

***GONZAGA UNIVERSITY***

***POLICIES***

***AND***

***PROCEDURES***

***MANUAL***





## *Mission Statement*

*Gonzaga University is an exemplary learning community that educates students for lives of leadership and service for the common good. In keeping with its Catholic, Jesuit, and humanistic heritage and identity, Gonzaga models and expects excellence in academic and professional pursuits and intentionally develops the whole person -- intellectually, spiritually, culturally, physically, and emotionally.*

*Through engagement with knowledge, wisdom, and questions informed by classical and contemporary perspectives, Gonzaga cultivates in its students the capacities and dispositions for reflective and critical thought, lifelong learning, spiritual growth, ethical discernment, creativity, and innovation.*

*The Gonzaga experience fosters a mature commitment to dignity of the human person, social justice, diversity, intercultural competence, global engagement, solidarity with the poor and vulnerable, and care for the planet. Grateful to God, the Gonzaga community carries out this mission with responsible stewardship of our physical, financial, and human resources.*

## **GONZAGA UNIVERSITY'S POLICY ON NON-DISCRIMINATION**

Gonzaga University does not discriminate against any person on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, age, disability, military status, any characteristic protected by local, state or federal law, or any other non-merit factor in employment, educational program, or activities that it operates.

Policies and procedures (collectively referred to as “policies”) are written consistent with Gonzaga’s Mission Statement. Our non-discrimination policies comply with federal and state regulations, including Title IX of the Education Amendments of 1972.

### **Title IX Inquiries & Complaint Process**

Inquiries concerning application of Title IX may be referred to the Title IX Coordinator. To file a complaint of sexual harassment, sexual assault, sexual misconduct, or gender-based discrimination, contact any of the parties listed below.

### **Non-Discrimination Inquiries & Complaint Process**

Inquiries concerning the application of the University’s non-discrimination policy may be referred to the Office of Equity and Inclusion. To file a complaint of harassment or discrimination based upon any of the protected groups, contact the Office of Equity and Inclusion or any of the parties listed below.

<p>Chris Purviance, Assistant Director Office of Equity &amp; Inclusion Business Services Center, Office 009 102 E. Boone Ave. purviance@gonzaga.edu (509) 313-5858</p> <p>Stephanie N. Whaley Title IX Director Business Services Center, Office 18 102 E. Boone Ave. whaleys@gonzaga.edu (509) 313-6910</p> <p>Matthew Nelson Title IX / EO Investigator 729 E. Boone Ave. nelsonm@gonzaga.edu (509) 313-3998</p>	<p><b><u>Deputy TIX Coordinators</u></b></p> <p>Heather Gores, Athletics Associate Athletic Director McCarthy Athletic Center, Office 315 gores@athletics.gonzaga.edu (509) 313-3599</p> <p>Eric Baldwin, Dean of Student Well-Being and Healthy Living College Hall 120 baldwine@gonzaga.edu (509) 313-4135</p> <p>Michael Roden, Assistant AD Student Athletic Support Services McCarthy Athletic Center PV103A roden@athletics.gonzaga.edu (509) 313-5527</p>
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Individuals may also contact the Office for Civil Rights of the U.S. Department of Education:

Seattle Office, Office for Civil Rights, U.S. Department of Education  
915 Second Avenue Room 3310  
Seattle, WA 98174-1099  
Telephone: 206-607-1600, FAX: 206-607-1601; TDD: 800-877-8339  
Email: OCR.Seattle@ed.gov

## **GONZAGA UNIVERSITY'S COMMITMENT TO HUMAN DIVERSITY**

Diversity affirms our faith-inspired commitment to an inclusive community where human differences thrive within a campus community of equality, solidarity, and common human nature. We seek to nourish difference in an environment characterized by mutual respect and the sustainable creation of a campus climate that attracts and retains community members from diverse backgrounds. In this context, age, gender, ethnicity, disability, social class, religion, culture, sexual orientation, language and other human differences all contribute to the richness of our academic community life. These differences grace us individually as human beings and collectively as a Jesuit, Catholic and humanistic university striving to fulfill our Mission.

We aspire to create a university environment that is welcoming and accessible to all students, regardless of gender, race, ethnicity, religion, disability or sexual orientation.

