related complaint.

Investigation

The Provost shall promptly assign the complaint to two (2) appropriate administrators of at least the senior staff level or someone who directly reports to the senior staff. These administrators shall investigate the complaint, interview the parties and others in possession of pertinent information, review relevant documentation and evidence, reach an initial determination of whether harassment or discrimination has occurred and, depending upon its severity, seek to resolve the matter informally.

If the administrators believe that immediate harm to either party or the integrity of the investigation is threatened by the continued performance of the accused faculty member's customary duties or responsibilities, the administrators may recommend to the Provost that the accused faculty member be suspended with pay, or reassigned pending the completion of the investigation.

The investigation shall be completed within 60 calendar days of the receipt of the complaint by the Provost, unless notice of delay is given. Within this time frame, the

administrators shall prepare a written report of the investigation, which shall include their initial determination.

Informal Resolution

Upon completion of the investigation and depending upon its severity, administrators are authorized to resolve the matter to the satisfaction of the University, the complaining party and the accused faculty member. If a resolution satisfactory to the University and both parties is reached through the efforts of the administrators, a written statement, a copy of which shall be attached to the administrators' report, shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the administrators. At that time, all action contemplated under the agreement shall be taken and the investigation shall be closed.

Determination of Merits of Complaint

In arriving at a determination of the existence of harassment or discrimination, the administrators shall consider the evidence as a whole, the totality of the circumstances, and the context in which the alleged events occurred. An investigation report will be written on the complaint. The determination of the existence of harassment or discrimination shall be made from the facts on a case-by-case basis.

Determination

Upon completion of the investigation, the Office of Human Resources or the administrators are authorized to take the following actions:

- a. Determine that the claim of harassment or discrimination was not substantiated based on a preponderance of the evidence, and provide written notice of such determination to the faculty member, guest, or vendor, and the complainant; or
- b. Determine that the claim of harassment or discrimination was substantiated based on a preponderance of the evidence, and issue appropriate disciplinary action against the employee, guest or vendor with notification to the complainant that appropriate action is being taken against the employee, guest or vendor, without providing details of the nature of such action.

Appeals

Either party has the right to appeal the determination in writing, within fifteen (15) business days of the date of the notice of dismissal, to the Provost. If no appeal is filed within fifteen business days (15) period, the matter is automatically closed. If a determination of no harassment or discrimination is appealed, the Provost shall make a written recommendation to the President within seven (7) business days. The President shall notify all parties of his or her decision in writing within seven (7) business days after receipt of the Provost's recommendation. The President's decision is final.

Revocation of Tenure and Termination as Possible Sanction for Harassment or Discrimination

If the administrators determine at any stage in the investigation that the evidence of harassment or discrimination is sufficiently clear and severe, and the Provost concurs in

writing, so as to warrant the immediate commencement of proceedings to revoke tenure and/or terminate a tenured faculty member, the case shall be removed from the complaint procedures contained herein and resolved in accordance with the revocation of tenure and termination policies and procedures for faculty members. The faculty member shall be suspended, with pay, pending formal resolution of the matter.

Lodging of Complaint Involving a Staff Employee, Guests or Vendor

Persons who have complaints alleging harassment or discrimination against a staff employee, guest or vendor are encouraged to raise them either orally or in writing to the Associate Vice President of Human Resources, Director of Purchasing, a supervisor, the department head, Dean, Divisional Vice President or the Provost. It is recommended, although not required, that the complainant follow the “chain of command.” For example, staff employees are encouraged to lodge complaints within their respective work area. The person receiving the complaint shall communicate it promptly to the Associate Vice President of Human Resources. The Office of Human Resources shall be responsible for investigating complaints. In the event of a conflict of interest involving the Office of Human Resources, the Associate Vice President of Human Resources shall assign the complaint to a Divisional Vice President for investigation.

Nothing in this policy shall require a complainant to file a complaint with the individual who is accused of harassment or discrimination.

Investigation

Upon receipt of a complaint of harassment or discrimination against a staff employee, guest or vendor, the Office of Human Resources shall investigate the complaint itself or assign it to two (2) administrators, each of whom must be either a Vice President, Associate Vice President or someone who directly reports to a Vice President, Associate Vice President and who is employed at least at the director level.

The Office of Human Resources or the assigned administrators shall investigate the complaint, interview the parties and witnesses involved and gather all pertinent information. The investigation shall be completed within 60 calendar days of receipt of the complaint, unless notice of delay is given. A written report shall be prepared, unless advised otherwise by University legal counsel.

The Office of Human Resources or the administrators shall promptly inform the accused employee, guest or vendor of the complaint and shall, during the investigation, obtain the employee’s, guest’s or vendor’s version of the facts. The Office of Human Resources or the administrators, in arriving at a determination of whether harassment or discrimination has occurred, shall review the information as a whole in the totality of the circumstances and in the context in which the alleged incident or incidents occurred. The determination shall be made from the facts on a case-by-case basis. An investigation report will be written on the complaint.

Suspension or Reassignment

At any stage in the investigation, an accused employee may be suspended with pay or reassigned. If the complaint is against a guest or vendor, the guest may have his or her privileges as a guest suspended, or the vendor may have its business dealings with the

University suspended, or the guest or vendor may be prohibited from having contact with faculty, staff, students, guests or vendors of the University until the complaint is resolved.

Informal Resolution

Upon completion of the investigation and depending upon its severity, the administrators are authorized to resolve the matter to the satisfaction of the University, the complaining party and the accused faculty member. If a resolution satisfactory to the University and both parties is reached through the efforts of the administrators, a written statement, a copy of which shall be attached to the administrators' report, shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the administrators. At that time, all action contemplated under the agreement shall be taken and the investigation shall be closed.

Determination of Merits of Complaint

In arriving at a determination of the existence of harassment or discrimination, the administrators shall consider the evidence as a whole, the totality of the circumstances, and the context in which the alleged events occurred. An investigation report will be written on the complaint. The determination of the existence of harassment or discrimination shall be made from the facts on a case-by-case basis.

Determination

Upon completion of the investigation, the Office of Human Resources or the administrators are authorized to take the following actions:

- a. Determine that the claim of harassment or discrimination was not substantiated based on a preponderance of the evidence, and provide written notice of such determination to the employee, guest or vendor, and the complainant; or
- b. Determine that the claim of harassment or discrimination was substantiated based on a preponderance of the evidence, and issue appropriate disciplinary action against the employee, guest or vendor with notification to the complainant that appropriate action is being taken against the employee, guest or vendor, without providing details of the nature of such action.

Appeals

Either party may appeal the determination by the Office of Human Resources or the administrators to the Vice President for Finance and Administration in writing within fifteen (15) business days of receipt of notification of the determination. If no appeal is filed within fifteen business days (15) period, the matter is automatically closed. If a determination of no harassment or discrimination is appealed, the Vice President for Finance and Administration shall make a written recommendation to the President within seven (7) business days. The President shall notify all parties of his or her decision in writing within seven (7) business days after receipt of the Vice President for Finance and Administration recommendation. The President's decision is final.

Employment-at-will

The utilization of these procedures shall not affect the employment-at-will nature of the employment relationship.

Lodging of Complaint Involving a Student

Persons who have complaints alleging harassment or discrimination against students are encouraged to raise them either orally or in writing to the Vice President of Student Affairs/Dean of Students, the Provost, a Dean, or the Office of Human Resources. The person receiving the complaint shall communicate it promptly to the Vice President of Student Affairs/Dean of Students in his or her absence.

Investigation

Upon receipt of a complaint of harassment or discrimination against a student, the Vice President of Student Affairs/Dean of Students shall investigate or assign the complaint to two (2) administrators, each of whom must be either a Vice President, Associate Vice President or someone who directly reports to a Vice President or Associate Vice President and who is employed at least at the director level. The Office of Human Resources shall serve in an advisory capacity for complaints involving students. The above-mentioned staff or the assigned administrators shall investigate the complaint, interview the parties and witnesses involved and gather all pertinent information. The investigation shall be completed within 60 calendar days of receipt of the complaint, unless notice of delay is given. A written report shall be prepared.

Suspension

At any stage in the investigation, the accused student may be suspended until the matter is resolved. In the event a student is suspended and subsequently exonerated, the student shall be allowed to make-up missed assignments or tests, if possible. The University's Drop/Withdrawal policy shall be used for determining tuition and fee charges and financial aid in the event the student is suspended mid-semester. The accused student shall be promptly notified of the complaint and shall, during the investigation, provide his or her version of the facts.

In arriving at a determination of whether harassment or discrimination has occurred, the information as a whole in the totality of the circumstances and in the context in which the alleged incident or incidents occurred shall be reviewed. The determination will be made from the facts on a case-by-case basis. An investigation report will be written on the complaint.

Informal Resolution

Upon completion of the investigation and depending upon its severity, the administrators are authorized to resolve the matter to the satisfaction of the University, the complaining party and the accused faculty member. If a resolution satisfactory to the University and both parties is reached through the efforts of the administrators, a written statement, a copy of which shall be attached to the administrators' report, shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the administrators. At that time, all action contemplated under the agreement shall be taken and the investigation shall be closed.

Determination of Merits of Complaint

In arriving at a determination of the existence of harassment or discrimination, the administrators shall consider the evidence as a whole, the totality of the circumstances, and the context in which the alleged events occurred. An investigation report will be written on the complaint. The determination of the existence of harassment or discrimination shall be made from the facts on a case-by-case basis.

Determination

Upon completion of the investigation, the Vice President of Student Affairs/Dean of Students or the administrators are authorized to take the following or actions:

- a. Determine that the claim of harassment or discrimination was not substantiated based on a preponderance of the evidence, and provide prompt written notice of such determination to the student and the complainant; or
- b. Determine that the claim of harassment or discrimination was substantiated based on a preponderance of the evidence, and issue appropriate disciplinary action against the student with notification to the complainant that appropriate action is being taken against the student, without providing details of the nature of such action. If the disciplinary action against the student is expulsion, the President must first be notified and approve the expulsion.

Appeals

Either party may appeal the determination by the investigating administrators in writing within fifteen (15) business days of receipt of notification of the determination to the Vice President for Student Affairs/Dean of Students or, in the event the Vice President for Student Affairs/Dean of Students made the determination, the University President. If the Vice President for Student Affairs/Dean of Students and/or the University President does not act to change the determination within seven (7) business days of receiving the appeal, the determination shall become final. The decision made upon appeal to the Vice President for Student Affairs/Dean of Students and/or the University President is final.

No Contractual Rights

This policy does not create contractual rights of any kind for students, faculty, staff, guests or vendors. This policy may be amended, amplified or withdrawn by the University, in its sole discretion, at any time.

Campus Hotline

The University provides a third-party campus hotline that all University constituents may use to report concerns. The third-party provider may be reached by calling 866-943-5787.

7.9 Dress Policy

The University requires that its employees dress in a professional and safe manner. It is the supervisor's responsibility to make sure his or her employees are dressing in a manner that is appropriate for the business setting and that presents a professional image, even though the manner of dress may be casual. Business attire is normally required for administrative personnel.

7.9.1 Casual Day

Friday has been approved as "casual day." For purposes of this policy, casual attire is defined as casual business attire. Denim slacks that are neat and tailored are permitted. However, shorts and warm-up suits are not considered appropriate dress for University office work and should not be worn, even on Fridays. When in doubt, ask your supervisor. Casual attire also may be appropriate, as determined by your supervisor, during summer months or break-periods.

7.9.2 Wesleyan Wednesdays

Wednesday has been approved as "Wesleyan Wednesday." For purposes of this policy, on Wednesdays employees may wear a professional Texas Wesleyan shirt with logo and denim slacks. Denim slacks that are neat and tailored are permitted.

7.10 Access to Personnel Records

Employee personnel records are the property of the University and are maintained by the Office of Human Resources. Employee medical records and work-eligibility records are maintained in separate confidential files. The payroll department maintains employee records related to payroll administration. Review of personnel files is restricted to the president, the vice presidents, human resources and supervisors on a need-to-know basis.

Employees may view their own personnel files, except for information by reference sources or other confidential information, annually in the presence of a human resources representative. An employee may not copy or remove any information from the file unless approved by the associate vice president for human resources. To view a personnel file, the employee should make a written request to the associate vice president for human resources or the director of human resources, and schedule an appointment. If the employee wishes to dispute any item in the personnel file, the employee may send a written description of the disputed item to the appropriate vice president, with a copy to the associate vice president for human resources. The vice president will issue a written response within thirty (30) calendar days to the employee, with a copy to human resources. No document shall be removed from the file without a vice president's approval. An exception to this policy is contained in 7.16.

7.11 Conflicts of Interest

In an environment as diverse and complex as the University, conflicts of interest between personal and professional interests are possible. It is the responsibility of each employee to recognize and avoid potential conflicts of interest. Employees are expected to be honest and exercise professional integrity in every aspect of their relationship with the University. Using official status, family position, political influence or other associations for personal gain or to achieve personal goals for the employee or a family member of the employee is contrary to institutional policy and is unacceptable. Employees should be alert to and recognize difficult situations and seek guidance. Employees shall immediately notify their supervisor and the appropriate vice president of any activity or transaction that may interfere with his or her

responsibilities at the University or which even give the appearance of impropriety. Unacceptable behavior includes, but is not limited to, the following:

- A. Situations in which an employee's personal interests could conflict with the interests of the University
- B. Using University assets for unlawful, improper or unauthorized purposes
- C. Using University funds for any purpose other than that described in the supporting documents
- D. Using inside or confidential information or trade secrets for personal profit or gain

7.12 Campus Conduct Hotline®

As part of the University's continuing effort to promote "zero tolerance" of unethical conduct in the workplace, employees and students can contact the *Campus Conduct Hotline®* program anonymously to report concerns about possible violations of the University's ethics and employment policies. The *Campus Conduct Hotline®* system is available twenty-four hours a day, seven days a week by dialing toll-free, 866.943.5787, to report a question or concern about a possible violation of our employment policies or unethical behavior. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential and can be anonymous. For additional information regarding the *Campus Conduct Hotline®*, please contact the Office of Human Resources.

7.13 Use and Duplication of Computer Software

The University prohibits the unauthorized reproduction of software or use of illegally obtained software. Individuals who violate U.S. copyright law and software licensing agreements may be subject to criminal or civil action by the owner of the copyright as well as to disciplinary action by the University. Employees are required to adhere to conditions or restrictions that are required by licensing agreements that accompany software programs.

For many licensing agreements, it is illegal to copy any software program and install that single program on multiple machines. A lack of copy protection does not constitute permission to copy software. Instruction manuals associated with programs are typically protected by copyright law. For questions or concerns, employees should contact the University's technology department.

7.14 Copyright and Photocopying

Copyright laws frequently prohibit the use of photocopying equipment to duplicate protected materials. All employees should be familiar with and adhere to copyright laws. If documents, books, brochures, photographs or other written or recorded materials display a notice of copyright protection or appear to be subject to copyright protection, those materials shall not be duplicated without authorization from the holder of the copyright.

7.15 Risk Management

University employees should practice fundamental risk management techniques in the course of their employment. Risk management assistance, including a variety of risk management forms such as waivers, is available through the Office of Human Resources. These forms can also be accessed by going to the Risk Management section of the Human Resources webpage.

7.15.1 Motor Vehicle Safety and Authorized Driver Policy

The following policy regarding the use of University vehicles, leased vehicles, and privately-owned vehicles shall be followed in all University-related activities, event and work.

To ensure University employees are in compliance with state and local motor vehicle laws, staff, faculty and student workers whose essential job duties and responsibilities require them to operate a University vehicle, are required to submit a copy of their driver's license to the Office of Risk Management on an annual basis. No employee will be permitted to drive University-owned or University-leased vehicles unless a current copy of their driver's license is on file each year, meet the driver qualifications and are authorized drivers. Vehicles are defined as motorized equipment, cars, trucks, tractors, pick-ups, vans, golf carts, construction equipment and other moving equipment.

Driver Qualifications

For all new hires whose job duties and responsibilities require them to operate a University vehicle as an essential function of their job, the University will acquire a copy of their motor vehicle report at the University's expense. Further, the University will request new employees to submit a copy of their driver's license prior to operating a University-owned or University-leased vehicle. No new staff or faculty member will be permitted to drive University-owned vehicles unless their driver's license and motor vehicle report is on file, and a driver's motor vehicle record will be checked at least once every two years or sooner if necessary. Texas Wesleyan University will maintain a copy of the motor vehicle record (MVR) in the Office of Risk Management.

All drivers must comply with the following qualifications and obligations:

- Have a valid driver's license in effect for at least two years, and
- Have fewer than two moving violations within the 18 months preceding the occasion of the driver's use of the University's vehicle, and
- Have no arrest or conviction for drunk driving, driving under the influence of drugs or for reckless driving within two years of the occasion of the driver's use of the University's vehicle, and
- Agree not to drink and then drive any University vehicle, and
- Be at least 18 years of age, and
- Meet all qualifications and requirements for the vehicle that they are driving, including licensing requirements, and
- Cannot have a homicide or assault arising out of the use of a vehicle

All employees and student drivers will complete and sign a "Driving History" form (Addendum A). On a case by case basis, the rule may be temporarily over-ridden by specific authorization of the President of Texas Wesleyan University or his or her designee. Such authorization must be in writing and will be maintained in the driver's file. It is the responsibility of the driver to report any changes in the status of their driving record to their immediate supervisor.

Any violation of the vehicle safety and authorized driver policy by an employee may result in a written reprimand by his or her immediate supervisor. Any student found not adhering to the policy may have his driving privileges suspended for the rest of the semester by management...

Authorized Drivers List

All department heads will identify the specific driver's available to drive for their department and provide this information to the Office of Risk Management. This certification will be completed in writing annually and will be maintained in the Office of Risk Management.

If there are vehicles which need special certifications to be driven, e.g. CDL, the

authorized drivers for those vehicles will be identified.

The Office of Risk Management will maintain a consolidated authorized driver list to maintain control of the ongoing driver authorization process.

Each department's management team will be ultimately responsible for assigning, authorizing use of a vehicle asset and maintaining key control.

12 and 15-Passenger Vans

Given the historic safety record of 12 and 15-passenger vans in general, these vehicles should only be driven by drivers authorized to drive these vehicles. The use of 12 and 15-passenger vans should only be used when no other vehicle is available to accommodate the required task.

Golf /Utility Cart Use

The use of this motorized equipment will be managed by the responsible department and the Office of Risk Management. The department will be responsible for going over the rules governing the use of a golf/utility cart and have the employee sign the Golf/Utility Cart Driver Training" acknowledgement form (Addendum B). A copy will be kept with the department and a copy sent to the Office of Risk Management. Any additional training will be coordinated with the Office of Risk Management.

Any golf/utility carts will be registered with the Office of Risk Management. All departments will be responsible for providing updates to the Office of Risk Management on any additions or deletions to their fleet and providing a list of all departmental employees trained and authorized to drive a golf or utility cart.

Personal Vehicles

Drivers authorized to use personal vehicles on institution business are subject to the same rules as drivers of institution owned, leased, and rented vehicles.

Drivers should be able to provide evidence of auto liability insurance that meets or exceeds the state minimum requirements.

Student Drivers

Any student whose duties may require him/her to operate an institution vehicle will meet the same criteria as an employee driver.

Student must be over the age of 18 to be an authorized driver.

Volunteer Drivers

Texas Wesleyan University will allow volunteers to drive for University travel but must have an MVR done prior to their travel and complete the Alert driving course. TXWES management will provide the names and email addresses for these drivers so they can be monitored by the Office of Risk Management.

Rental Vehicle Insurance

When driving the United States, its territories and possessions, and Canada, do not purchase rental vehicle insurance.

When driving in countries other than the United States, its territories and possessions, and Canada, rental vehicle insurance must be purchased.

Limit Passengers

Driver will not transport people in a university owned vehicle who are not involved in university business. There may be situations that may require the use of a leased

vehicle to conduct university business where transporting non-university personnel may be warranted.

Driver Duties & Responsibilities

Each driver will agree to each and every one of the following:

Provide a copy of his or her driver's license, upon request. Provide all consents and approvals necessary for the University to obtain a report or other document describing the driver's driving record from any states in which the driver has been licensed.

Use University vehicles only for official business.

Not permit any unauthorized person to drive the vehicle.

Use seat belts and all other available occupant restraints and require all passengers to do likewise in accordance with state laws. The number of passengers should not exceed the number of seat belts.

Operate the vehicle in accordance with University regulations. Know and strictly observe all traffic laws, ordinances and regulations.

Assume responsibility for any and all fines or traffic violations attributable to the driver.

Never drive under the influence of drugs or alcohol.

Not transport unauthorized passengers such as hitchhikers, family members or friends.

Obtain necessary authorization from appropriate source for use of University or privately owned or leased vehicles.

Use safe driving practices at all times.

Turn off the vehicle, remove the keys and lock the vehicle when it is left unattended.

Drive the vehicle at speeds appropriate for road conditions, even if that appropriate speed is below the legal posted speed limit.

All "off road" driving is prohibited.

Inspect the vehicle for safety and mechanical concerns, including checking tires, wipers, lights and other safety equipment for observable defects. Report any suspected defects immediately to the appropriate person.

Immediately report all accidents or violations to the prescribed authority. Accidents must be reported promptly to the immediate supervisor and the Office of Risk Management.

Make no modifications to any vehicle without approval.

Ensure that insurance coverage as required by state law is in effect on any privately-owned vehicle used for University business.

Be subject to applicable University disciplinary procedures for violations of University policy or rules.

Management/Department Head Duties & Responsibilities

Ensure employees adhere to the Motor Vehicle Safety and Authorized Driver Policy.

Maintain a list of authorized drivers' in their department and ensure only authorized drivers are allowed to use University vehicles.

Ensure that University-owned vehicles have an Incident Report and Auto ID card in them at all times and are maintained for their intended use.

Driver Training

In order to understand the responsibilities and techniques for driving safely, all

drivers must be able to demonstrate their skills in the operation of their assigned vehicles. If they are not able to demonstrate their driving skills, they will be trained in the appropriate techniques. For example, if a driver needs to be able to drive a passenger van or a vehicle with an attached trailer, but has no experience in such a vehicle, he/she must be trained until he/she can demonstrate mastery of that vehicle's operation. This training will be provided by the responsible department and the Office of Risk Management.

Training may include audio-visual methods, or the online Alert Driving course, as appropriate. An employee will need to complete the Alert Driving course before they are authorized to drive a university vehicle.

New university drivers are trained at the time of hire or initial authorization, and at least annually as established by the responsible department and the Office of Risk Management.

All student drivers should receive safe driving instruction during each school year during which they are eligible to drive an institution vehicle. The training should be completed prior to their first use of the vehicle in the school year and will be coordinated through the responsible department.

Once the course is successfully negotiated, TXWES personnel will receive a confirmation email that they have passed the course(s). The Office of Risk Management will also be copied on the confirmation email.

Maintenance Program

It will be the responsibility of each department that operates a TWU vehicle asset to establish a Preventive Maintenance program for their vehicles and equipment and should be performed in compliance with manufacturer specifications. In addition, it will be the responsibility of departmental management to "road test" their vehicle on a regular basis.