## TABLE OF CONTENTS

*Policies applicable to Faculty, as well as Staff, are highlighted in GREY*

### **PART 1: HUMAN RESOURCES STANDARDS AND PROCEDURES**

#### **INTRODUCTION**

A. Purpose.....	2
B. Using This Manual .....	2
C. Policies and Procedures Amendments and Additions .....	2
D. The Employment Relationship .....	3
E. Responsibility for Human Resources .....	3
F. Employment at Will .....	3

#### **SECTION I: EMPLOYMENT**

A. Types of Employment .....	4
B. Employment.....	5
1. Position Openings.....	5
2. Employment Status and the Evaluation Period.....	5
3. Internal Applicants .....	5
4. Hours of Work .....	5
5. Alternative Work Schedules .....	5
6. Time Reporting .....	5
7. Overtime.....	6
8. Rest Breaks.....	6
9. Lunch Breaks .....	6
10. Preventative Appointment Time Off .....	6
11. Travel Compensation for Nonexempt Employees .....	6
12. Training and Professional Development .....	8
13. Work Performance .....	8
14. Personnel File .....	8
15. Privacy of Health Information .....	8
16. End of Employment.....	9
17. Exit Interview .....	9
18. Rehire.....	9
19. Non-Gonzaga Employment .....	9
20. Employment of Relatives .....	9
21. Moving Expenses.....	10
22. Reductions-in-Force/Layoff .....	10
23. References for Former Employees .....	10
24. Disability Accommodation .....	10
25. Background Checks.....	10
26. Physical Examinations.....	10
27. Drug, Controlled Substance and Alcohol Free Workplace .....	10
28. Employee Valid Driver's License and Driving Record .....	10
C. Harassment and Non-Discrimination Policy .....	11
1. Overview .....	11
2. Specific Policies Associated with Harassment and Non-Discrimination.....	15
a. Gender-based Harassment, Discrimination and Sexual Misconduct .....	15

b. Harassment and Discrimination of all Other Protected Categories .....	27
c. Harassment and Discrimination Complaint Procedures Specific to Staff .....	32
D. Equal Employment Opportunity and Affirmative Action .....	35

## **SECTION II: PAY PRACTICES**

A. Compensation .....	36
1. Position Description .....	36
2. Salary Determination .....	36
3. Contracts .....	36
4. Additional Employee Compensation .....	36
B. Payroll .....	36
1. Payday .....	36
2. Direct Deposit .....	36

## **SECTION III: BENEFITS**

A. Group Benefits Plans .....	37
B. Retirement .....	37
C. Tuition Waiver .....	37
D. Sick Leave .....	37
E. Personal Leave .....	38
F. Vacation .....	38
1. Eligibility for Paid Vacation .....	38
2. Faculty Vacation Eligibility .....	39
3. Vacation While on Leave .....	39
4. Maximum Accrual .....	39
5. Vacation Scheduling .....	39
6. Vacation Eligibility and Status Change .....	40
7. Vacation Payment at Employment End .....	40
8. Executives .....	40
9. Excess Use of Vacation .....	40
10. Staff Reporting of Vacation .....	40
11. Faculty Reporting of Vacation .....	40
G. Shared Vacation Leave Program – for Staff Employees .....	41
1. General Purpose .....	41
2. Eligibility .....	41
3. Procedures .....	41
4. Definitions .....	42
H. Holidays .....	42
I. Identification Cards .....	43
J. Statutory Benefits .....	43
1. Social Security/Medicare .....	43
2. Worker's Compensation .....	43
3. Unemployment Compensation .....	43
4. COBRA .....	43

## **SECTION IV: ABSENCE FROM WORK**

A. Leaves of Absence .....	44
----------------------------	----

1. Federal Law .....	44
2. Washington State Law .....	44
3. Gonzaga University Leaves .....	45
<b>B. Attendance .....</b>	<b>46</b>

## **SECTION V: SAFETY AND HEALTH**

<b>A. General Safety and Health .....</b>	<b>47</b>
<b>B. Health Center Services .....</b>	<b>47</b>
<b>C. Smoking .....</b>	<b>47</b>
<b>D. Drug, Controlled Substance and Alcohol Free Workplace/Substance Abuse .....</b>	<b>47</b>

## **SECTION VI: EMPLOYEE PROFESSIONAL CONDUCT STANDARDS**

<b>A. Standards of Conduct .....</b>	<b>48</b>
<b>B. Security and Confidentiality .....</b>	<b>48</b>
<b>C. Workplace Violence Policy .....</b>	<b>49</b>
<b>D. Reporting .....</b>	<b>49</b>

## **SECTION VII: EMPLOYEE RELATIONS AND CONFLICT RESOLUTION**

<b>A. Employee Relations Process .....</b>	<b>50</b>
<b>B. HR Role .....</b>	<b>50</b>
<b>C. Supervisors' Role .....</b>	<b>51</b>
<b>D. Employees' Role .....</b>	<b>51</b>
<b>E. Administrative Leave .....</b>	<b>51</b>