The Office of Risk Management will keep a schedule of all TWU vehicle assets.

If a vehicle has operational problems while off-campus, the driver will notify his/her department during normal business hours and Campus Security after hours. If the vehicle cannot be operated safely, the responsible department in coordination with Campus Security will make the necessary arrangements to bring the driver back to campus and have the vehicle transported to a designated service location.

Pre-Trip Safety

The driver and his supervisor will each complete and sign the Pre-/Post-Trip Vehicle Inspection form (Addendum C) indicating that they have inspected the vehicle. The driver will keep the copy with him/her at all times while operating the vehicle and will complete the post-trip section upon return to Texas Wesleyan University.

Headlights, taillights and windows must be clean before operating the vehicle. The driver and the supervisor should also verify that a copy of the accident report form and current insurance card are available in the vehicle.

Upon return from the trip, the driver will return the completed copy of the Pre-/Post-Trip Vehicle Inspection form to the department when turning in the vehicle keys. The department and the driver will complete a brief vehicle inspection using the Pre-/Post-Trip Vehicle Inspection form and document any mechanical problems with the vehicle, service required, new damage, the amount of gas added, the number of miles driven and any service that may have been provided to the vehicle. The department will keep the original copy in their files but the

Office of Risk Management reserves the right to review and inspect them on a regular basis.

Seat Belts

Seat belts are one of the most important pieces of safety equipment installed on a motor vehicle. Thus, it should be noted that the use of seat belts is entirely under the control of the driver. All assigned vehicle drivers should follow the procedures listed below as a condition of assignment as a vehicle driver for Texas Wesleyan University. When going on a trip (even a short trip across town), ensure that there is a seat belt for every passenger. If not, limit the number of passengers to the number of seat belts available. Before shifting from "Park," the driver must secure his/her seat and shoulder belt and verify that all passengers are appropriately secured by their seat and shoulder belt.

Alcohol and Drugs

It is important for all drivers to recognize their responsibilities for operating a university vehicle in a safe and sober manner. No driver authorized by the Texas Wesleyan University should be under the influence of alcohol or drugs while operating a university owned vehicle at any time

Cell Phones and Electronics

Cell phones may only be used to make calls through the assistance of Bluetooth or other hands free devices. Headphones that reduce hearing should not be used. For navigation devices, program the destination before starting the vehicle, pull off the road to make changes and rely on the voice directions to guide you.

Stowed Items

Items that can become loose during travel should be properly secured and placed in proper storage areas or separated by a cage from the passenger area to prevent injury to passengers or damage to other vehicles. Stowed items should not obstruct the driver's view.

Vehicle Theft

To reduce the potential for theft and vandalism, the vehicle should be locked when left unattended, no valuables should be left in sight and the vehicle should be parked in a well-lit area at night. Texas Wesleyan University is not responsible for personal items left in a vehicle.

Extended Trips

To reduce the possibility of fatigue-related accidents on extended trips, when the one-way distance to the destination will take four hours or more, at least two eligible drivers should be assigned to drive the vehicle if possible. The "shot-gun passenger" will stay alert and act as co-pilot. In the event of inclement weather, the driver(s) will consider any weather alerts and utilize sound judgment on whether driving should be attempted.

Vehicle Accident Reporting Procedures

Vehicle accidents can seriously impact the lives of those involved, both as drivers and as passengers. To minimize the long-term effects of those accidents and to ensure that they do not recur, the following policies and procedures are in effect:

If a Texas Wesleyan University vehicle is involved in a collision with another vehicle, object or person or a one-car accident, such as rolling over and going into a ditch, the driver should call the police and, if there are any suspected injuries to driver or passengers, request emergency medical assistance.

The Office of Risk Management will be contacted at 214.280.2742 after contacting the

police. The following information should be provided:
Driver's name and the vehicle involved
Location of the accident
Description of any injuries to driver, passenger(s) or occupant(s) of other vehicles
Indicate whether the police and/or ambulance been notified
Indicate the medical facility where injured people have been taken

Await further instructions from Campus Security and/or the Office of Risk Management.
Make sure to retrieve the current insurance card from the vehicle. This card shows evidence of insurance to police authorities and also provides the driver with basic information on the insurance company, the claim reporting phone number and the policy number.
The driver should begin to fill out the accident report form located in the vehicle. Be particularly careful to discuss the accident only with the police or the Office of Risk Management. Despite the fact that the driver may feel that he/she was the cause of the accident, the driver should not make any admission of liability or assume any blame. There may be factors that the driver is unaware of at the time that could mitigate any responsibility.
Exchange basic information with the driver of each vehicle involved. Only the following information should be provided:

Name, address and telephone number of the driver and any passengers
Type of vehicle and license plate number
Insurance company name and policy number

Accident Investigation

The Office of Risk Management will work with the affected department and coordinate the accident investigation. The Office of Risk Management will gather reports from police investigators and will begin the investigation as soon as reasonably possible. The TXWES incident report form will be used to document the incident and report any bodily injury and property damage.

Texas Wesleyan University's Risk Management committee will review all auto accidents to identify ways to prevent future losses.

7.16 Acceptable Use of Information Technology Resources

As is the case with all University assets, e-mail sent or received using University resources should be related to the business or activities of the University. E-mail must never be used to send, receive, or solicit any illegal, offensive or potentially offensive materials or visible displays, including but not limited to sexually explicit materials. The use of the Internet shall not expose another person to any offensive or potentially offensive material. Individuals should use caution in sending private or confidential information in electronic format. The University does not guarantee that information sent in electronic format over University resources will be privileged or confidential and expressly reserves the right to review any information transmitted or stored on University equipment to ensure compliance with these policies or for system maintenance.

Inappropriate use of e-mail or the Internet may result in disciplinary action.

7.17 Disciplinary Guidelines

When appropriate, employees may be counseled in an attempt to correct work-related performance or behavioral problems. Generally, progressive disciplinary actions as described

below will be followed. **However, in certain circumstances and at the University's sole discretion, it may be necessary to impose an action, up to and including termination of employment, without prior notice or counseling and without progressing through each stage of the disciplinary guidelines.**

Determination of appropriate action will be made on a case-by-case nondiscriminatory basis depending upon the nature and severity of the occurrence and in consultation with and the approval of the appropriate vice president, and the associate vice president for administrative services and human resources or the director of human resources.

Verbal Counseling: The supervisor or manager may discuss unacceptable performance or behavior with the employee. The discussion will indicate the nature of the problem and the action necessary to correct it. Verbal counseling should be documented on the employee counseling form and retained by the supervisor. See Appendix C.

Written Warning: The supervisor may prepare a written warning regarding an employee's unacceptable performance or behavior, which will be discussed with the employee. The written warning shall clearly state the problem, identify date(s) and example(s) of problem behavior, state the required expectations for change, including a deadline (time periods), provide the employee with suggestions for improving his or her performance and state the consequences if conditions are not met. Some infractions may warrant a written warning without prior verbal counseling. The supervisor and the employee will sign the written warning and the employee will be given a copy. The original shall be sent to the Office of Human Resources. An employee's signature merely acknowledges receipt and understanding of the nature of the warning. If the employee refuses to sign the written warning, another staff member in the department will sign as a witness verifying that the employee received the written warning and refused to sign.

Optional Second Written Warning or Optional Decision Day Agreement: A second written warning repeating the above criteria may be utilized if the offending behavior or job performance does not reflect immediate, significant and sustained improvement.

Supervisors and managers also may use the optional **decision day agreement**. See benefits Appendix D. The second written warning must put the employee on notice that if behavior/job performance does not improve immediately termination of employment may occur. The employee should sign the letter, receive a copy and the original should be sent to the Office of Human Resources.

If the **decision day agreement** is used, it should be explained to the employee in advance. The employee should then be given one day off with pay to evaluate or decide to what he or she is willing to commit to resolve the performance or behavioral issue. Upon the employee's return, Appendix D should be completed with the employee. The employee must elect choice number one or choice number two, complete the corresponding information with the supervisor and sign the agreement.

If the employee fails to agree or commit to a specific course of action, the supervisor should proceed with termination, unless special circumstances warrant a second written warning. Documentation must be forwarded to the Office of Human Resources immediately.

Human resources maintains employee personnel files. Copies of all disciplinary action must be forwarded to human resources.

7.17.1 Terminations

As the University is an employment-at-will employer, a termination may occur without following disciplinary guidelines. Certain infractions also may warrant immediate termination of employment without prior disciplinary action. Continued unacceptable performance or behavior may result in termination of employment. The appropriate vice president and the associate vice president for administrative services and human resources must be consulted prior to the termination of an individual's employment. If reasonably possible, employees should be advised in person of their termination, and provided written notice stating the effective date and reasons for their termination. Following the termination, all documentation must be forwarded to the Office of Human Resources. Every effort should be made to recover any University property in the employee's possession at the time of termination.

7.17.1.1 Administrative Leave with Pay for Investigations

In situations where an infraction is serious enough to warrant an investigation and necessary in order to determine appropriate disciplinary action, employees may be placed on administrative leave with pay until the investigation is complete.

7.17.1.2 Administrative Leave without Pay for Investigations

Employees should not be placed on administrative leave without pay without consulting with the associate vice president for administrative services and human resources. Generally, exempt employees may not be placed on administrative leave without pay, unless the leave corresponds to one or more full work-week(s), measured from Sunday, 12:01 a.m. to Saturday 12:00 midnight.

7.17.1.3 Investigations

Failure or refusal to cooperate in an investigation or interference with an investigation may be grounds for dismissal, unless a legal exception exists. An employee shall not be subject to retaliation by any other employee for cooperating with an investigation.

7.17.1.4 Vacation Termination Pay

No employee shall receive pay in lieu of vacation unless his or her employment with the University has been terminated. Employees with less than six months service are not eligible for vacation termination pay. Furthermore, an employee that does not give proper notice as defined by this policy or who is terminated for misconduct or poor performance shall not be paid for unused vacation time.

The minimum notice an employee must provide to receive pay for unused vacation time is two weeks. Employees providing less than two weeks' notice shall not be paid unless extenuating circumstances (as determined by the employee's supervisor) are such that an undue burden is placed on the employee or the University. If an employee voluntarily resigns, the University reserves the right to accept an employee's notice immediately or at any time during the notice period.

If applicable, vacation termination pay shall be paid only for vacation days available for use but not taken at the time of termination, and shall be paid at the employee's regular hourly rate.

Terminated employee paychecks shall be forwarded to the employee as soon as possible. **Employees terminated involuntarily must receive their final paycheck within six calendar days.**

Any monies owed to the University, or reimbursement for equipment or material owned by the University that has not been returned by a departing employee will be deducted from his or her final paycheck in accordance with written authorization obtained from the employee.

7.17.1.5 Resignations

Supervisors or managers should seek to obtain a written letter of resignation from employees who voluntarily resign. The original must be sent to the Office of Human Resources immediately upon receipt. The University typically expects two weeks' notice from employees who are voluntarily resigning.

7.17.1.6 Exit Interviews

Human resources shall schedule exit interviews for all terminating employees. Interviews are intended to provide employees the opportunity to comment on University matters, their working environment and conditions, and to receive an explanation of benefits. Attendance by the employee is optional.

7.18 Grievance Policy

The University encourages an open, honest atmosphere in which work-related problems, complaints, suggestions or questions may be handled promptly. An employee's claim of unfair or inequitable treatment with respect to the implementation of work-related policies, procedures or practices **may** be considered a grievance. As an employment-at-will employer, termination of employment, for any reason, may **not** be addressed by this policy. Grievances will be processed in the following manner:

- A. Grievances should be processed with reasonable promptness, both in submission by the employee and by supervisory personnel. Failure of the employee to report the incident within five (5) working days may result in a waiver of the grievance.
- B. The presentation of the grievance may be made orally to the immediate supervisor, unless the grievance pertains to the supervisor in which case the grievance should be presented to the next level of supervision or directly to human resources. If the supervisor does not resolve the grievance, the aggrieved employee has two working days in which to present his or her grievance in writing to the next level of supervision. That level of supervision will respond to the employee's concern in writing within five working days of receipt of the grievance.
- C. If the matter is still not resolved to the satisfaction of the employee, the employee may make an oral appeal up the supervisory chain of command to the appropriate vice president.
- D. If the matter is not resolved to the employee's satisfaction after a decision by the appropriate vice president, the employee may submit a written appeal to the staff grievance committee.
 - a. The appeal for a hearing by the grievance committee must be in writing and sent to the Office of Human Resources within five days of the vice president's decision in the matter.
 - b. The appeal should contain the following:
 - i. A brief statement of the complaint, problem or concern that forms the basis of the grievance
 - ii. A list of witnesses involved or having first-hand knowledge of the incident, problem or concern
 - iii. A description of the remedy sought by the employee

iv. A request for a hearing on the matter

The Office of Human Resources will forward the request to the chair of the staff grievance committee within 48 hours of receipt. The chair of the grievance committee will set up a hearing on the matter (by the committee) within 10 working days of receipt of the grievance. The committee will consider only issues identified in the employee's letter. The committee may not recommend any action that is a direct violation of established University policy. Legal counsel shall not be present at the hearing.

Following a hearing on the matter, the Committee will make a written recommendation to the president (within 72 hrs). The president may accept, reject or amend the recommendation. The president will inform human resources of his or her decision (within 72 hrs). The human resources office will inform the employee of the president's decision (within 72 hours of receipt). The president's decision is final. Each employee has the right to express to the administration his or her views concerning the University's implementation of its policies and practices, and is expected to express such views in a fair, honest, responsible and confidential manner. The employee is required to comply with the policy or procedure as applicable until the grievance is resolved.

Committee Make Up

The president will appoint the staff grievance committee on an as needed basis. The committee will consist of seven members. A quorum of the staff grievance committee is met when more than one-half of the committee members are present.

1. Chair: Member of the senior staff
2. Five (5) full-time staff members
 - a. A staff member from the provost's division
 - b. A staff member from the advancement division
 - c. A staff member from the enrollment/student life division
 - d. A staff member from the finance division
 - e. A staff member from the administration division

Staff working in the same division or area as the employee filing the grievance should not be assigned to the committee.

7.19 Drug and Smoke Free Environment

The University maintains a drug free workplace. Employees should recognize the hazards to themselves, to other employees and to students while working under the influence of drugs, inhalants or other intoxicants. In order to maintain a drug free workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by an employee is prohibited within the bounds of the University campus or while conducting University activities.

All employees, as a condition of their employment, must at all times abide by the terms of this policy. All employees must notify the University of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. In this context a "controlled substance" means any substance listed in schedules I through V of Section 202 of the Controlled Substances Act (21 USCS Section 812). "Convictions" include nolo contendere, and "criminal statutes" include state and federal prohibitions against the manufacture, distribution, dispensation, possession or use of any controlled substance.

Any employee convicted of a violation of the drug free workplace policy will be subject to

disciplinary action, which may include termination of employment or required participation in a drug free assistance or rehabilitation program approved by the federal, state or local health, law enforcement or other appropriate agency.

Note: The University has an alcohol policy for University-sponsored functions and events. That policy is contained in Appendix N and must be followed by all employees.

Employees who smoke are expected to restrict their smoking as follows: Smoking, including all smokeless tobacco products and electronic cigarettes, are not permitted in any University building or any owned or leased University vehicle. This includes academic, administrative, residential, or any other University facility.

7.20 Safety and Health

Texas Wesleyan University is committed to providing a safe and healthful environment for students, faculty and staff. It is the University's policy that all employees work in a safe manner. Any unsafe work, practice or condition on any University property shall be reported promptly to the employee's immediate supervisor, campus security or human resources.

7.20.1 General Safety Rules

The following are general safety rules. The list is not intended to be all-inclusive. Additional safety precautions may be warranted in your specific work area. Please ask your supervisor.

1. Report all injuries to your supervisor to Risk Management immediately.
2. Report all unsafe conditions or work practices to your supervisor and Risk Management immediately.
3. The use of illegal drugs or the consumption of alcoholic beverages on campus or while performing work for the University is absolutely prohibited under all circumstances. Employees must not work if under the influence of any drug, inhalant or alcohol.
4. Appropriate clothing, footwear or personal protective equipment (including eye protection) necessary to perform work safely must be worn or used at all times to minimize the possibility of injury in the workplace.
5. No employee should attempt to perform work that is likely to aggravate a prior injury or medical condition that could pose a health risk or for which the employee is untrained or not qualified.
6. Safety devices, guards or signs must never be removed, modified, disregarded or circumvented.
7. All work areas should be kept clean and free from rubbish, debris, hazards and unsanitary conditions.
8. First aid is rendered on a Good Samaritan basis only.
9. Additional safety policies and programs, as contained in the University's safety manual or as prescribed by your supervisor, shall be followed.
10. Employees shall comply with all applicable state and federal safety and health regulations.

7.20.2 Safety and Health Policies

Upon hiring, employees shall be trained by their immediate supervisor or a qualified designee regarding any safety precautions relating to the use of any equipment or chemicals that they may be required to use or any other safety requirement specific to the functions of their job, before their use of such equipment or chemicals. Employees must

take responsibility for their own safety and the safety of their property. **The University is not responsible for loss or theft of personal property.**

7.20.2.1 Motor Vehicle Policy (see Appendix B)

7.20.2.2 Blood Borne Pathogens Exposure Control Plan (see Appendix F)

7.20.2.3 Medical Assistance Policy (see Appendix G)

7.20.2.4 Emergency Action Plan (see Appendix H)

7.20.2.5 Hazard Communication Plan (see Appendix I)

7.20.2.6 Severe Weather Recommended Safe Areas (see Appendix J)

7.20.2.7 Workers' Compensation Reporting Policy (see Appendix K)

7.20.2.8 Pet and Stray Animal Policy (see Appendix L)

7.21 Americans with Disabilities Act (ADA)

The University is fully committed to complying with the Americans with Disabilities Act (ADA) and to ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Pre-employment inquiries may be required only regarding an applicant's ability to perform the duties of the position. Post-offer medical examinations may be required for those positions in which there is a job-related physical requirement. If required, medical examinations are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodation is available for the known disabilities of disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation). Individuals with disabilities also are entitled to receive non-discriminating treatment with regard to job assignments, classifications, organizational structures, position descriptions and lines of progression. Leave policies will be available to all employees on an equal basis.

The University will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. The University will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The University is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.

7.22 Public Relations and Reference Policy

All media releases and requests must be coordinated through the Office of Communications. All reference checks or requests shall be referred to the Office of Human Resources.

To ensure that individuals who join the University are well qualified and have a strong potential to be productive and successful, it is the policy of the University to check the employment references of all applicants.

The Office of Human Resources will respond to reference-check inquiries from other employers, if reasonably possible. Responses to such inquiries will typically only confirm dates of employment, wage rates and position(s) held. Additional information will be disclosed only at the University's discretion and with written authorization and a release signed by the individual who is the subject of the inquiry.

7.23 Searches and Inspections

The University may inspect all company premises and property to assure compliance with its drug free policy. Searches of lockers, desks and personal possessions may be conducted where a reasonable suspicion exists of a theft or potential theft, or unauthorized use of University property.

If a search is conducted, the search should be conducted (if feasible) in the presence of the employee's immediate supervisor or department head, and at least one additional witness. An employee may deny the University the consent to search; however, refusal shall be considered a failure to cooperate with an investigation and may result in disciplinary action, including termination of employment.

Under no circumstances shall any employee be subjected to a physical search of their person.

Lockers: If lockers are provided, the University reserves the right to inspect or search such lockers. Upon the employee's request, a lock shall be provided to the employee. If the employee uses his or her own lock, the employee shall provide a key or combination to his or her supervisor.

7.24 Weapons Policy

Whether on duty or off duty, employees shall not carry a weapon on University property.

This prohibition includes all weapons without limitation (knives, defensive sprays, clubs, hunting gear and guns) and includes those weapons for which the employee may possess a license (e.g. a concealed handgun). No weapon may be concealed in an employee's vehicle parked on University property with the exception of a firearm of an authorized licensed holder and must remain in a locked, privately owned vehicle.

Items that **may** be provided to security personnel by the University are exempt from this policy. Security officers, who also possess current police certification or status, may carry authorized weapons as allowed through state law and their commission while they are not on duty. However, they may **not** carry any weapon while on-duty in a University capacity unless authorized by the security manager.

7.25 Employee Information

It is each employee's responsibility to advise human resources and their current supervisor of all emergency information, such as address, telephone number and emergency contact person.

7.26 Use of Bulletin Boards

Employees must obtain approval from their supervisor before posting on a University bulletin board. The director of student life or his or her designate approves posting on for- student bulletin boards.

7.27 Use of University Telephones and Mail

Employees shall not use University telephones, including cell phones or facsimile machines to make personal toll or long-distance calls unless prior arrangements are made to reimburse the University for the cost. Local personal calls should be kept to a minimum.

The use of University-paid postage for personal correspondence is not permitted.

7.28 Business Travel Expenses

The University will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department head.

Employees whose travel plans have been approved should make necessary travel arrangements through the University's designated travel agency. When approved, the actual costs of travel, meals (excluding alcohol), lodging and other reasonable and minor expenses directly related to business travel will be reimbursed.

Expenses that generally will be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or mid-sized cars, if required.
- Fares for shuttle or bus service, where available; costs of public transportation for other ground travel.
- Taxi fares, only when there is no less expensive alternative.
- Mileage costs for use of personal cars, only when less expensive transportation is not available.
- Cost of standard accommodations in mid-priced hotels, motels or similar lodgings.
- Cost of meals, no more lavish than would be eaten at the employee's own expense, but no more than a daily per diem of \$40 or \$45 with receipts.
- Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare.
- Charges for telephone calls, fax and similar services required for business purposes.
- Charges for one personal telephone call each day.
- Charges for laundry and valet services, only on trips of five or more days. (Personal entertainment and personal care items are not reimbursed.)

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased or rented by the University may not be used for personal use without prior approval. Accidents involving

University vehicles must be reported to the associate vice president for administrative services and human resources within 24 hours.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

When travel is completed, employees should submit completed travel expense reports within 30 days. Receipts for all individual expenses should accompany reports.

Employees should contact their supervisor for guidance and assistance on procedures related to

travel arrangements, travel advances, expense reports, reimbursement for specific expenses or any other business travel issues.

Abuse of the business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, including termination of employment.

7.29 Customer Service

The student is the University's most valuable asset. Every employee represents the University to our students. The way we do our jobs presents an image of the entire University. Students judge all of us by how they are treated with each employee contact. Therefore, one of our first priorities is to assist any student or potential student. Nothing is more important than being courteous, friendly, helpful and prompt in the attention you give to our students.

Our personal contact with the public, our manners on the telephone, and the communications we send to students and to other employees are reflections not only of ourselves, but also of the professionalism of the University. Positive relations will not only enhance the perception or image of the University, but also will pay off in greater loyalty and financial well-being.