## **SECTION VIII: PERFORMANCE NOTICE, CORRECTIVE ACTION AND LETTER OF EXPECTATION**

<b>A. Performance Management Philosophy and Tools for Managing Performance .....</b>	<b>52</b>
<b>B. Performance Notice .....</b>	<b>53</b>
<b>C. Corrective Action Plan (CAP)/Letter of Expectation (LOE) .....</b>	<b>53</b>
<b>D. Dismissal .....</b>	<b>53</b>
<b>E. Access to Employee Workspace, Equipment and Records .....</b>	<b>54</b>
<b>F. Corrective Action Appeal Process .....</b>	<b>54</b>

## **PART 2: POLICIES**

1. Access and Accommodation for Persons with Disabilities Policy .....	57
2. Accident Prevention Program Policy .....	60
3. Affirmative Action Policy .....	67
4. Affirmative Action Policy Equal Employment Opportunity for Persons with Disabilities .....	68
5. Affirmative Action Policy Equal Employment Opportunity for Military Veterans .....	69
6. Background Check Policy .....	70
7. Cell Phone Policy .....	72
8. Certain Relationships by Persons in Authority Policy .....	74
9. Confidential Information Policy .....	76
10. Conflict of Interest Policy .....	77
11. Copyright Policy .....	79
12. Drug, Controlled Substance and Alcohol Free Workplace Policy .....	82
13. Electronic Information Technology Accessibility Policy .....	84
14. Events Policy .....	88
15. Federal Family and Medical Leave Act Policy .....	90
16. Gonzaga University Closing Policy .....	93
17. Grievance Policy .....	95
18. Information Technology Use Policy .....	98
19. Institutional Memberships Policy .....	99
20. Lactation Time Away from Work Policy .....	100
21. Media and Public Relations Policy .....	101
22. Patents Policy .....	103
23. Public Expression of Personal Views Policy .....	105
24. Reductions-In-Force for Employees Policy .....	106
25. Retirement Policy .....	110
26. Social Media Policy .....	112
27. Solicitation and Distribution Policy .....	114
28. Staff Additional Compensation Policy .....	115
29. Standards for On-Campus Religious Activities Policy .....	116
30. Telecommute Policy .....	117
31. Travel Related Policies .....	119
32. Tuition Waiver Policy .....	120
33. Vehicle Use Policy .....	124
34. Wellness Policy .....	125
35. Whistleblower Policy .....	126
36. Workplace Violence Policy .....	128



***PART 1:***

***HUMAN RESOURCES***

***STANDARDS AND PROCEDURES***

# INTRODUCTION

## A. Purpose

This *Gonzaga University Policies and Procedures Manual* describes policies, procedures, and benefits established by the President of Gonzaga University. If you have questions or need clarification on any topic, you are encouraged to discuss them with your supervisor or a Human Resources (HR) staff member.

All Gonzaga employees are subject to the policies and procedures set forth in this manual. In the event there is a conflict between the content of the *Gonzaga University Policies and Procedures Manual* and content of the *Faculty Handbook*, the *Faculty Handbook* controls. This manual supersedes any previous verbal or written policies, practices, procedures, or promises made by Gonzaga concerning its employees' terms and conditions of employment, except those expressed in written individual employment agreements. Only the President has the authority to enter into an employment agreement for any specified time period or provide any particular terms of employment or agreements contrary or in addition to the provisions of this manual. To be enforceable, such agreement must be in writing and signed by the President and the employee.

This manual is not a contract of employment, and none of the policies, procedures or guidelines are contractual. These policies, in whole or part, may be modified, amended, or revoked at any time at Gonzaga's sole discretion with or without prior notice. Gonzaga reserves the right to interpret any of the policies at any time and in any manner it deems appropriate. Gonzaga's interpretation of any provision in this manual may vary from time to time if, in its opinion, the circumstances require a variation.

While every effort is made to ensure this manual reflects current laws and Gonzaga policy, at times there may be a lag between a change in law or policy and an update of this manual. Employees should contact the HR department to ensure the policy statement contained in this document is the most current. If statutory provisions or court interpretations change or conflict with these policies, Gonzaga's policy will be deemed amended to assure continued compliance.

## B. Using This Manual

This manual is considered one document and is divided into two sections for easy reference:

**Part 1** – describes Human Resources standards and procedures which arise most frequently.

**Part 2** – contains Gonzaga policies approved by the President.

Some policies in **Part 2** are not detailed in **Part 1**. Part 1 and Part 2 have equal force and effect.

## C. Policies and Procedures Amendments and Additions

Institutional policies are proposed, reviewed and approved consistent with the Board of Trustees approved *Policy Development and Approval Process*.