7.30 Social Media Policy

Social media is a part of Texas Wesleyan's integrated marketing strategy to promote University news, events and achievements, drive admissions, communicate and engage with students and alumni, and build our brand reputation and perception. The Texas Wesleyan Social Media Policy and Guidelines & Best Practices are developed to support Texas Wesleyan's brand and reputation. It is mandatory that all Texas Wesleyan employees be in compliance when using or participating in Texas Wesleyan social media pages or accounts.

This policy defines two types of Texas Wesleyan social media accounts – official accounts, and unofficial accounts. All accounts, both official and unofficial, are required to follow the Social Media Guidelines & Best Practices outlined in this document. Definitions:

Definition of an official Texas Wesleyan social media account:

An official Texas Wesleyan social media account is any social media account (which includes but is not limited to Facebook, LinkedIn, Twitter and Instagram) that is primarily intended to communicate with external audiences on behalf of the University. This includes accounts that are intended to recruit students, communicate with alumni and University friends, share news with the public and share athletics news.

Definition of an unofficial Texas Wesleyan social media account:

Unofficial Texas Wesleyan social media accounts are student organization or academic classroom social media accounts that are primarily intended to communicate with internal audiences. These pages must also adhere to the Social Media Guidelines & Best Practices.

If you are in doubt as to whether or not the social media presence in question is considered an official Texas Wesleyan social media account, consult with the Office of Marketing & Communications.

Process to establish an official Texas Wesleyan account

All Texas Wesleyan faculty, students and staff members who wish to establish and maintain an official Texas Wesleyan social media presence, must consult with the Office of Marketing & Communications. Marketing & Communications will then consult with the dean, provost or presiding vice president, and work with all parties to determine whether a new, official social media presence is warranted and can be supported.

If it is determined to create a new official presence, Marketing & Communications will collaborate with you to help you develop a strategy for best results and obtain logos and images for cover pages. If a new, official presence is not warranted or cannot be supported, marketing & communications will work with you to help you reach your social media marketing goals through Texas Wesleyan's existing official social networks. To request a post from an official Texas Wesleyan social media account, contact the Director of Communications (communications@txwes.edu or 817-531-5810).

Process to establish an unofficial Texas Wesleyan account

Faculty, staff or students who wish to establish and maintain an unofficial Texas Wesleyan social media account must gain approval from their supervisor, dean or faculty sponsor. Prior to setting up a new page, Marketing & Communications should be informed of the new presence and will collaborate with the student group or faculty member to help obtain logos and images for cover pages. All unofficial Texas Wesleyan social media pages must adhere to Texas Wesleyan's Social Media Guidelines & Best Practices.

Maintaining a Texas Wesleyan social media account

To maintain an official or unofficial Texas Wesleyan social media account, the account and its administrators must comply with Texas Wesleyan's Social Media Guidelines & Best Practices.

Failure to comply may result in the revoking of social media administrator privileges and closing of the account. It is a privilege, not a right, to administrate a Texas Wesleyan social media account.

Texas Wesleyan Social Media Guidelines & Best Practices

All social media pages that are administered by Texas Wesleyan University faculty, staff and student organizations must adhere to the following guidelines and best practices. All questions, comments, ideas and feedback regarding this document should be directed to the Office of Marketing & Communications, who maintains the University's primary social media accounts on Facebook, Twitter, Instagram and LinkedIn. Facebook Twitter: @TexasWesleyan, Instagram: @texaswesleyan, LinkedIn: @Texas Wesleyan University

Crisis situations

During an emergency or crisis situation, official Texas Wesleyan social media accounts may only share information provided by the main Texas Wesleyan University social media accounts (those which are administered by the Office of Marketing & Communications listed above).

All inquiries during a crisis or emergency should be directed to the main Texas Wesleyan social media accounts or txwes.edu for information.

Sharing information that is not approved by the Office of Marketing & Communications may jeopardize the University's efforts in effectively managing the crisis.

During an emergency or crisis, be sure to stop any previously scheduled posts.

Pay attention to current world, national and local crisis events and do not post content that could be insensitive to current crisis events.

Brand consistency

Familiarize yourself with Texas Wesleyan's brand and message platform before posting.

Contact the Office of Marketing and Communications for logos and brand images. If you are authorized by the Office of Marketing & Communications to create an official Texas Wesleyan social media account, have the Office of Marketing & Communications review your content and engagement strategy before launching (see Social Media Policy above).

Monitor and update regularly

Schedule consistent posts with new, relevant and engaging content at least once a week (usually more).

Appoint two (or more) administrators who will monitor posts, messages and notifications daily. Respond to all inquiries and questions in a timely manner. If you don't know the answer, direct the inquiry to the appropriate department.

If you are unsure about whether or not you should respond directly to an inquiry or need approval, ask your supervisor or the Office of Marketing & Communications.

Transparency

Never hide or falsify your identity when promoting Texas Wesleyan on social websites.

Be honest about your identity, but never disclose personal information that an identity thief could use, like your home address or personal phone number.

Accuracy

Fact-check content before you post. Do not share false information or spread rumors.

Cite your sources and include a link when possible.

If you are not sure if a topic is appropriate to comment on as a Texas Wesleyan employee, ask your supervisor or the Office of Marketing and Communication. Correct errors quickly.

Responsibility

Be respectful of others, even if you don't agree with their ideas or opinions.

If you feel angry or heated about a topic, don't post until you are composed and calm. Never make offensive remarks.

As a faculty or staff member, it is your responsibility to adhere to the policies outlined in the Texas Wesleyan Faculty Handbook and Texas Wesleyan Employee Handbook.

Confidentiality

Do not share confidential or proprietary information about Texas Wesleyan or its faculty, staff, students or alumni.

Be aware of and do not violate the Family Educational Rights and Privacy Act (FERPA). Obtain permission before you publish someone else's content. This includes images and photographs.

When engaging on social networks for personal use:

Avoid using Texas Wesleyan logos or images on personal social media pages. This implies that the account is an official Texas Wesleyan account.

We encourage you to share Texas Wesleyan news and events on your personal pages by linking to a news story or event posted on txwes.edu.

Do not use Texas Wesleyan's name or logos to promote or endorse any product, cause, political party or candidate.

8.0 Benefits and Privileges

Full-time, regular staff employees are eligible for benefits as described herein; however, in certain cases the employee may be required to apply for such benefits to effect coverage. **The Office of Human Resources will advise employees of benefits for which they must apply. The University reserves the right to amend or cancel benefits, with or without notice to affected employees, at any time.** In the

event of any conflict between this handbook and an underlying benefit plan document, the latter will control.

8.1 Staff Vacation Policy

The University will provide full-time, regular employees with paid vacation time based upon their years of service to the University.

8.1.1 Accrual

Vacation time shall begin accruing upon the conclusion of the first full month of employment and shall become available for use when the employee has completed six full months of employment. Vacation is accrued on a calendar month basis at the applicable rate listed below. When six months of employment is completed, vacation accrued one month may be used the next month. Eligible employees terminating before the end of a month shall be credited with a pro-rata share of the monthly accrual.

8.1.2 Calculation Method

The amount of vacation the employee accrues is determined by the length of employment as follows:

<u>Service Completed</u>	<u>Calculation</u>
Less than (1) year	8 hours per full month of employment
1 - 3 Years	8 hours per month (96 hours per year)
Upon completion of 3 full years of service	10 hours per month (120 hours per year)
Upon completion of 10 full years of service	14 hours per month (168 hours per year)

8.1.3 Accrual Maximum

Vacation may be accumulated up to one-and-one half times the annual vacation allowance.

8.1.4 Other Provisions

The employee should submit a request for vacation time as soon as possible and, in any event, 14 days in advance to his or her supervisor. Final approval of the vacation request rests with the supervisor based on workplace requirements.

Vacation time may be taken in one-hour increments for non-exempt employees and full-day increments for exempt employees.

Vacation time must be reported to payroll by timecard or absence reporting forms.

Less than twelve-month, full-time, regular employees accrue vacation only for months worked.

No employee will receive pay in lieu of vacation unless his/her employment with the University is terminated. For full policy, see 7.17.1.4.

Employees who are rehired within twelve months of their termination will be eligible immediately for vacation/sick leave accrual at their previous rate. See 7.5.10.

8.1.5 President's Staff (Executive and Senior Staff) Vacation/Sick Policy

Administrators determined by the president (and including the president) to have status as the president's staff as defined in section 6.2 shall have vacation leave as follows:

(1) 22 days beginning with the first full month of employment to be available for

immediate use and to be taken with the approval of the president; (2) An additional 22 days June 1 of each year; (3) Unused vacation time during the fiscal year may be accrued, but shall not exceed 33 days; (4) The president may authorize additional vacation leave based on unusual or exceptional circumstances for the president's staff. **Administrators determined by the president (and including the president) to have status as the president's staff as defined in section 6.2 shall have sick leave as follows:**

(1) six days beginning with the first full month of employment to be available for illness and medical appointments of the employee or the employee's immediate family members. Immediate family members include spouse, dependent children, parent or any other legal dependent.

(2) An additional six days June 1 of each year; (3) Sick leave accrual may not exceed 480 hours.

8.2 Holidays, Break Days and Closings

8.2.1 Holidays

The University observes and is typically closed on the days listed below. For those days, full-time, regular employees do not work, but are compensated at their regular hourly rate and based on their regularly scheduled number of hours for the day. Full-time employees who work less than 40 hours on a regularly scheduled basis may not exceed their normal number of hours for the week without supervisory approval, and then may exceed the normal workweek only for hours actually worked. An employee on an unpaid leave of absence or on disability leave is not eligible for holidays or break days. An employee on a paid leave is not eligible for any additional pay or time-off. Note: If an employee's regularly-scheduled day off falls on a holiday or break day, the employee's next regularly scheduled workday becomes the holiday. The employee would then be eligible for holiday pay or an additional day off within the guidelines listed.

The University's holidays are as follows:

New Year's Day	Martin Luther King, Jr. Day	
Good Friday	Memorial Day	Independence Day
Labor Day	Fall Break Day (Friday)	Thanksgiving Day
Christmas Day		

The University may at its discretion designate any or all holidays, break days or closings as paid or unpaid, or as normal business days.

8.2.2 Break Days

The University also observes break days. Full-time, regular employees do not work, but are compensated at their regular hourly rate for the Friday following Thanksgiving Day and the five workdays between Christmas Day and New Year's Day. The president may designate other break days. The president also may extend selected break days to all regular part-time staff solely at his or her discretion. Student workers and temporary employees are not eligible for pay on holidays or break days.

8.2.3 Eligibility

All full-time, regular employees are eligible provided they are on payroll and work their regularly-scheduled hours or have an excused **paid** absence one day immediately before and one day immediately after the holiday or break day with the exception of the Christmas break. Employees must be on payroll at least seven calendar days immediately prior to and immediately after the commencement and conclusion of Christmas break.

Employees using sick time during these time periods may be required, at the supervisor's discretion, to provide a health care provider's statement in order to be paid for the holiday.

8.2.4 Employees Required to Work on Holiday or Break Days

Exempt employees who work on holiday or break days may reschedule the holiday or break day to another time during the same fiscal year. Non-exempt employees who work on a holiday or break day will be paid a holiday or break day premium equal to twice their customary hourly rate or they may reschedule their holiday or break day to another day occurring within 60 days of the actual holiday or break day.

8.2.5 Closings

Decisions regarding closing of the University for inclement weather or for any other unscheduled reason or event are made for the entire University, including the Burleson campus, and are not made for or by each unit of the University. The president or provost or their designee generally makes the decision. This policy includes late openings and early closings. **Late openings and early closings will not generate premium pay or additional time off for employees who may be required to stay and work.** Non-exempt employees required to work during all-day closures, such as security or maintenance, will be paid or granted additional time off in the same manner as a holiday or break day. Faculty, staff and students may listen to the following radio and television stations to receive University closure information due to inclement weather:

KXAS Channel 5	KDFW Channel 4
WFAA Channel 8	KTVT Channel 11
KVIL 103.7 FM	WBAP 820 AM
KRLD 1080 AM	KLIF 570 AM

8.3 Sick Leave

The University will provide time off with pay to full-time, regular employees for illness and medical appointments of the employee or the employee's immediate family members. Immediate family members include spouse, dependent children, parent or any other legal dependent.

Full-time, regular staff employees accrue sick leave at the rate of four hours for each full month of employment. Less than 12-month employees accrue only for months worked. Sick leave begins accruing after one full month of employment.

Employees are not eligible to use sick leave until six full months of service has been completed. Employees are not paid for unused sick leave upon termination. Sick leave accrual is capped at 480 hours. **It is the employee's responsibility to contact their supervisor**

directly, before their normal starting time, and inform them of the reason for the absence. If their supervisor is not available, the employee should contact the next person in authority to report the absence. If the University is closed, the absence must be reported within one hour of its re-opening.

Sick leave is reported on the employee's timesheet. A physician's note stating the reason for the absence and certifying the employee's suitability to return to work may be required for an absence of three days or more.

Employees who are rehired within twelve months of their termination will be eligible immediately for vacation/sick leave accrual at their previous rate. See 7.5.10.

8.4 Bereavement Leave

Full-time, regular employees are eligible for **up to three days** leave in the event of a death of an immediate family member, including the employee's spouse, children, son and/or daughter in law, parents, step-parents, grandparents, grandchildren, siblings or the parents and siblings of the employee's spouse. Employees must notify their supervisor in advance of the leave and report the absence on the employee's timesheet. If the death occurs immediately before the beginning or at least three days before the conclusion of the Christmas holiday/break period, additional leave will not be granted.

8.5 Jury Duty

Time off with pay is provided to all employees called for jury duty, provided the time off is during normal work hours. Employees must notify their supervisor in advance and submit a copy of the certificate of service upon their return to work. Pay received from the court belongs to the employee. Employees released early are expected to return to work. Failure to return to work if released during normal working hours may result in the employee not being compensated for that period of time. **Employees shall not be paid for jury duty in excess of 30 workdays in any calendar year.** The University shall maintain employee medical benefits. Optional benefits are the responsibility of the employee. Vacation and sick leave shall not accrue if the jury duty exceeds 30 days.

8.6 Family and Medical Leave (FMLA)

The federal Family & Medical Leave Act of 1993 (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

The University will provide up to 12 weeks of job-protected leave during any 12-month period. FMLA shall include accrued paid vacation, sick leave and unpaid leave. Vacation and sick leave accrue if an employee is on paid leave during FMLA. Holidays and break days falling during the leave are counted as part of the leave time and do not constitute additional leave time and will only be paid while an employee is on paid FMLA using vacation and sick leave accruals. If on unpaid FMLA, holidays and break days will be unpaid.

To be eligible, employees must have worked at least 12 months (which do not have to be consecutive) for the University; and, the employee must have worked at least 1,250 hours during the 12 months immediately preceding the date of the commencement of FMLA leave. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the University intended to rehire the employee after the break in service.

Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent of the employee with a serious health condition;
4. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

Leave to bond with a newborn child or for a newly placed adopted or foster child must be taken as a continuous block of leave and must conclude within 12 months after the birth or placement.

In the event that a married couple is employed by the University, the two spouses together may take a combined total of 12 weeks' leave during any 12 month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

Military Family Leave

There are two types of Military Family Leave available.

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

For Regular Armed Forces members, "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).

For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include:

- Short-notice deployment (seven or less calendar days)
- Attending certain military events and related activities
- Certain childcare or school activities
- Addressing certain financial and legal arrangement
- Periods of rest and recuperation for the military member (up to 15 calendar days or leave, dependent on orders)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's covered active duty status, and to address issues arising from the death of military member)

- Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
- Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the University and the employee.

2. Leave to care for a covered service member.

There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military servicemember or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.

For a current member of the Armed Forces, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.

For a covered veteran, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty status, but the single 12-month period may extend beyond the five-year period.

The University uses a rolling 12-month calendar to calculate available FMLA leave. Intermittent or reduced schedule leaves may be allowed under FMLA. The employee is entitled to return to the same or an equivalent position upon expiration of the leave. The employee must use all vacation and sick leave concurrently, if any, with FMLA; that is, vacation and sick leave must be used as part of the 12-week leave period. Unless a qualified disability exists, the remainder of the leave is unpaid.

In general, a serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care, continuing treatment by a health care provider involving an absence from work of more than three days, an incapacity due to pregnancy or prenatal care or an incapacity due to a chronic health condition, such as asthma, etc.

Employee Responsibilities When Requesting FMLA Leave

When leave is foreseeable, an employee must notify Human Resources at least 30 days prior to the leave start date. If the leave is not foreseeable, then notice must be given as soon as possible. When submitting a request for leave, the employee must provide sufficient information for the University to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Sufficient information may include that the employee is unable to

perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. The request must be forwarded to the human resources office for approval. Changes in leave dates should be submitted through the same process.

Medical Certification

The University may request and the employee must provide certification or documentation supporting the employee's request for leave within the time frame established by the University, but not less than 15 calendar days. Periodic reports also may be required from the employee's health care provider for a serious health condition. Certification must contain the following information:

- The date the serious health condition began;
- The probable duration of the condition;
- Medical facts about the condition;
- A statement that the leave is needed to care for a covered individual and an estimate of how long the need will continue;
- If the requested leave is for the employee's own health condition, a statement that the employee is unable to perform the functions of the job;
- If the certification is for intermittent leave for planned medical care, the dates on which the treatment is expected to be given and the probable duration of the treatment; and
- If the certification is for intermittent leave to care for a covered individual, a statement that the employee's leave is necessary to care for that individual or will assist in their recovery, setting forth the expected duration and schedule of intermittent or reduced schedule leave.

The University shall use the Department of Labor's standard form WH-380 for obtaining medical certification from health care providers. The employee shall not be required to furnish any additional information. The University may request a second opinion at the University's expense. If the second medical opinion conflicts with the first, a third opinion may be obtained from a health care provider jointly approved by the University and the employee, and at the University's expense. When an employee's FMLA leave has been caused by his or her own serious health condition, the University may require that the employee submit a fitness-for-duty report before returning to work. The University must apply this requirement uniformly, it must be limited to the scope of the health condition and the employee must be notified.

Employer Responsibilities

During an FMLA leave, the University shall maintain the employee's group health benefits. However, the employee will be responsible for paying their portion of the benefits that would normally be deducted every pay period. The employee must also still pay additional premiums for optional benefits or for other eligible members. Premium payments that are late by more than 30 days will result in the termination of any insurance benefit specific to that premium. In that event, insurance benefits shall be restored when the employee returns to work. If the employee does not return to work following the 12 weeks of leave, the employee may be terminated. The University may recover any premiums it paid during the employee's leave, unless the reason for not returning is the continuation, recurrence or onset of a serious health condition. The University is not required to maintain additional benefits.

If an employee is unable to return to work following the 12 weeks of leave and requests and is approved for an extended leave of absence as outlined in policy 8.7 Other Extended Leaves of Absence, the employee will be offered COBRA the first of the month following the start of the extended leave period.

The University, at its sole discretion and based on information provided by the employee and within the requirements of the law, may designate FMLA leave. The employee shall be notified using federal form WH-381 and WH-382 within 5 business days of the request.

Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relative, the employee may be required to periodically contact the Human Resources Department regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

Intermittent and Reduced-Schedule Leave

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary.

Exempt Employees - If leave is unpaid, the University will reduce the exempt employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the University may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.

Any substantive questions about this policy are controlled by the Family and Medical Leave Act.

8.7 Other Extended Leaves of Absence

Upon the employee's written request, the University **may** provide an extended leave of absence without pay or other benefits, to full-time, regular employees for personal reasons not covered by FMLA for a maximum of three months. Subsequent three-month leaves may be granted under extenuating circumstances and with the vice president's approval. A vice president may grant leave at the recommendation of a supervisor who has considered, among other things, the employee's work record, length of service, previous leaves and reasons for the requested leave. If the leave of absence is granted, the employee may return to the same or similar position, if available, upon the expiration of the leave without loss of original hiring date.

Neither the pay rate, nor the position is guaranteed. Leaves are calculated from the last day of actual work or from the date FMLA leave is exhausted.

To apply for a leave of absence, the employee shall submit a memorandum to his or her supervisor. The memorandum should be approved and signed by the supervisor, the appropriate vice president and forwarded to the human resources office.

An employee may be paid earned vacation beginning the first day of leave; however, vacation and sick leave do not accrue during a leave. Holiday and break days falling during the leave are

counted as part of the leave time and do not constitute additional leave time and are not paid. Insurance benefits continue during a leave; however, the employee will be required to pay all health insurance premiums, including premiums normally paid by the University during the leave of absence. Insurance benefits normally paid by the employee also must be paid by the employee during the leave to maintain coverage. Late payments will result in cancellation. When the circumstances under which a leave of absence is granted are changed, the leave is immediately cancelled and the employee must return to work. Employees failing to return to work by the designated date shall be terminated.

The University maintains sole discretion for granting or not granting a leave of absence under this policy.

Employees may also be eligible for a reasonable extended leave of absence under ADA with proper documentation.

8.8 Military Leave

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) establishes the rights and obligations of employees returning from uniformed service. Those rights and obligations are summarized as follows.

The employee or an appropriate military officer must give the University advanced written or verbal notice of the leave. Upon completion of military service, the employee must report to the University for reemployment not later than the beginning of the first regularly scheduled work period that starts at least eight hours following the employee's return, if the leave is less than 31 days. If the leave is more than 30 days, but less than 181 days, the employee must report for reemployment within 14 days. If the service is for more than 180 days, the employee has 90 days to report.

The University may request documentation from employees on military leave for more than 30 days to establish that the request for reemployment is timely, did not exceed five years and that the service ended under honorable circumstances. The documentation must be provided as soon as it is available.

If the service was for less than 91 days, the employee must be reinstated in his or her original position. If the leave is for more than 90 days, the University has the additional option of reemploying the person in a similar or equivalent position.

If the service was for more than 30 days, the employee has job retention rights for six months, except for cause. If the service was for more than 180 days, retention rights are for one year.

Military leave is unpaid. The University does not supplement military pay. However, employees may, at their discretion, use accrued vacation time. Employee benefits that are a function of seniority shall continue to accrue during the leave, but are not credited until the employee returns. If the leave is for less than 31 days, the University shall continue to pay the employee's health benefit premium. However, the employee is still responsible for any dependent or optional coverage premiums. If the leave exceeds 30 days, the employee and qualifying dependents are eligible for continuation of coverage as provided for by COBRA. Dependents of University employees on military leave will continue to be eligible for the tuition waiver benefit as if the employee remained in full service.

To be eligible for reemployment, the employee must be discharged or terminate his/her

uniformed service under honorable conditions. Military leave may not exceed five years.

8.9 Employee Injury Policy

In compliance with the Texas Workers' Compensation Statute, any university employee who sustains a bonafide on the job injury or contracts an occupational illness is eligible for medical care to treat their injury. They may also be eligible to receive indemnity or lost wage benefits if they are off work for a prolonged period due to an on-the-job injury.

All job-related injuries, accidents and illnesses must be reported immediately to the employee's immediate supervisor, who will report it to the Human Resources Office. If an employee requires medical attention, due to an on-the-job injury, he or she has the right to choose their treating doctor, as long as the doctor accepts workers' compensation. The University may recommend a health care provider or hospital for appropriate medical treatment. If necessary, the employee's designated emergency contact will be notified of the illness or injury.

Following a work-related injury or illness, the employee will receive only the benefits available through workers' compensation insurance. The only exception is that, an employee's available vacation or sick leave may be used to supplement workers' compensation payments while on a workers' compensation leave of absence for the first seven calendar days of lost time. Workers' compensation indemnity benefits do not apply until the employee is unable to work for seven calendar days, during this time-period, employees who have accrued vacation and sick leave may use the available balances. If the injured worker is out for 28 calendar days, the insurance policy will then retroactively pay the first seven calendar days. If an employee must leave work to attend a doctor's appointment for workers' compensation-related injuries, but otherwise is not losing time, the employee's sick time will not be charged and the employee will be compensated. The time should be noted on the time reporting card as "W/C."

An employee who is off work due to a work-related injury or illness is expected to return to work immediately following release by his or her health care provider. Employees may be offered modified duty if restrictions can be met.

Employees who also are eligible for FMLA will be notified. FMLA shall run concurrently with any lost time due to a workers' compensation injury or illness.

Employees who do not return to work within one year of the injury may be terminated. If, as a result of the injury, the employee suffers a qualified disability under ADA regulations, the University will make reasonable accommodation as required that will allow the employee to perform the essential functions of the job.

Neither the University nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the University or any injury or illness due to activities outside of the scope of employment.

Notice to Employees Concerning Workers' Compensation in Texas

1. Coverage

Texas Wesleyan University has workers' compensation insurance to cover its employees in the event of a work-related injury or illness. If an employee should sustain a life-threatening on-the-job injury, it is an emergency and 9-1-1 should be called immediately. The injury should also be reported the employee's immediate supervisor and to the Human Resources Office

within 24-hours. If an employee suffers a non-life threatening work-related injury, the injury must be reported to his/her supervisor and the Human Resources Office within 24 hours. As your employer, the University is required to provide you with coverage information when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

2. Employee Assistance

The Commission provides free information about how to file a workers' compensation claim. Commission staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting your local Commission field office or by calling 1-800-252-7031.

3. Safety Hotline

The Commission has established a 24-hour, toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division of Workers' Health & Safety at 1-800-452-9595.

4. Right to Elect Non-coverage

You may elect to retain your common law right of action, if no later than five days after you begin employment or within five days after receiving written notice from the employer that the employer has obtained coverage, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain workers' compensation income or medical benefits if you are injured.

8.9.1 SERVICE AND EMOTIONAL SUPPORT ANIMAL POLICY

1. Policy Statement

Texas Wesleyan University allows individuals to bring animals on University property in accordance with federal laws and in other situations subject to the rules outlined in this policy.

A service animal is permitted on campus grounds and within University buildings, including the University housing assignment provided to an individual with a disability. This practice follows Titles II and III of the American with Disabilities Act Amendment Act (ADAAA or ADA).

An emotional support animal is permitted on campus grounds to accompany an individual into his or her University assigned residence in accordance with the U.S. Department of Housing and Urban Development. Until an emotional support animal has been authorized and vetted as an ADA accommodation, an emotional support animal is not allowed to accompany the individual into the dining centers or any other University building.

2. Reason for Policy

The University supports the use of service and emotional support animals on campus in compliance with applicable federal and state laws. At the same time, it recognizes the health and safety risks potentially created by unrestrained animals on campus. This policy sets forth roles and responsibilities of individuals bringing animals on campus.

3. Scope & Audience

This policy applies to employees, students, University affiliates, visitors, contractors, and applicants for admission to or employment with the University.

This policy should not be read to grant an individual access to University property beyond that to which they would normally be granted.

4. Definitions

- **Service Animal.** A "Service Animal" is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other animals, whether wild or domestic, trained or untrained, do not qualify as service animals. Examples of work or tasks provided by a service animal include, but are not limited to, guiding a person with impaired vision, alerting a person with a hearing impairment, pulling a wheelchair, and alerting and protecting a person who is having a seizure. Service animals are working animals, not pets. The work or task a service animal has been trained to provide must be directly related to the functional limitations of the person's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals.
- **Service Animal in Training.** A dog undergoing training by an approved trainer who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled as reputable and competent to provide training for assistance animals, and/or their handlers.
- **Emotional Support Animals.** "Emotional Support Animals" (sometimes referred to as "assistance animals," "social or therapy animals," "companion animals," and/or "comfort animals") are animals that perform tasks and/or provide service, assistance, or emotional support that alleviates one or more identified symptoms or effects of an individual's disability. Emotional support animals do not assist with daily living tasks and are not required to have received special training. They must provide relief for an identified emotional or psychiatric disability.

Generally, emotional support animals are only permitted in residence; however, the University, in compliance with the ADA, for an individual that requests an emotional support animal as an accommodation for a disability, will assess reasonable accommodations available to effectively allow the individual to participate in the University's program, service, or activity with the emotional support animal.

An employee desiring the use of an emotional support animal as a reasonable accommodation based on a disability shall submit a request to Human Resources Office. (See Section 7)

A student desiring the use of an emotional support animal as a reasonable academic accommodation must make a request to the Office of Disability Services.

- **Pet.** A "Pet" is an animal kept for ordinary use and companionship. A pet is not considered a service or an emotional support animal. Pets are not covered by this policy. Individuals are not permitted to keep or bring pets on Texas Wesleyan University property or in University housing.
- **Individual with a Disability.** An Individual with a disability is a person who has a physical

or mental impairment that substantially limits one or more major life activities, a person who has a history or record of having, such impairment, or a person who is perceived by others as having such an impairment.

- **Approved Animal in Housing.** An “Approved Animal” is a service animal or an emotional support animal that has been permitted in Texas Wesleyan University Housing Office as a reasonable accommodation under this policy.

5. General Procedures for Service or Emotional Support Animals

Animals are permitted on campus grounds and in some cases, into University buildings, providing the animal’s owner/handler follows federal, state and local laws and those rules covered in this policy. Provisions for service and emotional support animals in campus buildings are also covered below.

A. Service Animals:

Employees

If it is not apparent that the animal is a service animal, an employee of the University may be asked the following:

1. Whether the service animal is needed because of a disability;
2. What work or task the animal has been trained to perform to assist the employee with his or her disability.

Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

An employee who refuses to identify the work or task the animal is trained to perform or who identifies the work or task that does not qualify as a service animal shall not be permitted to bring their animal into a University space. Removal or exclusion of an animal does not exclude the employee from being on campus. An employee that identifies the work or task his or her animal has been trained to perform to assist the employee with his or her disability that would permit the animal’s presence in a University space is encouraged to notify the Human Resources Department.

Students

If it is not apparent that the animal is a service animal, a student of the University may be asked the following:

1. Whether the service animal is needed because of a disability;
2. What work or task the animal has been trained to perform to assist the employee with his or her disability.

A student who refuses to identify the work or task the animal is trained to perform or who identifies the work or task that does not qualify as a service animal shall not be permitted to bring their animal into a University space. Removal or exclusion of an animal does not exclude the student from being on campus. A student that identifies the work or task the animal is trained to perform to assist the student with his or her disability that would permit the animal’s presence in a University space is encouraged to notify the Dean of Student Affairs for any assistance needed.

B. Emotional Support Animals:

Employees

An employee who has an emotional support animal must notify the Human Resources Department of the request to use an emotional support animal while on University property. The Associate Vice President of Human Resources, or her designee, shall determine the employee's functional limitations imposed by his or her disability and what accommodations, including the option to the emotional support animal on campus, are available to reasonably accommodate the employee. (See Section VII. below.)

Students

A student who has an emotional support animal must notify the Office of Disability Services of the request to bring an emotional support animal on campus while attending classes. Such request shall be documented in writing on a Request for Accommodation form, which is available at the Office of Disability Services. The student shall be assigned to a Disabilities Accommodations Coordinator who shall determine the student's functional limitations imposed by the disability and what accommodations, including the request to bring an emotional support animal on campus, are available to reasonably accommodate the student.

C. Visitors and Animals on Campus

Visitors, including alumni, event attendees, seminar participants, potential students and families on campus tours, vendors and other business visitors of the University, as well as all other guests of the University, are not required to receive permission from the University prior to bringing a service animal onto University property. If it is not apparent that the animal is a service animal, the handler may be asked the following questions:

1. Whether the service animal is needed because of a disability;
2. What work or task the animal has been trained to perform to assist the student with his or her disability.

A visitor who refuses to identify the service or task the animal is trained to perform or who identifies a service or task that does not qualify as a service animal shall not be permitted to bring their animal into a University space. Removal or exclusion of the animal does not exclude the visitor from being on campus.

The department or office the visitor wishes to visit, or the office sponsoring the event the visitor wishes to attend, should be contacted in advance if the visitor has any questions about the rules concerning the presence of a service animal at a specific event or in a specific location on campus. Questions may also be addressed to the Office of Disability Services or Campus Security.

A visitor to the University who is accompanied by a service animal may be denied entrance to a specific event or location if the presence of the animal interferes with the safe and normal operation of the University, poses a risk to the animal or is otherwise not allowed.

Visitors are not authorized to bring emotional support animals, Therapy animals or Pets into or upon a University space.

6. Handler's Responsibilities

- A.** A service animal, or emotional support animal that has been authorized to be on University property as part of an accommodation plan (approved emotional support animal), must be personally supervised by the Handler, and the Handler must retain full control of the animal at all times while on property owned or controlled by the University.
- B.** Service animals, or approved emotional support animals, may not be left unattended at any time on property owned or controlled by the University.
- C.** Service animals, or approved emotional support animals, may not be tied or tethered to any property owned or controlled by the University, including but not limited to buildings, railings, bike racks, fire hydrants, fences, sign posts, benches and trees, and may not be allowed to run loose anywhere on campus.
- D.** The Handler shall ensure that the service animal, or approved emotional support animal, is housebroken.
- E.** Service animals, or approved emotional support animals, must not be allowed to disrupt or interfere with University activities including, but not limited to, teaching, research, service or administrative activities. If the animal is unruly or disruptive, poses a threat to the health or safety of the University community, or if the Handler fails to maintain control of the animal, the Handler must regain control immediately or remove the animal from the University property. If the improper behavior continues or happens more than once, the Handler may be prohibited from bringing the animal on University property. This shall be determined on a case-by-case basis. In the event an animal is banned, the University will engage in a good faith interactive process with the individual to determine if other accommodations will effectively allow the individual to participate in the program, service, or activity.
- F.** The Handler is responsible for cleaning up any waste created by the animal and for all costs related to damages created by the animal. This includes fees for clean-up and disposal of animal waste or replacement and repair of University or other individuals' assets, including grounds, personal property and improvements.
- G.** The Handler must, at all times, maintain direct control of the service animal or approved emotional support animal. To the extent possible, the animal must be harnessed, leashed or tethered unless these devices interfere with the animal's work or the individual's disability prevents use of these devices. In that case, the animal must be controlled through voice, signal or other effective controls.
- H.** The Handler should have a plan in place for animal care in the event of an emergency.
- I.** The Handler shall be responsible for arranging for alternative shelter if the animal has to be removed from campus due to disruptive or unsafe behavior or due to unsafe environmental conditions if the handler becomes unable to care for the animal.

- J.** All Handlers are responsible for compliance with state and local laws concerning animals (including registration, vaccinations, and tags)

7. Disability Accommodations for Employees with Animals

The prohibition on employment discrimination in Title I of the ADA and Section 504 of the Rehabilitation Act require reasonable accommodation for those with disabilities. An animal may be a reasonable accommodation for some disabilities.

What is a reasonable accommodation is always determined through an interactive dialogue with the employee. Texas Wesleyan University may ask about the nature of the employee's disability and require documentation that an animal can assist the employee in performing the duties of the job. Texas Wesleyan University can anticipate that not all documentation for requested assistance animal accommodations will come from a medical or health care professional. Information about the nature of the employee's disability should always come from a health care professional. However, information about how an animal can assist the employee in his/her job may come from an animal trainer or other person familiar with animals. So long as the individual has sufficient expertise to provide an opinion about how the animal can assist the employee in performing his/her job, it is acceptable. Depending on the species of animal involved in the accommodation request, the documentation should also include information about training the animal has received to ensure that it can behave in the workplace.

A trained dog that performs task, work, or is needed as a disability accommodation requests is reasonable where:

- The employee's disability and the animal's function are related
- The animal will improve the employee's ability to perform the job
- The animal will not be a disruptive presence in the workplace
- The accommodation does not present an undue hardship

Not all animals are necessarily disruptive in the workplace. An animal that is disruptive, however, is not a reasonable accommodation.

Employees are responsible for the care and supervision of their animals. Texas Wesleyan University must provide appropriate accommodations that enable their employees to provide this care – e.g., appropriate breaks to allow the employee to take the animal outside to attend to bodily functions. Employees are not necessarily entitled to take an animal throughout the workplace, but only to those locations necessary to perform their job. Animals that pose a health or safety risk to others, cannot be controlled by their handlers, or are not housebroken can be removed.

8. Animals in University Housing (Residence Halls)

A resident student/faculty/staff seeking to keep a service animal in housing must make a formal request to Residence Life (RL). Requests should be submitted as soon as possible before the semester the animal is requested and by the deadlines specified by Texas Wesleyan University. Requests submitted after the deadline or after the student is already placed in housing may take 30 days or more; accordingly, students should submit their requests to RL at least 30 days prior to the date the student would like to bring the animal to

housing.

9. Service Animals in University Housing (Residence Halls)

When the need for a service animal is not readily apparent, Texas Wesleyan University may ask the student two questions for the purpose of determining whether an animal qualifies as a service animal:

1. Whether the animal is needed because of a disability;
2. What work or task the animal has been trained to perform to assist the resident.

Residence Life recommends voluntary registration of Service Animals. In case of emergency situations, this helps emergency staff know to look for these animals during emergency evacuation processes. If a service animal is registered with Residence Life, Residence Life staff will make a reasonable effort to notify the other residents that a service animal will be in the living area. This notice will be limited to information about the animal's presence; there will be no disclosure of the student's disability. Other resident students with medical conditions who are affected by animals (e.g., severe allergies, respiratory diseases), are asked to contact RL if they have a health or safety related concern about exposure to a service animal. Such affected students may be eligible for an accommodation when living in proximity to a service animal. Residence Life staff will collaborate as necessary to resolve conflicts related to a service animal. Staff members will consider the needs and/or accommodations of all resident students involved. Residence Life may relocate the Handler and Approved Animal if necessary to accommodate other students with medical condition(s) who are affected by animals or in other circumstances as deemed appropriate in the sole discretion of Texas Wesleyan University.

Service animals may travel freely with their Handler throughout Texas Wesleyan University housing and other areas of the campus. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

10. Emotional Support Animals in University Housing (Residence Halls)

A resident student seeking to keep an emotional support animal in housing must make a formal request to RL. Requests should be submitted as soon as possible before the semester the animal is requested and by the deadlines specified by Texas Wesleyan University. Requests submitted after the deadline or after the student is already placed in housing may take 30 days or more; accordingly, students should submit their requests to RL at least 30 days prior to the date the student would like to bring the animal to housing.

When the need for an emotional support animal is not readily apparent, Texas Wesleyan University may request additional official written documentation from a licensed physician, psychiatrist or other mental health professional, including (1) verification of the student's disability-related need for a assistance animal, (2) a written statement on how the animal serves as an accommodation for the documented disability, and (3) a statement on how the need for the emotional support animal relates to the ability of the student to use and gain benefit from Texas Wesleyan University housing. Any necessary documentation must be dated within the last 12 months.

If the request for an emotional support animal is approved, the requesting student will be asked to acknowledge, in writing, receipt of, and their agreement to comply with, this policy.

Individuals living in University housing will be permitted to have no more than one support animal.

If the request for an emotional support animal is approved, Residence Life staff will make a reasonable effort to notify the other residents that an emotional support animal will be in the living area. This notice will be limited to information about the animal's presence; there will be no disclosure of the student's disability. Other resident students with medical condition(s) who are affected by animals (e.g., severe allergies, respiratory diseases) are asked to contact RL if they have a health or safety related concern about exposure to an emotional support animal. Such affected students may be eligible for a disability accommodation when living in proximity to an emotional support animal. Residence Life staff will collaborate, as necessary to resolve conflicts related to an emotional support animal. Staff members will consider the needs and/or accommodations of all resident students involved. Residence Life may relocate the Handler and approved animal if necessary to accommodate other students with medical condition(s) who are affected by animals or in other circumstances as deemed appropriate in the sole discretion of Texas Wesleyan University.

Emotional support animals must be contained within the privately assigned residential area (room, suite, apartment) at all times, except as otherwise expressly provided. When transported outside the private residential area, assistance animals must be in an animal carrier or controlled by leash or harness. When outside the residence, the Handler of an emotional support animal shall carry the letter provided by RL identifying the animal as an emotional support animal.

11. Responsibilities of the Handler of Service or Emotional Support Animal in University Housing (Residence Halls)

1. The Handler is responsible for assuring that the approved animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there. In addition, the approved animal must not pose a threat to the health, safety, or property of anyone in the Texas Wesleyan University community. If Texas Wesleyan University determines that the approved animal threatens the health, safety, or property of anyone in the Texas Wesleyan University community, or that the approved animal is adversely affecting Texas Wesleyan University's programs and activities, Texas Wesleyan University will take appropriate measures, up to and including a determination that the approved animal may no longer be permitted on campus.
2. The Handler must always be in control of the animal. The care and supervision of the approved animal is solely the responsibility of the Handler. The Handler is responsible for ensuring the safety of the approved animal and the Texas Wesleyan University community. The Handler must not have any past or current student conduct issues that may impact the Handler's ability to care for and effectively control an animal. If Texas Wesleyan University determines that such conduct issues are negatively impacting the safety of the approved animal or the Texas Wesleyan University community, Texas Wesleyan University will take appropriate measures, up to and including a determination that the approved animal may no longer be permitted on campus.
3. The Handler is financially responsible for the actions of the approved animal, including bodily injury or property damage. The Handler's responsibility covers but is not limited to replacement of furniture, carpet, windows, wall coverings, and the like. The Handler is expected to cover these costs at the time of repair.

4. The Handler is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to Texas Wesleyan University premises that are assessed after the student and animal vacate the residence. Texas Wesleyan University shall have the right to bill the Handler's account for unmet obligations.
5. The Handler is responsible for ensuring the cleanup of the approved animal's waste and, when appropriate, must toilet the approved animal in areas designated by Texas Wesleyan University consistent with the reasonable capacity of the Handler. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces.
6. The Handler is financially responsible for any expense of pest treatment that is beyond routine pest control. The Handler's residence may be inspected for pests as needed and the Residence Life staff will schedule any such inspection. If pests are detected upon inspection, the residence or residence hall will be treated using Texas Wesleyan University approved pest control methods and the Handler is expected to cover these costs at the time they are incurred.
7. The Handler understands that Texas Wesleyan University may use pesticides, pest-control devices, de-icing materials, cleaning supplies and other materials for the maintenance and operation of housing and the Handler acknowledges and agrees that Texas Wesleyan University is not responsible for any harm to approved animals caused by such materials.
8. The Handler is responsible for the overall health and well-being of the approved animal. This includes but is not limited to:
9. Vaccinations: In accordance with local ordinances and regulations, the Approved Animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Cats should have the normal shots required for a healthy animal. Local licensing and microchipping requirements must be followed.
10. Animals to be housed in Texas Wesleyan University housing must have an annual clean bill of health from a licensed veterinarian. Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding the approved animal's health. Texas Wesleyan University has authority to direct that the approved animal receive timely veterinary attention (e.g., if fleas, ticks, or other pests are detected through inspection (as per Section IV.F. above), and to require documentation demonstrating the approved animal has been treated.
11. Texas Wesleyan University reserves the right to request documentation showing that the Approved Animal has been tagged and/or chipped pursuant to local and State of Texas laws.
12. Approved animals must be taken with the student if they leave campus for a prolonged period of time. Approved animals may not be left overnight in Texas Wesleyan University housing to be cared for by another student.

13. The Handler must notify RL in writing if the approved animal is no longer needed or is no longer in residence.
14. The Handler agrees to continue to abide by all other residential policies. A reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy.
15. The Handler shall indemnify and hold harmless Texas Wesleyan University from all expenses, injuries, or claims arising out of the Handler's control and/or use of the approved animal.

8.9.2 Minors on Campus Policy

General Description

This policy outlines the requirements of faculty, staff, students, volunteers and others who are assigned to work with minors and informs all members of the University community of their obligation to report any instances of known or suspected abuse or neglect of minors.

Purpose

Texas Wesleyan University hosts minors on campus in a variety of ways, such as external events held on campus, classes, campus tours, and is dedicated to the welfare and safety of minors who visit campus, participate in University programs, or are entrusted to Texas Wesleyan University's care.

Scope

All Texas Wesleyan University faculty, staff, student employees, students that are assigned to work with minors and all volunteers performing services on behalf of Texas Wesleyan University.

Exceptions: This policy and its requirements do not apply to:

1. Single performances or events that are open to the general public and are not intended for minor children.
2. Events or functions that may be attended by minors who are accompanied by their parents/guardians. This exception does not apply if the minors will be separated from their parents/guardians.

Terms & Definitions

- **Camp.** A Camp is defined by SB1414 as involving one or more minors and lasting four or more days, with any part of a day counting toward the four days, which need not be consecutive days. Camps require successful completion of Texas Education Code 51.976 approved Texas Camps Online Training Module and a criminal background check.
- **Child Abuse.** Child abuse exists when there is endangerment of a minor's physical or mental health due to injury by act or omission, including acts of sexual abuse.
- **Employee.** Employee is any regular, part-time, or temporary faculty or staff member or student employee of the University.

- **Minor.** Minor is a person under the age of eighteen (18).
- **Program.** Program is defined by Texas Wesleyan University as a scheduled event that includes minors, but may not constitute a camp as defined by Texas Education Code 51.976. Programs may include, but are not limited to events such as a laboratory observation/experience, internship, workshop, project, lesson, practice, a campus tour, etc. Programs require successful completion of a Protecting Children on Campus Training Module (Juan) and a criminal background check.
- **Student.** Student is defined as student employees or students that are assigned to work with minors.
- **Texas Education Code 51.976.** Texas Education Code 51.976 contains specific requirements relating to sexual abuse and child molestation training and examination for individuals associated with certain programs for minors held on campuses of institutions of higher education, providing penalties).
- **Volunteer.** Volunteer is defined as anyone performing volunteer services on behalf of Texas Wesleyan University.

Training & Background Checks

All Texas Wesleyan University employees and volunteers are required to complete the following requirements prior to working with minors. Failure to do so may result in disciplinary action in accordance with University policy. A break in service great than 12 months or change in position will mandate that the following requirements be repeated in accordance with Human Resources background check requirements. All members of the University community are also required to abide by the reporting requirements and code of conduct below.