## D. The Employment Relationship

The policy statements in this manual guide the relationship between Gonzaga and its employees. Consistent with its Mission Statement and prudent fiscal management, Gonzaga University attempts to:

- Recruit employees of the highest quality, employing them on the basis of skill, experience, education, training, character, and merit.
- Respect each individual's rights and treat all employees with courtesy, dignity, and consideration.
- Attend promptly and fairly to complaints which may arise out of Gonzaga operations.
- Offer a comprehensive benefits program.
- Provide opportunities for training, development, and advancement consistent with individual goals and Gonzaga requirements.
- Encourage friendliness and cooperation.

## E. Responsibility for Human Resources (HR)

The **Vice President for Administration** is responsible for ensuring compliance with established personnel policies as directed by the President.

The **Associate Vice President for HR** reports to the Vice President for Administration and is responsible for day-to-day administration of all personnel functions according to established policies and procedures.

**Supervisors** are responsible for daily administration of personnel practices and may operate under department guidelines, normally approved by the area vice president, which clarify this manual's policies and procedures. In the event of conflict, this manual always takes precedence.

## F. Employment at Will

The employment relationship with Gonzaga University is "at will". Employment at will is a statement of the voluntary nature of the relationship between Gonzaga and its employees. Any employee who does not have a written employment contract signed by Gonzaga's President for a specific term of employment is "at-will". This means an employee is not required to work for Gonzaga for any set period of time; an employee is free to leave employment with Gonzaga at any time and for any or no reason, and ideally with proper notice. Gonzaga University also may end an employee's employment at any time and with or without reason or notice. This policy may only be modified by Gonzaga's President and must be done so in writing. Neither an initial employment offer nor any statement or representation in this manual or in any other Gonzaga communication should be construed as an implied contract of permanent employment or employment for any defined term. This manual does not constitute, and should not be read to create, any promise by Gonzaga University that the policies set forth will be followed in every case. Nothing in this manual alters an employee's at-will status.

## **SECTION I: EMPLOYMENT**

### **A. Types of Employment**

**Regular employment** – Employees who are regularly scheduled to work either part-time or full-time and may be eligible for Gonzaga sponsored benefits depending on number of hours worked.

**Fixed-Term employment** – “Fixed-Term” employees are employed in a position for a specified period of time that exceeds ninety (90) and may be eligible for Gonzaga sponsored benefits.

#### **Temporary employment –**

1. Agency placement temporary employees receive credit for hours worked as a temporary employee for FMLA and retirement purposes but do not receive credited service for other benefits if converted to a regular status position.
2. Gonzaga internal temporary employees are employed for a specific period of time, not to exceed ninety (90) days, and hired by Gonzaga directly. Individuals in these positions may be eligible to participate in Gonzaga’s retirement benefit and will receive credit for hours worked as a temporary employee for all other Gonzaga benefits if converted to a regular status position.

**Full-Time** – Any employee working thirty (30) or more hours per week are benefits eligible.

#### **Part-Time –**

1. Part-time employees whose regularly scheduled work week is between twenty (20) and twenty-nine (29) hours are benefits eligible. See [benefits.gonzaga.edu](http://benefits.gonzaga.edu) for premium schedules.
2. Part-time employees whose regularly scheduled work week is less than twenty (20) hours are not benefits eligible, except for voluntary retirement contributions, unless required by law.
3. On-call employees work a variety of hours, which are often inconsistent and not-predictable, for seasonal or project work. These employees are ineligible for benefits, unless required by law.

**Exempt Classified Positions** – Positions classified as exempt are not eligible for overtime compensation. Exempt status is determined by FLSA testing.

**Non-Exempt Classified Positions** – Positions classified as non-exempt are eligible for overtime compensation. The FLSA defines overtime as hours worked over 40 hours in a work week. Non-exempt status is determined by FLSA testing.

**Staff** – Staff positions serve a variety of job levels at Gonzaga and may be classified as either exempt or non-exempt per FLSA. Staff category captures all jobs excluding faculty and cabinet. Staff employees can be regular, fixed-term or temporary, part-time or full-time.

**Cabinet** – President, Vice President, General Counsel, and any other positions designated as a cabinet member by the President. Generally, the President implements personnel policies affecting Executives, with guidance from the Trustees. See <http://www.gonzaga.edu/about/mcculloh/cabinet.asp> for current members.