All employees and volunteers that are assigned to work with minors are required to successfully complete a criminal background check through the Office of Human Resources upon hire, or if not an employee, when becoming involved with or appointed to a non-employment position that is assigned to work with minors; and are required to successfully complete a Protecting Children on Campus online training module administered by the Office of Risk Management upon hire, or if not an employee, when becoming involved with or appointed to a non-employment position that works with minors every 2 years thereafter.

All employees and volunteers that are assigned to work with minors participating in an official Camp must successfully complete an approved Texas Education Code 51.976 Texas Camps Online Training Module administered by the Office of Risk Management, in addition to successful completion of a criminal background check. It is the responsibility of the employee or volunteer to report any changes to their criminal record or charges filed against them to Human Resources immediately.

Types of Abuse and Identification

The types of abuse include physical abuse, neglect, sexual abuse, and emotional abuse.

Sexual abuse is any sexual act between an adult and a minor or between two minors when one

exerts power over the other. Warning signs differ by the age of the minor. Possible warning signs include:

- A. behavior or language that is not appropriate for the minor's age
- B. Overly compliant behavior
- C. Withdrawal or depression
- D. Unexplained anger
- E. Refusal to be left alone
- F. Finding reasons not to go home
- G. Finding reasons to avoid being with a specific person that the minor used to spend time with
Self-mutilation
- H. Failing grades or a change in school behavior
- I. Bed-wetting or bowel-movement accidents in minors who have previously outgrown them

Physical abuse exists when a minor is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, other actions or inactions. Physical abuse may be detected by signs such as:

- A. Injuries such as burns, marks, and scalds
- B. Bruising which is repeated and on parts of the body where accidental injury would be unlikely to occur
- C. Untreated injuries

Code of Conduct for Interacting with Minors

1. Do not spend time alone, whether on or off campus, with a minor away from others. If one-on-one interaction is required, meet in open, well-lit rooms or spaces with windows observable by other adults from the camp or program.
2. Do not meet with minors outside of established times for camp or program activities. Any exceptions require parental authorization and must include more than one adult from the camp or program.
3. More than one adult must accompany minors to the restroom. Minors should never

be alone with only one adult in any areas.

4. Do not touch minors in a manner that a reasonable person could interpret as inappropriate.
5. Do not tell sexual jokes, make sexual comments, share or view sexually explicit material, or engage in sexual actions with or within the vicinity of minors.
6. Do not engage in abusive behavior of any kind toward or in the presence of a minor, including but not limited to verbal abuse, hitting, punching, poking, or restraining, except as necessary to protect a minor or others from harm. All incidents involving such conduct, whether or not necessary to protect a minor or others from harm, must be documented and disclosed promptly to the camp or program director and the minor's parent/guardian.
7. Do not engage or converse with minors through email, text messages, social networking websites, or other forms of social media unless there is an educational, camp or program purpose and the content of the communication is consistent with the mission of the University.
8. Do not tell minors "just between you and me" or use similar language that encourages minors to keep secrets from their parents/guardians and others.
9. Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty or when responsible for a minor's welfare.
10. Do not shower, bathe, or undress with or in the presence of a minor.

Reporting Requirements

Every person, whether they are assigned to work with minors or not, is required by law to report known or suspected instances of the abuse of, neglect of or inappropriate interactions with minors. Individuals making reports in good faith are protected from criminal and civil penalty for making a report. All types of suspected abuse or neglect should be reported.

External Reporting: Texas law requires every person to make a report when they suspect sexual or physical abuse or neglect of a minor. Failure to report is a Class A misdemeanor. The required report may be made to the Texas Department of Family and Protective Services Abuse, Neglect and Exploitation Reporting System.

Call Texas Wesleyan University Security at 817-531-4911. Texas Abuse Hotline: 1-800-252-5400 Online Reporting for situations that do not require an emergency response or action in less than 24 hours: <https://www.txabusehotline.org/Login/Default.aspx>

Internal Reporting: Every person has a further obligation to report known or suspected abuse or neglect of a minor on campus or in a camp or program immediately to Texas Wesleyan University. Reports may be made to: Texas Wesleyan University Security at 817-531-4911, Office of Risk Management at 817-531-4286, or Campus Conduct Hotline by calling 866-943-5787 or online at <http://www.campusconduct.com/incident.aspx>

Consequences of Policy Violation

Failure to abide by this policy may result in disciplinary action in accordance with University policy. Texas law requires every person to make a report when they suspect sexual or physical abuse or neglect of a minor. Failure to report is a class A

8.10 Insurance

8.10.1 Life Insurance

The University provides full-time, regular employees with a group life insurance policy. Full-time, regular employees become eligible for life insurance after 90 days of continuous employment. The Office of Human Resources will provide online enrollment instructions to new employees on which he or she may designate a beneficiary. In the event of a claim, the Office of Human Resources should be contacted to begin the necessary administrative process. Any questions concerning the group life insurance policy should be referred to human resources.

8.10.2 Medical Insurance

The University provides health insurance benefits to full-time, regular employees as described in the schedule of benefits for the plan. Full-time, regular employees become eligible for group health insurance on the first day of the month following 30 days of employment. The University may pay a portion or all of the premium for the employee's coverage; however, in the event the University offers more than one health care plan, the University may pay the premium of the lowest cost provider. The employee is responsible for monthly premiums for any eligible dependents enrolled in the program.

Eligible dependents include the lawful spouse of an insured employee; a child under the limiting age; a child of any age who is medically certified as disabled and dependent on the parent; a child of your child who is your Dependent for federal income tax purposes at the time application for coverage of the child is made; any other child included as an eligible Dependent under the health plan contract. Child means a natural child, a stepchild, an eligible foster child, an adopted child, under twenty-six (26) years of age, regardless of presence or absence of a child's financial dependency, residency, student status, employment status, marital status, eligibility for other coverage, or any combinations of those factors.

The Office of Human Resources will provide instructions for online enrollment to new employees. Online enrollment must be completed before coverage can begin. Human resources also will provide information that describes the details of the plan. Employees will receive a group health insurance card from the provider. Employees should contact the health plan representative (member services) or the Office of Human Resources with any questions concerning the policy.

Terminating employees are covered until the last day of the month in which they terminate.

8.10.2.1 COBRA/HIPAA (Consolidated Omnibus Budget Reconciliation Act and Health Insurance Portability and Accountability Act)

The University complies with all regulations with respect to continued health insurance for eligible employees. Upon being hired by the University, employees shall be advised in writing of their COBRA benefits in the event that their employment is terminated. Terminating employees shall be sent notification of their COBRA

rights and HIPAA certification within 14 days. It is the employee's responsibility to keep the University and the Office of Human Resources informed of the current addresses for all qualified beneficiaries.

The University may deny COBRA coverage for termination due to gross misconduct. Gross misconduct includes any act constituting violence or the threat of violence in the workplace, misappropriation of University funds or assets, the deliberate destruction or abuse of University property, reporting for work under the influence of alcohol or illegal drugs or the possession of illegal drugs in the workplace, and sexual harassment. For additional information, contact the Office of Human Resources.

8.10.2.2 HIPAA Medical Privacy Policy

The Office of Human Resources will maintain employee/dependent medical information that may be used or disclosed in any form including electronic, paper, or oral, and that may contain individually identifiable health information. This Protected Health Information (PHI) is defined as: health information that can be created or received by the University that identifies or can be used to identify a specific individual, and relates to the past, present, or future physical or mental condition of the individual; health care provided to the individual; or, the past, present, or future payment for the individual's health care. PHI will be retained in separate confidential files. Disclosure of PHI will be limited to the minimum amount necessary for specified purposes, and non-medical disclosures will be permitted only with the written authorization of the individual who is the subject of the information. Disclosures of PHI for law enforcement purposes will be permitted when required or as permitted by law.

To ensure protection of PHI, the Office of Human Resources will adhere to the following safeguards:

- A. establishment of written policies and procedures to protect the privacy of PHI;
- B. establishment of sanctions and ability to impose sanctions for violations;
- C. establishment of an internal complaint process;
- D. designation of a privacy officer - concerns regarding HIPAA compliance should be referred to Office of Human Resources; and,
- E. provide training to University employees.

Rights of Individuals - Employees and/or their dependents have the following rights:

- A. to receive notice of the University's privacy practices;
- B. to request that disclosures of PHI be restricted, for example only to certain individuals;
- C. to request that alternative methods be used to release an individual's PHI;
- D. to inspect and obtain a copy of all PHI relating to the individual; to request amendments to an individual's PHI; and,
- E. to receive information about the disclosures of an individual's PHI.

8.10.3 Disability Insurance

Eligibility for coverage for full-time, regular employees commences after ninety (90)

days of continuous employment. The University will provide 100% compensation to full-time regular employees the first thirty (30) calendar days of continuous disability after notification and documentation by a physician that the employee is disabled. Compensation for the first thirty (30) days of continuous disability includes utilization of all accrued sick days and vacation days, if any.

If an employee has more than 30 days of vacation and sick leave benefits available, he or she may utilize the remainder of those benefits at a rate of 40% per day (3.2 hours per day) in addition to receiving 60% disability income benefits through the University's disability insurance policy. The University pays all premiums for employee disability insurance. Except as stated above, disability insurance will provide 60% of the employee's customary salary beginning on the 31st day of continuous disability. The employee may remain on disability until either the disability is resolved or the employee reaches age 65, whichever occurs first. Employees wishing to take advantage of the disability benefit must submit the appropriate claim forms, including their doctor's verification form, to the Office of Human Resources. Submission of these forms should be done within two weeks of the last day worked, if the employee anticipates being unable to return to work full-time before day 30. The employee also will receive written materials that describe the group disability plan.

The University shall pay the premiums for the employee's group health benefits. However, the employee still must pay additional premiums for optional benefits or for other eligible members. Premium payments that are late by more than 30 days will result in the termination of any insurance benefit specific to that premium. In that event, insurance benefits shall be restored when the employee returns to work. No other benefits shall accrue.

In the event of a claim, the employee should contact the Office of Human Resources as soon as possible in order to process the claim. Records of disability will be maintained in the employee's confidential file in the Office of Human Resources.

Employees approved for salary continuation of short-term or long-term benefits are required to provide updates (verified by physician) as requested. Failure to do so in a timely manner may result in loss of benefits. Employees with questions regarding claims or benefits should contact the Office of Human Resources.

8.10.4 Optional Benefits

The University may, at its sole discretion, provide optional benefits that full-time employees may enroll in, at their expense. These may include dental, flex spending, etc., and are subject to the same open enrollment periods as other benefits.

8.10.5 Employee Assistance Program

Texas Wesleyan University has established an Employee Assistance Program (EAP) to provide professional, confidential assistance for personal problems, such as emotional stress, workplace conflict, parenting concerns, marital and family distress, and alcohol- and drug-related problems. The program is designed to encourage early awareness of such problems and to offer assistance at the earliest opportunity.

Texas Wesleyan University believes that employees with a personal problem affecting job performance and/or attendance should receive the same careful consideration and offer of professional and confidential assistance that is presently extended to employees having health problems. Employees are responsible for their performance and for taking constructive action to resolve any personal problem that affects or threatens to affect their on-the-job behavior. The EAP provides a confidential, professional resource for assistance in resolving personal problems. Employees are encouraged to seek assistance through the EAP on their own, before performance is negatively affected.

This confidential program is administered by a t h i r d p a r t y independent consulting and service firm.

I. ELIGIBILITY

1. All full-time employees
2. Household members of eligible employees
3. Benefit-eligible dependents of eligible employees

II. PROCEDURES

1. All records pertaining to the EAP kept by the third party administrator will remain the property of the third party administrator at all times. The EAP will not reveal information about any individual's use of the EAP (including information that the individual discloses) to persons outside the EAP except in the following circumstances: (1) the individual consents in writing; (2) the law requires disclosure; or (3) EAP staff or counselors believe that disclosure is necessary to avoid a threat to life or safety.
2. The decision to seek or accept assistance through the EAP will not adversely affect an employee's job security or advancement opportunities. Because of the EAP's confidentiality rules, Texas Wesleyan University will not know of an employee's use of the EAP unless an exception to confidentiality applies or the employee signs consent for disclosure.
3. Texas Wesleyan University encourages employees with personal problems to take early advantage of the professional services provided through the EAP. EAP staff members are available 24 hours/ day, 7 days/week to answer any questions about the EAP and the scope of available services.
4. Supervisors are responsible for implementation of this policy by remaining alert to all instances of substandard work performance that may be caused by personal problems and bringing these to the attention of the employee along with an offer of assistance at the earliest indication of a recurrent problem.
5. Employees are responsible for deciding to seek assistance through the EAP or to accept referral to the EAP.
6. Time off and coverage of necessary treatment expenses will be provided to eligible employees and dependents consistent with current policy and applicable benefits coverage.

7. The EAP is also available to household members and benefit-eligible dependents of Texas Wesleyan University employees because employee work performance and attendance can be affected by the problems of an employee's spouse, children, and/or household members.
8. There is no out-of-pocket cost for a covered member to use the EAP (up to 4 visits), however any costs incurred as a result of a referral made by the EAP for ongoing assistance to mitigate a presenting concern is the responsibility of the employee.

III. REFERRAL GUIDELINES

Employees may obtain professional assistance through the EAP in one of the following ways:

- Self-referral;
- Supervisor recommendation;
- Medical referral;
- Family member assistance

Self-referrals and supervisor recommendations to use the EAP are fully funded (up to 4 visits) by Texas Wesleyan University through premiums paid on eligible employees.

A. Self-Referral

1. An employee who desires confidential assistance for a personal problem should call 888-628-4824 and ask to speak to an EAP representative.
2. The EAP representative will either provide the necessary assistance on the telephone or will arrange for a referral to a counselor in the employee's community.
3. There is no out-of-pocket cost for an employee who self-refers to the EAP. It is fully funded by Texas Wesleyan University (up to 4 visits).

B. Supervisor Recommendation

1. When an employee brings a personal problem to the attention of the supervisor, but work performance and attendance are within acceptable standards, the supervisor should encourage the employee to use the EAP. The supervisor should explain to the employee how the program works and, when appropriate, offer assistance in contacting the EAP.
2. The EAP does not provide confirmation to the supervisor that the employee is using the EAP or otherwise communicate with the supervisor.
3. There is no out-of-pocket cost for an employee to use the EAP. It is fully funded by Texas Wesleyan University (up to 4 visits).

C. Medical Referral (“ Formal Referral”)

1. A medical referral is a formal referral made by authorized internal medical/health services personnel on behalf of the organization and remains voluntary on part of the employee.

The basis of the referral should be:

- a. The identification of a medical symptom or disorder which is commonly associated with a personal problem; or
 - b. A request from the employee for advice or assistance regarding a personal problem.
2. Health Services staff should call the EAP via the 888# to arrange an appointment between an EAP counselor and the employee.
 3. The employee should be advised that the appointment with the EAP counselor constitutes part of the recommended treatment plan and that the referral will be documented in the employee’s medical record. The decision to accept assistance through the EAP should be left up to the employee.

D. Dependent or Household Member Assistance

1. An eligible dependent or household member who desires confidential assistance for a personal problem may call 8 8 8 - 6 2 8 - 4 8 2 4 and ask to speak to an EAP representative.

8.11 Educational Assistance/Tuition Waiver Policy

8.11.1 Eligibility

All full-time, regular employees of the University, their spouses and dependent children (per IRS regulations) are eligible for a tuition waiver. Children are defined as natural, adoptive or stepchildren, or individuals under legal guardianship. Eligibility for the tuition waiver benefit begins the semester following the first day of employment for both the employee and their eligible family members. No waiver eligibility will be retroactive to any semester/session enrolled prior to the eligibility date.

Employees, their spouses and dependent children who receive the tuition waiver benefit will not be eligible for any additional merit or talent based institutional aid for tuition. Room grants may be awarded to cover room charges.

If an eligible regular employee dies or becomes disabled while in service to the University, or retires with at least 15 years of service and being over the age of 55, the employee, his or her spouse and children will be eligible for the Educational Assistance/Tuition Waiver as if the employee had remained in full service. This benefit will be extended to employees, spouses and children wishing to enroll in undergraduate and some graduate courses, with no restriction to age.

8.11.2 Criteria for Course Placement

Tuition waiver students shall not count toward the target minimums required to make a class. If a class does not make, it may be cancelled. Tuition paying students shall have placement priority in courses at maximum enrollment capacity.

When there are limited seats available for tuition waiver students, the following criteria shall be used to determine which tuition waiver applicants will be placed in available courses. These criteria are listed in order of priority, the University shall apply them sequentially:

1. Employee or employee's spouse or child who have completed 75% or more of their program based on full-time status of the semester/session.
 - a. Years of service
 - b. Date of application submission to the Office of Human Resources
2. Full-time employee
 - a. Years of service
 - b. Date of application submission to the Office of Human Resources
3. Part-time employee
 - a. Years of service
 - b. Date of application submission to the Office of Human Resources
4. Employee's spouse or child
 - a. Years of service
 - b. Date of application submission to the Office of Human Resources

Tuition waiver applicants who are already students in a Texas Wesleyan University degree program prior to employment may have the highest course placement priority.

8.11.3 Procedures for Obtaining Waiver Benefit

All eligible candidates wishing to take advantage of the waiver benefit must complete the following requirements:

1. Complete and submit an application for admission and all other documentation required by the Office of Admission and/or Financial Aid, by a designated date and be admitted. The candidate must qualify for acceptance. Applicants must be accepted for admission to the University prior to submitting the Texas Wesleyan Employee Tuition Waiver Application Request Form.
2. Once admitted, complete the Texas Wesleyan Employee Tuition Waiver Application Request Form (with appropriate signatures) and submit it to the Office of Human Resources by the designated deadline. A tuition waiver for a spouse or child requires the student's signature of the FERPA authorization release. A new waiver will be required each new term.
3. Recommended completion and submission of the Free Application for Federal Student Aid (FAFSA). Forms and information on timelines are available in the Office of Financial Aid. FAFSA completion is not required.

4. Arrange for payment of fees with the Business Office to ensure balance is paid by the end of the session/semester.

8.11.4 Additional Requirements

Continuance of the tuition waiver benefit requires compliance to the same academic standards as outlined under "Financial Aid Eligibility" in the current catalog.

Tuition waiver applicants who qualify and receive state, institutional or other outside awards, unless otherwise stipulated, shall have those awards applied to tuition costs. Students eligible to receive the Federal Pell Grant may use this form of aid for costs beyond tuition.

Employees granted a waiver are required to pay for all fees associated with admission and enrollment and any other fees not considered as "tuition". The University shall not incur any expenses on behalf of the employee, spouse or child, including tuition payments made to a third-party. The employee must pay all third-party charges.

Graduate tuition waiver benefits may be limited and are taxable to the employee.

Any employee with a delinquent or past due unpaid balance owed the University will result in the suspension or revocation of the tuition waiver benefit until the balance is paid in full. A signed payroll deduction agreement form is required for delinquent accounts. Collection action may be taken against employees who have outstanding balances associated with tuition waivers for themselves and/or their eligible family members.

8.11.5 Policies, Procedures and Restrictions

Supervisory approval is required for tuition waiver applications.

All tuition waiver approval forms for employees and their dependents must be fully completed and submitted to the Office of Human Resources 14 business days prior to the beginning of each semester. Waiver forms that are received by the Office of Human Resources after the deadline may not be processed and no waiver granted for that semester. The Office of Human Resources has final approval on waiver eligibility.

Regular, part-time, non-student employees (faculty or staff) are eligible for the tuition waiver. The amount of the waiver will be pro-rated to the number of regular hours they work each week. Thirty (30) or more hours per week is considered full-time employment. Part-time employee's children and/or spouses are not eligible for the tuition waiver. Part-time employees may only take classes during non-scheduled working hours.

Upon supervisory approval, eligible employees may take only one face to face course per semester/session during normal work hours. Any exceptions must be approved by the appropriate Vice President and Human Resources. Based on the needs of the department, supervisors may deny requests to attend class during normal working hours. Employees shall not be excused from work in order to attend online courses.

Eligible employees are limited to six (6) credit hours per semester/session with supervisory

approval. Other eligible family members may attend full-time.

Employee Benefit: 100% waiver for undergraduate and master's level courses up to six (6) hours per semester/session.

Spouse's Benefit: 100% waiver for undergraduate and master's level courses.

Children's Benefit: 100% waiver for undergraduate and master's level courses.

Tuition for nurse anesthesia, doctoral, and the MFT programs are waived at 50% for employees and 25% for eligible family members.

Employees who enroll in nurse anesthesia, MFT, doctoral, or the online MBA program are allowed to meet the minimum number of credit hours per semester/session as required by the program.

Any changes to procedures will be communicated with employees within a reasonable time period.

8.11.6 Loss of Waiver

In the event an eligible employee or employee family member is registered and using the tuition waiver and the employee is terminated for misconduct or poor performance, the waiver shall be immediately revoked and the employee will have the option of paying all tuition and fees in order to complete the semester or may withdraw from the University by following normal withdrawal procedures.

If an employee resigns, with or without notice, or is terminated for any reason (other than misconduct or poor performance) prior to 45 calendar days from the day classes began for the spring and fall semesters as listed in the current University catalog, the tuition waiver is revoked and the employee or employee family member must follow the same procedure as previously stated. If the termination occurs following that date, the employee or employee family member shall be allowed to complete the semester/session without revocation of the tuition waiver. If summer classes have begun before the resignation, the tuition waiver shall not be revoked for that summer session.

If an employee resigns and does not provide a two (2) week notice or an employment contract is breached, the benefit is revoked immediately.

Employees are responsible for payment of all other fees for themselves, their spouse and children. The tuition waiver will be revoked for delinquent accounts. Delinquent accounts are subject to payroll deduction.

Failure to comply with tuition waiver policies and procedures may result in the revocation of this benefit for the employee and eligible family members.

8.11.7 Revision or Termination of Benefit

This benefit may be revised or discontinued at the end of any semester at the University's

sole discretion. Under no circumstance shall it constitute a continuing obligation of the University.

8.12 Retirement

8.12.1 University Sponsored Retirement Plans

The University's retirement plan has two components, The Texas Wesleyan University Retirement Plan and Trust, which is a 401(a) plan, and the Texas Wesleyan University 403(b) plan. Eligible employees may choose to participate in the 403(b) plan immediately upon employment. In this plan, employees may designate a pre-tax deduction amount from each paycheck and designate their investment choices.

Eligible employees may participate in the 401(a) plan once they have completed one full year of service. In this plan, the University may contribute a percentage of gross earnings on the employee's behalf and may contribute matching funds up to six-percent of the employee's contribution to the 403(b) plan. University contributions are not guaranteed and amounts are subject to approval by the board of trustees.

The University previously sponsored a defined benefits plan called the Rebecca Estes Gray Retirement Plan. This plan was frozen May 31, 1996. Employees eligible at the time the plan was frozen are entitled to accrued benefits as provided for in the plan. Summary plan descriptions are available in the Office of Human Resources.

8.12.2 Social Security

All employees are covered by Old Age and Survivor's Insurance (Social Security). Under the Social Security program, employee contributions are deducted from paychecks and the University matches the contribution.

8.13 Services

The University may provide additional benefits, services or privileges for full-time, regular employees, as listed below:

8.13.1 Bookstore

Subject to approval from the bookstore contractor and within the limits of any contractual agreement, a discount is available to all full-time employees.

8.13.2 Check Cashing

The business office (cashier) will cash personal checks of \$25 or less per day without authorization; checks written for amounts over \$25 must be authorized by the controller or his or her designate. The business office may, at its discretion, refuse to cash third party or out-of-area checks. Check cashing privileges may be suspended or terminated, and any losses subject to collection, for any employee cashing a check on a closed account or with insufficient funds.

8.13.3 Credit Union

Employees are eligible to participate in the Educational Employees Credit Union. For further information, please contact the credit union directly.

8.13.4 Direct Deposit

Employees may arrange for direct deposit of their payroll check to most financial institutions. Forms are available in the Office of Human Resources or Business Office.

8.13.5 Food Service

The dining hall, located in Dora Roberts Hall, provides meals at reasonable rates and is open at designated meal times. The University also has a snack bar located in the Baker Building that offers sandwiches and short-order foods and beverages. Both dining facilities operate on a cash basis, or a meal punch card may be purchased from the director of food services.

8.13.6 The University Club

The University provides a lounge with full kitchen facilities that is available for all employees to use during break and meal times.

It is located on the first floor of the administration building. The club is reserved for use by faculty and staff employees, but may be used by students and community organizations as necessary.

8.13.7 Library

Employees are eligible to use the library with their University employee identification card. Hours of operation are posted in the library.

8.13.8 Special Programs and Activities

The University sponsors many programs, such as concerts, theatre productions, art shows and athletic events. All employees are welcome and encouraged to attend programs that are of interest to them. Unless otherwise noted, admission to these events is free to the employee and his or her immediate family members.

8.13.9 Recreation

The University's athletic facilities are available for employee use when not occupied by organized groups or classes. Facilities include the swimming pool, the basketball court (gymnasium), volleyball and badminton facilities, tennis courts and gymnastic equipment. For further information and available times, contact the Department of Athletics. **The swimming pool is not to be used unless a certified lifeguard is on duty.**

8.13.10 Parking

Full-time regular employees are assigned a parking space on the main campus, which is reserved between 7 a.m. and 6 p.m., Monday through Friday. All employees must register their vehicle(s) and obtain a parking sticker from the Campus Security Department. The parking sticker should be placed in a location visible from outside the vehicle.

Employees shall not park illegally or in another employee's parking space without permission. Employees who continually violate parking policies may be required to pay citations, may lose parking privileges or may be subject to disciplinary action.

8.13.11 Campus Security

The University provides 24-hour security patrols. All employees share in the responsibility to ensure the safety and protection of everyone on campus and the safekeeping of University and personal property.

Campus security may be reached by calling extension 4911. Fire, police or medical

emergencies should be reported by calling 9-911 before notifying security.

Any suspicion of violence, theft, breaking and entering, other illegal or suspicious activity or breach of law should be reported immediately to campus security or the police. A University identification card must be carried at all times while on University property and must be presented to campus security or the police upon request.

Employees are responsible for securing their own work areas and possessions. The University is not responsible for damage, loss or theft of personal property.

8.13.12 Communications

The Office of Communications publishes *Wesleyan Flame* via e-mail and a quarterly magazine.

Services and privileges may be cancelled, suspended, modified or revoked by the University at any time.

9.0 Committees

Committees may be established as necessary (e.g. committees on retirement, benefits and safety). The president typically appoints committees.

Appendix B

Texas Wesleyan University Motor Vehicle Safety and Authorized Driver Policy

The following policy regarding the use of University vehicles, leased vehicles, and privately-owned vehicles shall be followed in all University-related activities, events and work.

To ensure University employees are in compliance with state and local motor vehicle laws, staff, faculty and student workers whose essential job duties and responsibilities require them to operate a University vehicle, are required to submit a copy of their driver's license to the Office of Risk Management on an annual basis. No employee will be permitted to drive University-owned or University-leased vehicles unless a current copy of their driver's license is on file each year, meet the driver qualifications and are authorized drivers.

Vehicles are defined as motorized equipment, cars, trucks, tractors, pick-ups, vans, golf carts, construction equipment and other moving equipment.

Driver Qualifications

For all new hires whose job duties and responsibilities require them to operate a University vehicle as an essential function of their job, the University will acquire a copy of their motor vehicle report at the University's expense. Further, the University will request new employees to submit a copy of their driver's license prior to operating a University-owned or University-leased vehicle. No new staff or faculty member will be permitted to drive University-owned vehicles unless their driver's license and motor vehicle report is on file, and a driver's motor vehicle record will be checked at least once every two years or sooner if necessary. Texas Wesleyan University will maintain a copy of the motor vehicle record (MVR) in the Office of Risk Management.

All drivers must comply with the following qualifications and obligations:

1. Have a valid driver's license in effect for at least two years, and
2. Have fewer than two moving violations within the 18 months preceding the occasion of the driver's use of the University's vehicle, and
3. Have no arrest or conviction for drunk driving, driving under the influence of drugs or for reckless driving within two years of the occasion of the driver's use of the University's vehicle, and
4. Agree not to drink and then drive any University vehicle, and
5. Be at least 18 years of age, and
6. Meet all qualifications and requirements for the vehicle that they are driving, including licensing requirements, and
7. Cannot have a homicide or assault arising out of the use of a vehicle

All employees and student drivers will complete and sign a "Driving History" form (**Addendum A**). On a case by case basis, the rule may be temporarily over-ridden by specific authorization of the President of Texas Wesleyan University or his or her designee. Such authorization must be in writing and will be maintained in the driver's file. It is the responsibility of the driver to report any changes in the status of their driving record to their immediate supervisor.

Any violation of the vehicle safety and authorized driver policy by an employee may result in a written

reprimand by his or her immediate supervisor. Any student found not adhering to the policy may have his driving privileges suspended for the rest of the semester by management...

Authorized Drivers List

All department heads will identify the specific driver's available to drive for their department and provide this information to the Office of Risk Management. This certification will be completed in writing annually and will be maintained in the Office of Risk Management.

If there are vehicles which need special certifications to be driven, e.g. CDL, the authorized drivers for those vehicles will be identified.

The Office of Risk Management will maintain a consolidated authorized driver list to maintain control of the ongoing driver authorization process.

Each department's management team will be ultimately responsible for assigning, authorizing use of a vehicle asset and maintaining key control.

12 and 15-Passenger Vans

Given the historic safety record of 12 and 15-passenger vans in general, these vehicles should only be driven by drivers authorized to drive these vehicles. The use of 12 and 15-passenger vans should only be used when no other vehicle is available to accommodate the required task.

Golf /Utility Cart Use

The use of this motorized equipment will be managed by the responsible department and the Office of Risk Management. The department will be responsible for going over the rules governing the use of a golf/utility cart and have the employee sign the Golf/Utility Cart Driver Training" acknowledgement form **(Addendum B)**. A copy will be kept with the department and a copy sent to the Office of Risk Management. Any additional training will be coordinated with the Office of Risk Management.

Any golf/utility carts will be registered with the Office of Risk Management. All departments will be responsible for providing updates to the Office of Risk Management on any additions or deletions to their fleet and providing a list of all departmental employees trained and authorized to drive a golf or utility cart.

Personal Vehicles

Drivers authorized to use personal vehicles on institution business are subject to the same rules as drivers of institution owned, leased, and rented vehicles.

Drivers should be able to provide evidence of auto liability insurance that meets or exceeds the state minimum requirements.

Student Drivers

Any student whose duties may require him/her to operate an institution vehicle will meet the same criteria as an employee driver.

Student must be over the age of 18 to be an authorized driver.

Volunteer Drivers

Texas Wesleyan University will allow volunteers to drive for University travel but must have an MVR done prior to their travel and complete the Alert driving course. TXWES management will provide the names and email addresses for these drivers so they can be monitored by the Office of Risk Management.

Rental Vehicle Insurance

When driving the United States, its territories and possessions, and Canada, do not purchase rental vehicle insurance.

When driving in countries other than the United States, its territories and possessions, and Canada, rental vehicle insurance **must** be purchased.

Limit Passengers

Driver will not transport people in a university owned vehicle who are not involved in university business. There may be situations that may require the use of a leased vehicle to conduct university business where transporting non-university personnel may be warranted.

Driver Duties & Responsibilities

Each driver will agree to each and every one of the following:

1. Provide a copy of his or her driver's license, upon request.
2. Provide all consents and approvals necessary for the University to obtain a report or other document describing the driver's driving record from any states in which the driver has been licensed.
3. Use University vehicles only for official business.
4. Not permit any unauthorized person to drive the vehicle.
5. Use seat belts and all other available occupant restraints and require all passengers to do likewise in accordance with state laws. The number of passengers should not exceed the number of seat belts.
6. Operate the vehicle in accordance with University regulations. Know and strictly observe all traffic laws, ordinances and regulations.
7. Assume responsibility for any and all fines or traffic violations attributable to the driver.
8. Never drive under the influence of drugs or alcohol.
9. Not transport unauthorized passengers such as hitchhikers, family members or friends.
10. Obtain necessary authorization from appropriate source for use of University or privately owned or leased vehicles.
11. Use safe driving practices at all times.
12. Turn off the vehicle, remove the keys and lock the vehicle when it is left unattended.
13. Drive the vehicle at speeds appropriate for road conditions, even if that appropriate speed is below the legal posted speed limit.
14. All "off road" driving is prohibited.
15. Inspect the vehicle for safety and mechanical concerns, including checking tires, wipers, lights and other safety equipment for observable defects. Report any suspected defects immediately to the appropriate person.
16. Immediately report all accidents or violations to the prescribed authority. Accidents must be reported promptly to the immediate supervisor and the Office of Risk Management.
17. Make no modifications to any vehicle without approval.
18. Ensure that insurance coverage as required by state law is in effect on any privately-owned vehicle used for University business.
19. Be subject to applicable University disciplinary procedures for violations of University policy or rules.

Management/Department Head Duties & Responsibilities

Ensure employees adhere to the Motor Vehicle Safety and Authorized Driver Policy.

Maintain a list of authorized drivers' in their department and ensure only authorized drivers are allowed to use University vehicles.

Ensure that University-owned vehicles have an Incident Report and Auto ID card in them at all times and

are maintained for their intended use.

Driver Training

In order to understand the responsibilities and techniques for driving safely, all drivers must be able to demonstrate their skills in the operation of their assigned vehicles. If they are not able to demonstrate their driving skills, they will be trained in the appropriate techniques. For example, if a driver needs to be able to drive a passenger van or a vehicle with an attached trailer, but has no experience in such a vehicle, he/she must be trained until he/she can demonstrate mastery of that vehicle's operation. This training will be provided by the responsible department and the Office of Risk Management.

Training may include audio-visual methods, or the online Alert Driving course, as appropriate. An employee will need to complete the Alert Driving course before they are authorized to drive a university vehicle.

New university drivers are trained at the time of hire or initial authorization, and at least annually as established by the responsible department and the Office of Risk Management.

All student drivers should receive safe driving instruction during each school year during which they are eligible to drive an institution vehicle. The training should be completed prior to their first use of the vehicle in the school year and will be coordinated through the responsible department.

Once the course is successfully negotiated, TXWES personnel will receive a confirmation email that they have passed the course(s). The Office of Risk Management will also be copied on the confirmation email.

Maintenance Program

It will be the responsibility of each department that operates a TWU vehicle asset to establish a Preventive Maintenance program for their vehicles and equipment and should be performed in compliance with manufacturer specifications. In addition, it will be the responsibility of departmental management to "road test" their vehicle on a regular basis.

The Office of Risk Management will keep a schedule of all TWU vehicle assets.

If a vehicle has operational problems while off-campus, the driver will notify his/her department during normal business hours and Campus Security after hours. If the vehicle cannot be operated safely, the responsible department in coordination with Campus Security will make the necessary arrangements to bring the driver back to campus and have the vehicle transported to a designated service location.

Pre-Trip Safety

1. The driver and his supervisor will each complete and sign the Pre-/Post-Trip Vehicle Inspection form (**Addendum C**) indicating that they have inspected the vehicle. The driver will keep the copy with him/her at all times while operating the vehicle and will complete the post-trip section upon return to Texas Wesleyan University.
2. Headlights, taillights and windows must be clean before operating the vehicle.
3. The driver and the supervisor should also verify that a copy of the accident report form and current insurance card are available in the vehicle.
4. Upon return from the trip, the driver will return the completed copy of the Pre-/Post-Trip Vehicle Inspection form to the department when turning in the vehicle keys. The department and the driver will complete a brief vehicle inspection using the Pre-/Post-Trip Vehicle Inspection form and document any mechanical problems with the vehicle, service required, new damage, the amount of gas added, the number of miles driven and any service that may have been provided to the vehicle. The department will keep the original copy in their files but the Office of Risk Management reserves the right to review and inspect them on a regular basis.

Seat Belts

Seat belts are one of the most important pieces of safety equipment installed on a motor vehicle. Thus, it

should be noted that the use of seat belts is entirely under the control of the driver. All assigned vehicle drivers should follow the procedures listed below as a condition of assignment as a vehicle driver for Texas Wesleyan University.

When going on a trip (even a short trip across town), ensure that there is a seat belt for every passenger. If not, limit the number of passengers to the number of seat belts available.

Before shifting from "Park," the driver must secure his/her seat and shoulder belt and verify that all passengers are appropriately secured by their seat and shoulder belt.

Alcohol and Drugs

It is important for all drivers to recognize their responsibilities for operating a university vehicle in a safe and sober manner. No driver authorized by the Texas Wesleyan University should be under the influence of alcohol or drugs while operating a university owned vehicle at any time

Cell Phones and Electronics

Cell phones may only be used to make calls through the assistance of Bluetooth or other hands free devices. Headphones that reduce hearing should not be used. For navigation devices, program the destination before starting the vehicle, pull off the road to make changes and rely on the voice directions to guide you.

Stowed Items

Items that can become loose during travel should be properly secured and placed in proper storage areas or separated by a cage from the passenger area to prevent injury to passengers or damage to other vehicles. Stowed items should not obstruct the driver's view.

Vehicle Theft

To reduce the potential for theft and vandalism, the vehicle should be locked when left unattended, no valuables should be left in sight and the vehicle should be parked in a well-lit area at night. Texas Wesleyan University is not responsible for personal items left in a vehicle.

Extended Trips

To reduce the possibility of fatigue-related accidents on extended trips, when the one-way distance to the destination will take four hours or more, at least two eligible drivers should be assigned to drive the vehicle if possible. The "shot-gun passenger" will stay alert and act as co-pilot. In the event of inclement weather, the driver(s) will consider any weather alerts and utilize sound judgment on whether driving should be attempted.

Vehicle Accident Reporting Procedures

Vehicle accidents can seriously impact the lives of those involved, both as drivers and as passengers. To minimize the long-term effects of those accidents and to ensure that they do not recur, the following policies and procedures are in effect:

1. If a Texas Wesleyan University vehicle is involved in a collision with another vehicle, object or person or a one-car accident, such as rolling over and going into a ditch, the driver should call the police and, if there are any suspected injuries to driver or passengers, request emergency medical assistance.
2. The Office of Risk Management will be contacted at 214.280.2742 **after contacting the police**. The following information should be provided:
 - a) Driver's name and the vehicle involved
 - b) Location of the accident

- c) Description of any injuries to driver, passenger(s) or occupant(s) of other vehicles
 - d) Indicate whether the police and/or ambulance been notified and
 - e) Indicate the medical facility where injured people have been taken
3. Await further instructions from Campus Security and/or the Office of Risk Management.
 4. Make sure to retrieve the current insurance card from the vehicle. This card shows evidence of insurance to police authorities and also provides the driver with basic information on the insurance company, the claim reporting phone number and the policy number.
 5. The driver should begin to fill out the accident report form located in the vehicle. Be particularly careful to discuss the accident only with the police or the Office of Risk Management. Despite the fact that the driver may feel that he/she was the cause of the accident, **the driver should not make any admission of liability or assume any blame**. There may be factors that the driver is unaware of at the time that could mitigate any responsibility.
 6. Exchange basic information with the driver of each vehicle involved. Only the following information should be provided:
 - a) Name, address and telephone number of the driver and any passengers
 - b) Type of vehicle and license plate number
 - c) Insurance company name and policy number

Accident Investigation

The Office of Risk Management will work with the affected department and coordinate the accident investigation. The Office of Risk Management will gather reports from police investigators and will begin the investigation as soon as reasonably possible. The TXWES incident report form will be used to document the incident and report any bodily injury and property damage (**Addendum D**).

Texas Wesleyan University's Risk Management committee will review all auto accidents to identify ways to prevent future losses.

Appendix C

Texas Wesleyan University Smoking Policy

All buildings on all campuses are smoke-free. This policy applies to all members of the campus community - students, faculty, staff and visitors. This policy includes smokeless tobacco products and electronic cigarettes.

Appendix D

Texas Wesleyan University Bloodborne Pathogens Exposure Control Plan

Policy Statement

The purpose of this plan is to eliminate or minimize employee exposure to bloodborne pathogens and other potentially infectious material.

The plan will identify job classifications in which some employees may have potential occupational exposure. In those cases, specific tasks are delineated and procedures are established to eliminate or minimize occupational exposure.

The plan is established by the associate vice president for administrative services and human resources and communicated to applicable personnel and departments. Department heads or their designates are responsible for implementation and enforcement of the policy.

Definitions

Blood: Human blood, human blood components and products made from human blood.

Bloodborne Pathogens (BBP): are bacteria and viruses present in human blood and body fluids that can cause disease. These pathogens include the human immune-deficiency virus which causes AIDS (HIV), Hepatitis B (HBV) and Hepatitis C (HCV) viruses as well as other potentially infectious materials.

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

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

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

Exposure Incident: A specific eye, mouth, other mucous membrane; non intact skin; or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

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

Other Potentially Infectious Materials: The following human body fluids: semen, vaginal secretions, urine,

emesis (vomit), cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids, any unfixed tissue or organ from a human, or any human cultures.

Personal Protective Equipment: Specialized clothing or equipment worn by an employee for protection against a hazard.

Universal Precautions: An approach to infection control where all human blood and certain human body fluids are treated as if known to be infectious.

Accessibility

The plan shall be accessible to all employees. The associate vice president of human resources and affected department heads will maintain a copy of the plan. The plan will be reviewed annually by the associate vice president of human resources.

Training

Training will be provided to job classifications with affected personnel at the time of initial assignment. The University nurse, supervisors and/or the associate vice president of human resources will provide or assist in providing training. Department heads will ensure that affected personnel in their respective departments do receive the necessary training. For record-keeping purpose, all training shall be documented.

Personal Protective Equipment

Texas Wesleyan University will provide required personal protective equipment to affected employees at no cost to the employee. Department heads or their designates will ensure that personal protective equipment is available and utilized, as necessary. Personal protective equipment includes, but is not limited to, gloves, gowns, face shields, eye protection, mouthpieces or other ventilation devices. Hand washing facilities will be provided to all employees.

Exposure Determination by Job Classification Housekeeping

Department

Housekeepers and First Level Supervisors

Security Department

Security Officers and Supervisors

Facilities Operations Department

Field Maintenance Employees

Student Life

University Nurse, Athletic Trainers, Coaches and Resident Directors

The job classifications listed above have some employees with occupational exposure. Tasks include cleanup of potentially infectious material, disposal of contaminated sharps, treatment of injured employees, students and athletes. In order to minimize potential exposure to employees, the following *methods of compliance* shall be followed:

1. Universal precautions shall be followed. All body fluids shall be considered potentially infectious.

2. Sharps containers shall be used for disposal of contaminated sharps.
3. Employees shall immediately wash their hands after removal of gloves or other personal protective equipment.
4. Contaminated needles and other contaminated sharps shall not be bent or recapped.
5. Eating, drinking, smoking, applying cosmetics or balms, and handling contact lenses are prohibited in work areas where there is reasonable likelihood of occupational exposure.
6. Food and drink shall not be kept in areas where potentially infectious materials are present.
7. Always wear protective gloves when cleaning bathrooms and handling soiled linen. Examine gloves for damage, prior to use. Do not reuse disposable gloves.
8. Wear face shields, eye protection and aprons when performing cleanup of quantities where splashing or spattering could occur.
9. Always check areas for discarded needles and syringes. Never reach into a wastebasket.
10. If a needle or syringe is found, do not handle. Call your supervisor. Housekeeping supervisors, if available, will remove the item.
11. Housekeeping supervisors will have sharps containers, gloves and tongs available. Supervisors will place the item in the sharps container using gloves and tongs.
12. If a supervisor is not available, contact security. The security shift supervisor will remove the item in the same manner. Sharps containers, gloves and tongs will be available in security vehicles.
13. Once a sharps container is full, it should be returned to the University nurse and a new container obtained.
14. The University nurse will dispose of the container in the appropriate/approved manner.
15. Contaminated waste will be placed in leak-proof containers or bags labeled with the biohazard symbol. Potentially contaminated linen can be laundered in the normal manner. Heavily soiled items, which will not be reused, will be disposed of in an approved manner. Contact the University nurse for disposal instructions.
16. Surface areas and equipment used in clean up, such as mop pails, will be disinfected using an approved disinfectant.
17. For cleanup of urine, blood, vomitus, etc. in public areas, housekeeping will use an appropriate absorbent product. When fully absorbed, the now dry/solid waste must be scooped and placed in a biohazard bag. The areas will then be disinfected. Proper personal protective equipment must be worn. After clean up, hands will be washed immediately.
18. Maintenance employees will use protective gloves when working in the area of human waste disposal systems that have been contaminated. Eye protection and aprons may be necessary.
19. Any employee providing first aid to an injured person must wear appropriate personal protective equipment. It should be noted that first aid is given on a Good Samaritan basis. No University employee is required to render first aid.

Hepatitis B Vaccination

The hepatitis B vaccination series will be offered to all University employees with reasonably anticipated occupational exposure. The University will provide the series by the University nurse or at a licensed health care facility of their choosing, at no cost to the employee. The series will be offered following the required training and within ten (10) working days of an initial assignment with occupational exposure.

Employees who have previously had the series will not be offered the vaccinations unless a routine booster is recommended by a health care professional. Employees may decline the vaccination. However, employees will be required to sign the attached statement.

Post Exposure Evaluation

If an exposure incident occurs, the University will make available to the exposed employee a confidential medical evaluation and follow up, at no cost to the employee.

The evaluation shall include the following:

1. The identification and documentation of the source individual, unless prohibited by law
2. Collection and testing of blood
3. Post exposure treatment
4. Counseling
5. Evaluation of reported illnesses

The University shall obtain and provide to the employee a written copy of the evaluating health care professional's opinion within fifteen (15) days of the completion of the evaluation. Records for employees having occupational exposure shall be maintained and kept confidential.

Appendix E

Texas Wesleyan University Medical Assistance Policy

Objective:

The objective of this policy is to provide medical assistance information and a University policy in the event of injury or illness to faculty, staff, student or guest.

Scope:

This policy applies to all faculty, staff, students and visitors.

Procedure:

Any person or department receiving notification of an injury or illness on campus should follow this procedure:

- If emergency response is requested by faculty or staff on the scene or by the injured/ill person, summon emergency services immediately (9-911), notify the University nurse (4948) and security (4911).
- If emergency response is not requested, the injured/ill person is conscious and does not appear to need emergency assistance, notify the University nurse (4948) and security (4911). The person attending the injured/ill person must use good judgment. When in doubt, summon emergency services. If the University nurse is available, the nurse's decision will prevail unless the injured/ill person disagrees.
- If the situation involves an injury, the associate vice president for administrative services and human resources (4286) must also be notified.
- If the situation involves an injury or work-related illness to an employee of the University and non-emergency medical assistance is required, Concentra Medical Centers provides service for the University. Please see location and hours under general information. An authorization for treatment form needs to accompany the employee and workers' compensation reporting procedures must be followed.
- Persons making notification need to provide the exact location, an assessment of the problem and what type of assistance is needed.
- If any criminal activity contributed to an injury, the police should also be summoned by calling 9-911.

General Information:

- **Emergency telephone contacts:**
9-911, if calling from the campus telephone system. Otherwise, 911.
Nurse: 531-4948
Security: 531-4911
- Associate Vice President for Administrative Services and Human Resources: 531-4286

- Health Center Hours: Monday through Friday: 8 a.m. to 5 p.m.
817 Avenue A, Building 1 Room 110.
- Concentra Health Centers: 2500 West Freeway (I-30), Fort Worth, (817) 882-8700.
Hours: Monday through Friday, 8 a.m. to 8p.m. Saturday, 8 a.m. to 5 p.m. A physician is on call 24 hours a day, 7 days a week. The on-call physician can be reached by calling any of the above numbers.
- Baylor Scott & White: 1400 8th Ave., Fort Worth
(817) 926-2544
- Texas Health Resources Harris Methodist Hospital: 1301 Pennsylvania Ave., Fort Worth (817) 250-2000
- John Peter Smith Hospital: 1500 S. Main Street, Fort Worth
(817) 702-3431
- ☒ Poison Control: 1-800-222-1222
- Rape Crisis: (817) 927-2737, Notify dean of students, 4872 and student counseling, 4859.

Appendix F

Texas Wesleyan University Main Campus Emergency Action Plan

Scope

Occupational safety and health standards, 29 C.F.R. 1910.38, requires employers to provide a written emergency action plan to ensure the safety of its employees from fire or other emergencies.

Elements

The following elements are included: emergency escape procedures and escape routes, procedures to be followed by employees who remain to operate critical operations before they evacuate, procedures to account for all employees following emergency evacuation, the preferred means of reporting fires and other emergencies, and the job titles of persons or departments who can be contacted for further information or an explanation of duties under the plan.

Emergency Escape Procedures and Routes

Emergency services shall be requested immediately by calling 9-911.

All employees shall be familiar with exits in their work area. In the event of a fire or other emergency situation, employees shall evacuate the building by the nearest exit, in an orderly manner.

Elevators shall not be used.

In the event security or facilities operations receives information regarding a fire or other emergency, notification shall be made by security and facilities operations, and they will assist in the evacuation of the affected building. Security and facilities operations shall ensure that all areas and/or persons are notified. The highest-ranking member of management on-duty shall supervise the evacuation.

The building shall not be reoccupied until the appropriate authority, usually the fire department, approves.

Procedures for Employees Who Remain for Critical Operations No

employee shall remain in any evacuated building.

University Policy on Employees Extinguishing Fires

Employees shall not attempt to fight a fire, with one exception. Employees who have been trained on the use of fire extinguishers may extinguish small incipient fires, such as fires in wastebaskets. However, the University does not require or expect any employee to fight and/or extinguish a fire. Untrained employees should not use fire extinguishers.

Procedures to Account for Employees

Department heads shall designate a meeting place outside the building. Employees shall report to the designated place and the department head or designate shall account for all employees who were in the building at the time of the emergency.

Reporting Fires and Other Emergencies

Any person or employee who becomes aware of a fire or other emergency, shall report the emergency via 9-911 immediately. In addition, the situation must be reported to campus security, extension 4911. Security shall ensure that additional notifications are made as described in the University's emergency on-call policy.

Fire Alarm Systems

The following buildings are equipped with local audible fire alarms: Law Sone Fine Arts, Armstrong-Mabee Business Center, Brown-Lupton Campus Center, Dan Waggoner Hall, Eunice and James L. West Library, the Baker-Martin House, residence halls, and the Ella C. McFadden Science Center. Additional facilities are not equipped with alarm systems. Facilities operations must be notified when an alarm is activated, to reset and test the system.

Residence Halls

Residence halls shall be evacuated if an alarm sounds. Residence hall staff will conduct the evacuation with the assistance of security and/or facilities operations. Residence hall staff shall establish their own policies, meeting places and accountability procedures. Drills will be conducted each semester by residence hall staff.

Training

New employees will be trained on this plan as part of their new employee orientation.

Plan Administration

The associate vice president for administrative services and human resources shall develop and maintain an emergency action plan. For additional information, contact 531-4286.

Appendix G

Texas Wesleyan University Hazard Communication Program

Introduction

In 1985, the 69th Texas Legislature enacted the "Texas Hazard Communication Act" to reduce the incidence of chemically-related occupational illnesses and injuries. This coverage now has been expanded by the addition of the federal laws promulgated by the Occupational Safety and Health Administration (OSHA) "Hazard Communication Standard." These regulations are commonly referred to as the "right-to-know" laws.

As defined by these "right-to-know" laws, **Texas Wesleyan University** falls under the jurisdiction of these laws as a non-manufacturing, private employer. These laws set minimum requirements to which we must adhere for the communication of chemical hazards to employees, students and the community.

This program outlines the implementation of hazard communication for all departments using hazardous chemicals at **Texas Wesleyan University**. Each department is responsible for ensuring implementation and following specific procedures as part of the Hazard Communication Program.

In accordance with the "right-to-know" laws, this program fulfills the requirement of a written hazard communication program. It is the responsibility of each department to assist in the following areas as it pertains to that department:

1. Compiling and maintaining chemical inventory lists
2. Labeling all containers of hazardous chemicals
3. Maintaining Material Safety Data Sheet(s) (MSDS) on each hazardous chemical currently in use and those used over the last five years
4. Making available to all employees information contained within this program and all MSDS
5. Training employees who are engaged in operations where hazardous chemicals are used

These "right-to-know" laws apply to normal operating conditions, non-routine tasks and foreseeable emergencies.

Statement of Policy

The State's Right to Know Law and the Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1910.1200) have been implemented to provide information to the management of **Texas Wesleyan University** and to employees about possible hazardous chemicals used in our operations. It is our goal to provide a safe and healthy environment for our workers and we will strive to be in compliance with these regulations.

In order to comply with these regulations, the following Hazard Communication Program has been established and will include all operations of our University. Copies of this program, along with a copy of the OSHA standard, is available for review by any interested party in specified locations, including the risk management office or human resources.

All personnel affected by this Program are required to comply with instructions contained in this program

and to be familiar with the location of material safety data sheets (MSDS) and the safety precautions provided in them.

Operating Procedures

As part of our Hazard Communication Program, the responsibility for monitoring the program rests with the risk manager who relies on first-level supervision for program implementation.

The following procedures and responsibilities are assigned to each department and will be performed under the direction of the department head or first-level supervisor:

Container Labeling

1. All containers of hazardous chemicals will be labeled, tagged or marked with the following information:
 - a. Identity of the chemical contained within (as it is listed on the MSDS)
 - b. Appropriate hazard warnings (as listed on the original label or the MSDS)
2. Signs, placards, process sheets, batch sheets, operating procedures or other similar written materials may be used in place of labels on individual stationary process containers (bags, barrels, drums, storage tanks, etc.) provided the following is applicable:
 - a. These containers can be readily identified
 - b. The information involved meets the criteria above
 - c. The written material is available to employees in the work area at all times
3. Existing labels on containers from the manufacturer or distributor will not be removed or defaced on any hazardous chemical container until the container is emptied.
4. Laboratories will ensure that containers of incoming chemicals are properly labeled and the labels are maintained in a readable fashion or are replaced, if needed.
5. A synthesized chemical produced and stored in a laboratory will be labeled with the names of those chemicals that are used in the make-up of that product.
6. All labels will be written in English. A second language is optional.
7. The law provides the following exceptions to labeling requirements:
 - a. Portable containers, into which hazardous chemicals are transferred, provided that the contents are for the *immediate* use by the employee making the transfer. The container will be emptied and cleaned before being placed back in storage. The contents may be used by only one employee within a normal eight-hour shift.
 - b. Containers of hazardous chemicals, provided the original labels already convey the required information listed above.

Material Safety Data Sheets (MSDS) Requirements:

1. Obtaining an MSDS for all hazardous chemicals currently in stock and for new hazardous chemicals before they are introduced in the workplace. Instruct the chemical distributor or manufacturer to send the MSDS to the person ordering the chemical or to another designated individual. If the manufacturer fails to provide the MSDS, the supervisor must be notified and they must

communicate this need to the risk manager.

2. Maintaining MSDS so that employees have easy access to them at all times. The following means of communication are allowed:
 - a. Keeping actual MSDS on file in the work area (such as in a notebook, file cabinet, etc.)
 - b. Providing computer terminals in work areas that allow access by typing in the chemical name or cross reference number (such as the CAS number)
 - c. Providing a microfiche, with microfiche readers, for each work area
3. Locating the MSDS in the work area associated with the use of the hazardous chemicals.
4. Providing a copy of the MSDS to the Security Department when new chemicals are introduced and to OSHA or other government agency or their representative, upon request.

Under the law, laboratories have to obtain an MSDS only on incoming chemicals. This relieves the laboratory instructor from having to generate an MSDS on every mixture that is produced during an experiment.

Contractors that bring hazardous chemicals on campus are required to provide an MSDS if there is an exposure to a Texas Wesleyan University employee. MSDS are to be provided to the director of facilities operations.

Employee Training & Information

Basic training will be provided to new employees by personnel responsible for hiring before employees are assigned to their work area. Additional training will be performed as dictated by conditions by the immediate supervisor of the work area where the employee is assigned.

Training will be documented on the forms provided in the FORMS section of this program. Upon request, employees will have access to the Hazard Communication Program for Texas Wesleyan University, the hazardous chemical list for their work area, an MSDS for each hazardous chemical used in their work area and a copy of the OSHA Hazard Communication standard. This information will be provided and maintained in a visible binder located conspicuously in the work area.

Chemical Disposal

All hazardous chemicals must be disposed of in accordance with the instructions given on the MSDS for that chemical. In situations where a hazardous chemical must be disposed of in a hazardous waste disposal site, or if there is uncertainty as to how to dispose of the hazardous chemical, contact the University's chemical hygiene officer or the risk manager.

Hazardous Non-routine Tasks

Periodically, employees may be required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by their immediate supervisor for that department about hazardous chemicals to which they may be exposed during such activity.

This information will include the following:

- Specific chemical hazards
- Protective/safety measures the employee can take and
- Measures that Texas Wesleyan University has taken to lessen the hazards, including ventilation, respirators, presence of another employee and emergency procedures

Chemical Lists

There are two (2) types of lists that must be maintained as a part of this program. These will be referred to as the work area list and the bulk hazardous chemical list.

1. A work area list will be developed and maintained for all the hazardous chemicals in that area. This list will be located with the MSDS for that area. Examples of work areas include the following:

Security	Science Building
Art Building	Mail/Copy Center
Media Center	Maintenance

Department heads of affected areas are responsible for ensuring the updating and maintenance of these work area lists.

2. A master hazardous chemicals list and MSDS file will be maintained in the security office.
3. These chemical lists will be maintained for a period of 30 years.

Contract Workers

The director of facilities operations and first-level supervisors of affected employees are responsible for reviewing and enforcing all components of the Hazard Communication Program for all contract workers used on the premises of the University whose operations could expose an employee of the University to hazardous chemicals.

Security Responsibilities

Upon request, the security manager will be responsible for providing the hazardous chemical list to the appropriate state/federal agencies and the local emergency planning committee (Fort Worth Fire Department). A master copy of MSDS for all work areas of the University will be maintained and located in the security office and be accessible to emergency personnel at all times.

Program Review

The Hazard Communication Program will be reviewed and updated as needed by the risk manager.

Training

Training will consist of two parts, basic training and workplace training.

1. Basic training concentrates on topics common to all employees regardless of where they work. This training will be given to new employees as they are hired and will not be needed as new chemicals are introduced into the workplace. The elements of this phase of training are as follows:
 - a. Employees' rights under the "right-to-know" laws
 - b. How to read and understand an MSDS
 - c. Aspects of the written hazard communication program
 - d. Labels, the labeling system and the interpretation of labels for hazardous chemicals
 - e. Location and availability of the written Hazard Communication Program
2. Work place training will be done by the immediate supervisor of the work area for that department with documentation maintained on the forms provided in the FORMS section of this program. This training will concentrate on the specifics of hazards present at that location. It will be required for the following:

- a. existing employees
- b. new employees
- c. transferred employees, and
- d. subcontractor employee

As new chemicals are introduced into the workplace, this training will be required for current employees using those products. Topics to be included are as follows:

1. Operations or tasks, both routine and non-routine, where potential exposure exists
2. First aid procedures as listed on the MSDS
3. Location and availability of MSDS and the related list of hazardous chemicals for that work area
4. The physical and health hazards associated with the hazardous chemicals for that work area, including specific training in the appropriate protection measures needed for the handling of each hazardous chemical
5. Methods and observations to detect the release of a hazardous chemical in the work area and to protect employees from exposure to such chemicals
6. Hazardous chemicals associated with unlabeled pipes located within the work area and other non-routine tasks

Appendix H

Texas Wesleyan University Severe Weather Notification and Recommended Safe Area

The following table represents **recommended** safe areas in the event of severe weather. Employees and students should use good judgment, depending on the type and severity of weather involved. It is generally recommended that you do not go outside and that you remain clear of windows. If a tornado warning is issued, campus security will attempt notification of all departments. **If civil defense sirens sound, appropriate precautions should be taken immediately. Do not wait for security notification. Note: Sirens are tested on the first Wednesday of each month at 1 p.m.**

Building	Recommended Area
Oneal-Sells Administration	Basement Hallway
Eunice & James L. West Library	Basement Computer Labs
Armstrong-Mabee Business Center	Interior Hallway (1st floor)
Sid W. Richardson Center	Locker Rooms
Brown-Lupton Campus Center	Locker Rooms
Ella C. McFadden Science Center	Interior Hallway/Stairwell (1st floor)
Fine Arts Building	Far South End of Hallway (1st floor)/*Evacuate to Science/Admin.
Dan Waggoner Hall	Interior (1st floor)/*Evacuate to Law Sone Fine Arts Center
Art Complex	Interior Rooms/*Evacuate to Law Sone Fine Arts Center
Dora Roberts Dining Hall	Basement
Baker-Martin House	First floor interior hallway, away from doors/windows
Law Sone Fine Arts	Basement Hallway
Stella Russell Hall	Basement
Wesleyan Village	Bathrooms in apartment units/1 st floor breezeways if outside
Carter, Schollmaier and GPNA Buildings	Interior area/hallway away from windows
Baker Martin Pavilion	Restrooms
Other, including Polytechnic United Methodist Church	Interior Area/Hallway, away from windows

***Time and conditions permitting.**

Appendix I

Texas Wesleyan University Workers Compensation Reporting Policy

Arrangements have been made with Concentra Health Centers for treatment of employees injured on the job. This is primarily intended for minor injuries not requiring 911 assistance. An authorization form is required, and should be completed and sent with the employee. The closest facility is 2500 West Freeway, Fort Worth.

Although employees are free to choose their own physician, Concentra Health Centers is available for those who have no preference. If possible, supervisors should accompany injured employees to the clinic. If possible, the supervisor should determine the employee's limitations for returning to work.

Please report any injuries promptly to the associate vice president for human resources, (817) 531- 4403.

Appendix J

Texas Wesleyan University Pet and Stray Animal Policy

BACKGROUND

The University is experiencing a significant number of stray animals on its property. In some instances, University employees have taken possession of these animals and provided shelter within University facilities or property. Although intentions are good, harboring stray animals or pets on University property could expose the University and its employees to significant risk and liability. Issues such as disease, infestation or injury could result. In addition, the *Residential Hall Handbook* currently prohibits students from having pets in residence halls.

POLICY

Pets or stray animals are not allowed within University buildings at any time. This policy extends to all varieties of animals or pets, with the exceptions listed below. The policy applies to all University buildings, including, but not limited to, office space, classrooms, residential living halls, libraries, athletics, administration and storage areas.

Exceptions: This policy does not apply to animals or other living organisms used for educational purposes. Please reference established policies regarding laboratory animal research. Seeing-eye dogs for the sight-impaired, police dogs and household fish in properly maintained aquariums are also exempt from this policy.

Due to safety and health considerations, employees should not approach stray animals observed on campus. The City of Fort Worth Animal Control should be notified directly by calling (817) 871-8877, extension 4230. If the situation requires immediate attention, please call security at extension 4911.

Appendix K

Policy for the Acceptable Use of Information Technology Resources

As with nearly all other corporations and educational institutions, the rapid emergence of the Internet, the growth of the World Wide Web, the incorporation of electronic mail in various curricula, and the availability of distributed information resources across a common network has caused Texas Wesleyan University to examine the many issues involved in the responsible use of information technology using institutional resources. This policy is the product of that study, and adherence by all Texas Wesleyan University students and staff is necessary. Adherence to this policy will ensure a computing environment that will perpetuate Texas Wesleyan University's academic and service mission. It is imperative that the campus community accepts that technological resources require responsible behavior from all its users. Simply stated, the continued and efficient accessibility of computer resources is the responsibility of the entire campus community.

This policy, in conjunction with the *Policy for the Acceptable Use of Network Resources*, will govern the use of information technology resources at Texas Wesleyan University.

Purpose: Information technology, including systems, software and data, plays an increasingly important role in education and administration at Texas Wesleyan University. This policy is designed to define the appropriate and responsible use of the campus computing and network facilities by students and staff. (Faculty council will draft a faculty acceptable use policy.) Further, it is the intent of this policy to allow the greatest access of campus computing resources consistent with generally accepted principles of ethics that govern the Texas Wesleyan University community. In support of its mission of education and public service, Texas Wesleyan University seeks to provide access to its information technology for students, faculty and staff within institutional priorities and financial capabilities.

Scope: Access to Texas Wesleyan University-owned computer facilities, equipment, hardware, software, printing services and information technology staff-provided user support is a privilege, not a right. This privilege is extended to all students, faculty and staff. Accepting access to this technology carries an associated expectation of responsible and acceptable use.

Since technology now serves as a major source of information and interaction for research and education, this policy applies to all students and staff at Texas Wesleyan University who utilize any University information resource.

Definitions: The following terms are defined to add clarity to this policy:

Chief Information Officer-The administrator responsible for the administration and support of the University's information technology resources

Computer-An electronic device that performs logical, arithmetic and memory functions by manipulating electronic or magnetic impulses, and that includes all input, output, processing, storage, software and communication facilities that are connected or related to an electronic system or communication network.

Computer hardware-Any and all-tangible or physical devices attached to or used in conjunction with a computer system.

Computer network-The interconnection of communication lines with a computer through remote terminals or a complex consisting of two or more interconnected computers.

Computer program-An ordered set of instructions or statements that, when executed by a

computer, causes the computer to process data.

Computer resources-Any and all computerized institutional data, computer hardware and computer software owned by or operated at Texas Wesleyan University.

Computer software-A set of computer programs, procedures or associated documentation used in the operation of a computer system.

Computer supplies-Paper tape, magnetic tape, tape cartridges, diskettes, floppy diskettes, compact discs and computer output, including paper and magnetic media.

Computer system-A set of related computer equipment, hardware or software.

Data-A representation of information, knowledge, facts, concepts or instructions that have been prepared or are being prepared in a formalized manner and have been processed, are being processed or are intended to be processed in a computer system or computer network. Data may be in any form, including computer printouts, magnetic storage media and compact discs, and stored in the memory of Texas Wesleyan University computers. Data are property of Texas Wesleyan University.

Information technology-Any and all computer or electronic resources that are utilized in the search, access, acquisition, transmission, storage, retrieval or dissemination of data.

Property-Anything of value, including but not limited to, financial instruments, information, electronically produced data, computer software and computer programs.

Responsible use-Any action or behavior of an individual that does not cause accidental or unauthorized destruction, disclosure, misuse or modification of or access to the information technology or computer resources owned or operated by Texas Wesleyan University.

User-Any person authorized to access and utilize the information technology resources at Texas Wesleyan University.

User account-Any physical area of any Texas Wesleyan University computer system that has been specifically established and set-aside for any user.

Compliance: All student and staff users of Texas Wesleyan University information technology resources are required to comply with and, by using any such resources, agree to comply and be subject to this *Policy for the Acceptable Use of Information Technology Resources* (hereafter referred to as “policy”). Texas Wesleyan University, through an appropriate review and amendment process, reserves the right to amend this policy at any time and without prior notice, in order to better provide information technology access to students, faculty and staff. Texas Wesleyan University reserves the right to limit, restrict or extend computing privileges and access to its information technology resources.

Limitations: Texas Wesleyan University computing resources and associated user accounts are only to be used for Texas Wesleyan University activities for which they are assigned, intended or approved by a University official.

Texas Wesleyan University computing systems are not to be used for any non-University-related commercially public or private purpose, either for profit or non-profit. When accessing any remote resources utilizing Texas Wesleyan University information technology, users are required to comply with both the policies set forth in this document and all applicable policies governing the use and access of the remote computer system.

User Accounts: User accounts are designed only 1) to establish a system control mechanism for user identification, and 2) to afford users a physical location where they can store relevant academic and administrative data.

At no time should user accounts be used to execute any computer software or computer programs other than those programs specifically granted and offered for user execution by Texas Wesleyan University. Physical storage in user accounts of any information, data or programs not congruent with the mission of Texas Wesleyan University is prohibited.

All users are responsible for both the protection of their user account password and the data stored in their user account. Users are prohibited from sharing their user account password with anyone at any time, thereby granting unauthorized access to Texas Wesleyan University computer systems. It is required that users change their user account password periodically to help prevent compromise and unauthorized access of their user account. Any suspected unauthorized access of a user account should be reported immediately to the chief information officer or other University authority. User accounts are deactivated and removed from further access and use when the user's affiliation (e.g., employment, matriculation, current enrollment, etc.) is terminated. All data, files or messages are removed from user accounts when account deactivation occurs.

Ownership: Texas Wesleyan University owns and operates the computers, computer networks, software, data files, messages, connections to external computer networks and subscriptions to external computer services. Users cannot claim ownership of any data stored in Texas Wesleyan University computer systems.

These information technology resources are provided for the use of Texas Wesleyan faculty, staff and students in support of its programs and are to be used for education, research, academic development, administrative functions and public service. Use of these resources is a privilege, not a right. When using these resources, individuals agree to abide by the applicable policies of the University, as well as federal, state and local laws.

Privacy: User privacy is not guaranteed. When University information systems are functioning properly, a user can expect the files and data he or she generates and stores in his or her user account to be private information, unless the creator of the file or data takes action to reveal it to others. Users should be aware, however, that no information system is completely secure. Persons both within and outside of the University may find ways to access files. Accordingly, the University cannot and does not guarantee user privacy and users should be continuously aware of this fact.

Texas Wesleyan University firmly supports all users' privacy as long as the user adheres to this policy defining the responsible use of information technology resources.

Authorized information technology personnel have the right to examine stored information and communications when investigating cases of abuse of this policy, dealing with misaddressed e-mail and when troubleshooting technical problems with the system.

The University will not routinely monitor the content of electronic communications or personal WWW home pages, but will investigate properly identified allegations of misuse and will comply with applicable University regulations and state and federal laws.

The University reserves the right to access and disclose the contents of the electronic communications of its employees and other authorized users, but will do so only when it has a legitimate business need and after authorization from the senior vice president and provost or his designee. The contents of

electronic communications, properly obtained for legitimate business purposes, may be disclosed without permission of the employee.

Authorized information technology personnel may routinely log usage data for system management purposes.

The University does not archive contents of shared system disks or e-mail communications. However, disks on system computers are regularly backed up with “snapshot captures” for the purpose of being able to recover from crashes. These backups are only retained for a brief period. Note that this means that the University does not guarantee the integrity or permanence of material stored on system disks.

Data Security: Texas Wesleyan University provides reasonable security against unauthorized intrusion and damage to data, information, files and messages stored on its computer systems within institutional priorities and financial capabilities. The University maintains facilities for archiving and retrieving data stored in user accounts. If a user needs to recover data after an accidental loss, information technology personnel should be contacted. Every reasonable attempt will be made to recover the lost or corrupted data. Due to variables associated with the magnetic storage of data, however, the University cannot guarantee full restoration in every instance. Further, other users can hold neither Texas Wesleyan University nor any information technology personnel accountable for unauthorized access, nor can they guarantee data protection in the event of media failure, fire, criminal acts or natural disaster.

Copying Software: Respect for the intellectual work and property of others has traditionally been essential to the mission of academic institutions.

As members of the university community, Texas Wesleyan University values the free exchange of ideas. Just as Texas Wesleyan University does not tolerate plagiarism, it does not condone the unauthorized copying of software, including programs, applications, operating systems and databases. Software should not be copied. This refers to any and all software found on Texas Wesleyan University computer systems, encompassing all network servers, personal computers (to include all campus computer lab systems) and computer networks operating on campus. To copy software without the permission of its owner is illegal and a criminal offense.

Copyright Laws–Software: Unless placed in public domain by its owners, software programs are protected by Section 117 of the 1976 Copyright Act. Educational institutions and their constituencies are not exempt from the law. Software is also protected by the license agreement between the owner and purchaser. It is illegal to duplicate, copy or distribute software or its documentation without the permission of the copyright owner. Violations of authorial integrity, including plagiarism and copyright violations, may be grounds for sanctions against members of the University community.

Liability for Errors: Texas Wesleyan University makes every effort to maintain an error-free hardware and software environment for its authorized users. Nevertheless, it is impossible to ensure that hardware or system software errors will not occur or that staff will always give the most correct advice. Texas Wesleyan University presents no warranty, either expressly stated or implied, for the services or access provided to its authorized users. Damages resulting directly or indirectly from the use of Texas Wesleyan University information technology resources are the responsibility of the authorized user.

Right to Monitor: Texas Wesleyan University owns the campus computer systems networked together on a common fiber-optic network. Every computer attached to the campus network for any reason (e.g., Internet connectivity, e-mail accessibility, etc.) is subject to monitoring by information technology personnel. Due to the exponential growth of the number of data packets transmitted through the Texas Wesleyan University network, this monitoring is required in order to detect and correct network

problems as they occur, thereby ensuring the continued stability of the campus-wide computing environment. Even with the right to monitor, users should continue to expect that their data, files and e-mail will remain private. System monitoring is a mechanism for monitoring computer system or user activities, not a method for accessing private information. Texas Wesleyan University reserves the right to monitor any computer action or any system record of any action that a user performs while utilizing the campus network.

Campus Computing Facilities: Computer labs on the Texas Wesleyan University campus are not available for general use during the periods when the rooms have been reserved for teaching purposes, unless otherwise specified by the professor. It is the responsibility of every user to utilize these facilities in a responsible manner and in accordance with posted computer lab rules and policies. Accidental damage or damage caused by other parties should be reported as soon as possible so that corrective action can be taken.

Specific Issues of Responsible Use: In addition to the issues of responsible user behavior already described in this policy, more specific practices applicable to all Texas Wesleyan University computer systems/network users are *prohibited*, including the following:

- Access, use, inspection or modification of data or functions that are neither allotted nor authorized as a part of the user's account or specified as public domain information
- Access, use, inspection or modification of data that refers to computer utilization, computer access authorization or security
- Abuse or improper use of computer hardware, software or network resources, whether located on the Texas Wesleyan University campus or elsewhere on the Internet
- Installing or executing unauthorized hardware or software on any computer resource
- Any activity that might inject a computer virus on to the computer or network systems
- Causing noise, displaying abusive or inappropriate behavior towards other users or creating other disturbances in any campus computing area
- To cause or purposefully allow a computer malfunction or interruption of operation
- Sending, printing or storing obscene, pornographic, fraudulent, harassing, threatening, abusive, racist or discriminatory images, files or messages for non-educational purposes
- Displaying or printing sexually explicit, graphically disturbing, discriminating, racist or sexual harassing images or text for non-educational purposes in any campus computing facility or any campus location that can potentially be in view of other individuals
- Access or use of another user's account and the data contained in that account
- Theft, destruction or removal of data or University-owned computer resources
- Physical or electronic interference with other computer systems users
- Dissemination or distribution of a user account password to any other person
- Unauthorized use, access, duplication, disclosure, alteration, damage or destruction of data contained in any electronic file or program, or on any computer, network or library resource
- Use of University information technology resources and associated user accounts that are not assigned, intended or approved by a University official
- Any other practice or user activity that, in the opinion of the chief information officer or the senior vice president and provost, constitutes irresponsible behavior, promotes illegal activities, results in the misuse of computer resources or jeopardizes the operation of computer or network systems

Violations: This policy applies to all units of Texas Wesleyan University. It is expected that enforcement will require cooperation between such departments as ITS, Human Resources and Student

Services. Prior to any prolonged denial of access or other disciplinary action, a user shall be provided with such appeal rights as may be recommended by University Legal Counsel.

In accordance with established University practices, policies and procedures, confirmation of inappropriate use of University technology resources may result in termination of access, disciplinary review, suspension, expulsion, termination of employment, legal action or other disciplinary action. If disciplinary action is deemed necessary, the case will be handled as follows:

1. Policy violations by a student will be referred to the associate vice president of student life and will be handled as outlined in the *Student Handbook*
2. Policy violations by a staff member will be referred to the appropriate staff supervisor and/or vice president and will be handled as outlined in the *Staff/Employee Handbook*
3. It is understood that University policy does not preclude enforcement under the laws and regulations of the United States of America or the state of Texas

Information technology personnel will, when necessary, work with other University offices such as the Judiciary Board (in cases involving students), Campus Security, directors/department heads, deans of the schools, the University legal counsel and others in the resolution of problems. Anyone who breaks the law may face criminal and/or civil legal action.

Summary: Computer and network resources are of significant value, and their abuse can have a negative impact on other users and the mission of the University as a whole.

Each authorized user of information technology resources at Texas Wesleyan University must assume responsibility for his or her own behavior while utilizing these resources. Users of information technology at Texas Wesleyan University should accept that the same morality and ethical behavior that serve as guides in our non-computing environments should also serve as guides in our computing and networking environment as well.

Texas Wesleyan University gratefully acknowledges the model and selected text from "Policy for the Responsible Use of Information Technology," Nichols College (CAUSE Information Resources Library document number CSD1182).

Policy for the Acceptable Use of Network Resources

Texas Wesleyan University is responsible for securing its network and computing systems in a reasonable and economically feasible degree against unauthorized access and/or abuse, while making them accessible for authorized and legitimate users. This responsibility includes informing users of expected standards of conduct and the punitive measures for not adhering to them. Any attempt to violate the provisions of this policy may result in disciplinary action in the form of temporary revocation of user accounts, regardless of the success or failure of the attempt. Permanent revocations can result from continued abuse.

The users of the network are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those laws through the use of the network may result in litigation against the offender by the proper authorities. If such an event should occur, Texas Wesleyan will fully cooperate with the appropriate authorities to provide any information necessary for the litigation process.

This policy, in conjunction with the *Policy for the Acceptable Use of Information Technology Resources*, will govern the use of information technology resources at Texas Wesleyan University.

Network Computing Policy

Once a user receives a user ID to be used to access the network and computer systems on that network, he or she is solely responsible for all actions taken while using that user ID. Therefore:

1. Applying for a user ID under false pretenses is a punishable disciplinary offense.
2. Sharing your user ID with any other person is prohibited. In the result that you do share your user ID with another person, you will be solely responsible for the actions that other person appropriated.
3. Deletion, examination, copying or modification of files and/or data belonging to other users without their prior consent is prohibited.
4. Installation of illegal or unauthorized hardware or software is prohibited. Unless there is record of clear ownership and legal licensure for the software in question, it should not be installed on any University equipment. Installation of hardware or software on a network resource is strictly prohibited. The shared file space on network servers is for the storage of data pertaining to University business only. ITS reserves the right to remove unapproved applications/data from network resources at any time without warning.
5. Attempts to evade or change resource quotas are prohibited. Most users are provided private space on a network resource for storing business–related data. Many users will also have access to other network resources such as access to a departmental/school shared disk space. This space is intended for intradepartmental/school file sharing. This shared space shall not be used for private data storage.
6. Continued impedance of other users through mass consumption of system resources (i.e. misuse of shared disk space, e–mail resources, Internet resources, etc.), after receipt of a request to cease such activity, may result in temporary and/or permanent revocation of the user account.
7. Use of facilities and/or services for commercial purposes is prohibited.
8. Any unauthorized, deliberate action that damages or disrupts a computing system, alters its normal performance or causes it to malfunction is a violation regardless of system location or time duration.

Network Security Policy

As a user of the network, you may be allowed to access other networks (and/or the computer systems attached to those networks). Therefore:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote systems is prohibited.
2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote/local system, is prohibited.
3. Decryption of system or user passwords is prohibited.
4. The copying of system or user passwords is prohibited.
5. The copying of copyrighted materials, such as third party software without the express written permission of the owner or the proper license, is prohibited.
6. Intentional attempts to “crash” network systems or programs are punishable disciplinary offenses.
7. Any attempts to secure a higher level of privilege on network systems are punishable disciplinary offenses.

8. The willful introduction of computer “viruses” or other disruptive/destructive programs into the campus network or into external networks is prohibited.

Electronic Mail Policy

Whenever you send electronic mail, your name and user ID are included in each mail message. You are responsible for all electronic mail originating from your user ID. Therefore:

1. Forgery (or attempted forgery) of electronic mail messages is prohibited.
2. Attempts to read, delete, copy or modify the electronic mail of other users is prohibited.
3. Attempts at sending harassing, obscene and/or other threatening e-mail are prohibited.
4. Attempts at sending unsolicited junk mail, “for-profit” messages or chain letters is prohibited.

I understand that failure to adhere to this policy constitutes a breach of policy/security and may result in the temporary and/or permanent revocation of all network/computer system rights.

Signature

Date

User ID

Appendix L

Texas Wesleyan University Alcohol Policy

Generally, the University prohibits the possession, use or distribution of alcohol on the University's campuses. However, alcohol may be served at University sponsored, student and third-party events **with approval**. Upon approval, the President's Suite, Trustee Board Room, the Baker Martin House, the Louella Baker Martin Pavilion, and other areas and at such times as deemed appropriate and approved by the president or his or her designee. Approval is required for all events serving alcohol on campus and for all student events whether on or off campus. Typically, the president or vice president for advancement approves University sponsored events. The dean of students or the vice president for enrollment and student life approves student events. The associate vice president for administrative services and human resources approves third-party facility use events.

The *Alcohol Permit Form* must be completed and approved for all events on campus and all student events serving alcohol off campus.

Basic Requirements for All Events Serving Alcohol

1. A third-party vendor (licensed bartender covered by site liability) sells and/or distributes the alcoholic beverages.
2. Neither the sale nor use of alcoholic beverages shall in any way violate state or local laws.
3. Alcoholic beverages are not the focus of the activity.
4. Advertisements of the event may not use alcohol as a draw.
5. An off-duty Fort Worth Police Officer is mandatory for **all** student and third-party events. The cost is assumed by the event sponsor.

Procedures for Student Off-Campus Events Serving Alcohol

All off-campus student events that are sponsored by the University and serve alcohol must have proper authorization.

An *Alcohol Permit Form* must be completed and approved by the dean of student life or the vice president for enrollment and student life. For approval, the following federal guidelines must be met:

1. A variety of non-alcoholic beverages will be conveniently and readily available.
2. Adequate food (non-salty preferred) must be provided.
3. A carding and labeling procedure must be enforced.
4. Alternate transportation arrangements must be available.
5. A designated person responsible for compliance, monitoring of the event, and enforcing University, local, state and federal policies or laws.
6. All alcoholic beverages must be kept in a secure area.
7. An off-duty Fort Worth Police Officer is mandatory for student and third-party events. The cost is assumed by the event sponsor.

Student organizations that violate these policies may be subject to the following sanctions:

1. The loss of on or off-campus alcoholic privileges for up to one year.
2. The loss of campus reservation privileges for up to three months.

3. The student organization or group may be fined \$100.
4. The organization or group's president may be fined \$50.

At its sole discretion, the University may disapprove the use of alcohol at any event for any reason.

Appendix M

Texas Wesleyan University Notice to Employees Concerning Workers' Compensation in Texas

COVERAGE: Texas Wesleyan University has workers' compensation insurance coverage from Travelers Insurance to protect you in the event of work-related injury or illness. This coverage is effective from 7/1/99. Any injuries or illnesses, which occur on or after that date, will be handled by Travelers Insurance. An employee or a person acting on the employee's behalf must notify the employer of an injury or illness not later than the 30th day after the date on which the injury occurs, or the date the employee knew or should have known of an illness, unless the commission determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Commission provides free information about how to file a workers' compensation claim. Commission staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting your local Commission field office or by calling 1-800-252-7031.

SAFETY HOTLINE: The Commission has established a 24-hour, toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division of Workers' Health & Safety at 1-800-452-9595.

RIGHT TO ELECT NON-COVERAGE: You may elect to retain your common law right of action, if no later than five days after you begin employment or within five days after receiving written notice from the employer that the employer has obtained coverage, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain workers' compensation income or medical benefits if you are injured.

Appendix N

Texas Wesleyan University Children in the Workplace Policy

This policy has been developed to inform staff members of their responsibilities and the University's expectations when children are brought onto University premises. This policy is in support of the University's Undergraduate and Graduate Catalogs which prohibit children from attending classes with their parents without prior approval of the instructor teaching the class. Guardians should recognize the importance of this policy and the associated guidelines.

The University understands that although a range of child care options are available to employees throughout the community, there are circumstances where a guardian may wish to bring their child(ren) onto the University's premises. Texas Wesleyan wants to ensure the safety of your children, to provide a workplace that is conducive to productivity and creativity, and to limit the University's liability and insurance risks. To that end, the presence of children in the workplace should be kept to a minimum. Further, consultation and approval from the immediate supervisor is required in advance of each visitation. Permission for a child to be on University property may be withdrawn should the child be disruptive in the workplace.

In circumstances that are either unforeseen or difficult to avoid, and where the employee is unable to make alternative arrangements, guardians should:

- Know that bringing a child to the workplace should be the exception, not the standard. It is, therefore, done only on a temporary and exceptional basis.
- Ensure that their colleagues are not inconvenienced by their child(ren)'s presence.
- Supervise their child(ren) at work at all times.
- Refrain from asking other University staff members to care for their children.
- Keep sick children away from the workplace area at all times.

Appendix O

Texas Wesleyan University Facilities Operations Policy Statement

Mission

Facilities Operations has responsibility for ensuring that University facilities and grounds are clean, safe and in good repair. It is essential that University facilities and assets are protected not only to ensure day-to-day operating readiness, but also the long-term capability of the institution to provide a quality educational environment for its students, faculty and staff.

Scope

This policy statement is applicable to **All** University departments and employees.

Essential Functions

The Facilities Operations Department is responsible for any and all acquisitions, maintenance, repair, alteration, construction, renovation, modification or any other action that alters the basic facilities, equipment or installations of the University.

No department or person may unilaterally take any action that materially alters University facilities, equipment or installations without the prior approval of the vice president for administration or his or her designate, usually the director of facilities operations or the associate vice president for administrative services and human resources.

The Facilities Operations Department shall make every effort to accommodate facility design or routine maintenance requests from affected departments. However, facilities operations shall make **final** determination of any action taken based on cost, structural limitations or other pertinent information.

Exception: The information technology department has sole responsibility for any technology related installation, maintenance or repair.

Facility Planning

Long or short-term facility planning is the responsibility of the vice president for administration or his or her designate. Although facility planning is a community endeavor involving departments and trustees, the responsibility and authority for developing and implementing facility improvements or new construction resides with the vice president for administration. Other administrators must ensure that any project involving the alteration or construction of facilities has been approved by the vice president for administration or his or her designate.

The vice president for finance and administration shall initiate and take responsibility for the University's long-term facilities planning process. That process shall remain consistent with established University policies and practices, and shall be inclusive.

Administrator

The vice president for finance and administration or his or her designate has the authority for implementation of this policy.

Appendix P

Wage and Salary Policies

Employment-at-Will

The University is an employment-at-will employer, which means that just as any employee may conclude the employment relationship at any time for any or no reason, the University maintains the same right; the employment relationship continues at-the-will of either party. Since employment is not guaranteed for any definite period of time, no provision in the staff classification system should be construed as a contract or legal obligation of either the University or the employee. The president has the day-to-day responsibility and authority to hire and discharge employees within budgeting and staffing guidelines established by the board of trustees. The president may delegate certain aspects of the employment responsibility to staff.

Equal Employment Opportunity

Texas Wesleyan University is an equal opportunity employer.

The University upholds its commitment to provide equal opportunity to all employees and applicants for employment in all phases of employment, including, but not limited to, recruiting, hiring, placement, compensation, benefits, promotion, demotion, discipline, transfer and termination. The University shall not discriminate in the employment context against any individual because of race, color, religion, creed, national or ethnic origin, gender, age, disability, veteran's status, nor any other reason prohibited by applicable federal, state or local laws.

The University shall make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship for the University. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Discrimination should be reported to the employee's supervisor, appropriate divisional vice president, or associate vice president for human resources immediately. Once the University has knowledge of conduct or behavior that could be reasonably construed as harassment and discrimination, action under the Title IX or Freedom from Harassment and Discrimination: Other Characteristics policies must be initiated. This policy must be initiated and followed to its conclusion.

Employment Eligibility

Under the Immigration Reform and Control Act of 1986 (IRCA), the University may hire only persons who may legally work in the United States (U.S.): citizens and nationals of the U.S. and aliens authorized to work in the U.S. The University must verify the identity and employment eligibility of anyone to be hired, which includes completing and retaining the Employment Eligibility Verification Form (I-9). **New employees must provide the information necessary to complete the I-9 on their first day, but no later than their third day of employment.** Failure to provide required information by the third day shall automatically result in the withdrawal of the offer of employment.

Exemption Statuses

Pursuant to the Fair Labor Standards Act (FLSA), all University employees are classified as follows:

Non-exempt Employee: Any salaried or hourly employee who is not exempt from the minimum wage, overtime and record keeping provisions of the FLSA. Employees are presumed to be non- exempt unless their job duties exempt them from the FLSA.

Exempt Employee: Any salaried employee exempt from the minimum wage, overtime and record keeping provisions of the FLSA. Exempt employees typically are in an executive, administrative or professional position. The exempt status of an employee is determined by exemption criteria established by the U.S. Department of Labor, Wage and Hour Division. The Office of Human Resources and the appropriate vice president has the final responsibility in determining the exempt/non-exempt status of employees under the FLSA.

Merit Increases

Merit increases are based on the results of performance appraisals. The amount of the merit increase, **if any**, is based principally upon the individual's overall performance, the individual's current salary level and available budgeted funds, as determined by the president and the board of trustees. Merit increases and cost of living increases should not exceed the maximum rate of pay for that position.

Promotion or Demotion/Salary Increases or Decreases

Increases or decreases in responsibility and authority may or may not result in a compensation change at the time of transfer, promotion or demotion, and any increase or decrease is subject to the same approval process as any other salary adjustment and must fall within the classification system for the affected position.

Hiring Rates

Newly hired employees may be hired based on experience and qualifications up to the budgeted amount for the position, but should not exceed the maximum rate of pay for the position. It is recommended that employees not be hired above the mid-level rate of pay.

Federal Regulations

Fair Labor Standards Act (FLSA)

The FLSA determines if a position is exempt or non-exempt and contains other salary provisions such as minimum wage. Exempt or non-exempt status affects overtime. Exempt is often referred to as salaried and non-exempt is typically referred to as hourly. Determination of exempt or non- exempt status may not be arbitrary, but must be established in strict compliance with provisions of the FLSA. The Office of Human Resources will assist the appropriate vice president in determining the legal status of an employee.

The Equal Pay Act

The Equal Pay Act stipulates that employees performing substantially the same work, requiring the same skill, effort and responsibility, and performing under similar working conditions, must be paid the same rate of pay, regardless of gender.

Age Discrimination In Employment Act (ADEA)

The ADEA specifically protects employees and applicants over the age of 40 by prohibiting employers from refusing or failing to hire, discharging, or otherwise discriminating against them solely because of their age.

Americans with Disabilities Act (ADA)

The ADA requires that individuals with disabilities be given the same consideration for employment as an individual without a disability. If necessary, employers are required to make reasonable accommodations to enable a disabled person to perform the essential functions of a job.

Appendix Q

**Texas Wesleyan University Staff/Employee
Handbook Acknowledgement**

I have received the Staff/Employee Handbook and will abide by the policies stated therein. I further understand that the handbook is a guide and is not intended to establish a contractual agreement between the University and its employees. I understand that the University may change the contents, benefits, privileges, practices, policies and procedures of this handbook at its sole discretion, with or without notice.

Finally, I understand that the University is an employment-at-will-employer, that my employment is not for a fixed or definite term, and that either the University or I may terminate my employment relationship at any time with or without notice and for any or no reason.

Employee's Signature: _____

Employee's Name (Print): _____

Date: _____

Witness' Signature: _____