**Faculty** – Please refer to the *Faculty Handbook* for definitions.

## B. Employment

1. **Position Openings**: Gonzaga follows recruiting policies and procedures consistent with diversity objectives and equal employment opportunity. Openings are publicized through internal and off-campus posting and advertising. Contact HR for specific recruiting or position opening information.
2. **Employment Status and the Evaluation Period**: New employees hired in regular status or fixed-term positions and employees initially hired as temporary employees who are converted to regular status serve a six-month evaluation period during which time they demonstrate their performance to their supervisor. Completion of the evaluation period is not a guarantee of continued employment. During this period Gonzaga may end the employment without notice and without recourse to the **Part 2: Grievance Policy**.

Regular employees who are transferred or promoted to another regular position serve a new six-month evaluation period and do not have rights to return to the previous position. In this case, the evaluation period does not affect recourse to the **Part 2: Grievance Policy**.

Satisfactory completion of the evaluation period is defined as the supervisor's judgment that the employee has the ability to perform the position's duties and responsibilities. Supervisors are encouraged to communicate performance concerns with employees. With HR approval, a supervisor may extend the initial six-month evaluation period up to an additional six months.

3. **Internal Applicants**: Positions are posted for external and internal recruiting simultaneously. Internal candidates apply to positions through the same method as external candidates. On occasion, positions will be posted for internal applicants only using the same recruiting platform.
4. **Hours of Work**: Supervisors are responsible for providing their employees with specific work schedules based on the needs of the department.
5. **Alternative Work Schedules**: Gonzaga supports the concept of flexible work schedules and telecommuting, balancing department and position requirements with individual employee needs. Employees may request alternative work schedules through their immediate supervisor, who will evaluate the request in consultation with the area vice president and HR. For additional information on Telecommuting, review **Part 2: Telecommuting Policy**. Alternative work schedules include both flexible work schedules and compressed work schedules. Flexible hours are where an employee varies his or her times of arrival to, and departure from, work within limits set by the department and approved by the supervisor. A compressed work schedule is where an employee works their scheduled work hours in less than the traditional five-day work week. In both instances non-exempt employees are still required to work the same number of regular hours, excluding overtime hours, that an employee who is not on an alternative/compressed schedule would work in that position. Non-exempt employees and their supervisors are responsible for keeping track of their hours worked and following all FLSA and overtime guidelines.
6. **Time Reporting**: Gonzaga is required by law to accurately record and pay for all time worked, including eligible overtime hours. Non-exempt employees are responsible for recording actual hours worked and acknowledging the time record is accurate. Any flexing of hours must occur within the workweek (Sunday through Saturday) and be approved by the supervisor. Falsifying time records is a serious violation of Gonzaga policy and will not be tolerated. Although exempt employees are not required to report daily time worked, they are required to record all applicable absent codes on their time sheet. Falsifying time reports may be cause for disciplinary action.

7. **Overtime:** Gonzaga recognizes that, from time to time, supervisors may need to authorize work hours in excess of the normal work week. Overtime must be authorized by supervisors in advance of working those hours. A normal work week for overtime calculation purposes is Sunday through Saturday. Employees must be paid in accordance with applicable labor laws. Non-exempt employees working overtime must be paid for all overtime hours worked. The first forty hours per work week are paid at current straight time rate. Hours worked over forty are paid at one and one-half times the regular rate. Any flexing of hours to minimize overtime must occur within the workweek (Sunday through Saturday) and be approved by the supervisor in advance. FLSA Exempt classified positions are exempt from state and federal overtime compensation rules. Because overtime can result in significant cost for Gonzaga, non-exempt employees must have prior supervisory approval to work overtime. Working unauthorized overtime is a serious policy violation and may result in a Performance Notice and/or Corrective Action, and could result in dismissal.
8. **Rest Breaks:** Full-time non-exempt employees receive a paid fifteen-minute rest period the first half of their work shift and another paid fifteen-minute rest period the second half, and are limited to fifteen minutes of absence from the job per rest-period. Part-time non-exempt employees receive a fifteen-minute rest period for each four hours of continuous work time. Rest periods may not be used to cover late arrival or early departure, nor are they cumulative beyond that day of work if not taken. The rest period must be allowed no later than the end of the third hour of the shift.
9. **Lunch Breaks:** Non-exempt employees who work more than five consecutive hours will receive a half-hour or one-hour unpaid lunch. The 30-minute meal period or 60-minute meal period must be provided between the second and fifth working hour. Rest breaks and lunch breaks may not be combined. An employee working a 12-hour shift shall be allowed to take a 30-minute meal period no later than at the end of each five hours worked. Employees working at least three hours longer than a normal workday shall be allowed a meal period before or during the extended portion of the shift. The second 30-minute meal period must be given within five hours from the end of the first meal period and for each five hours worked thereafter.
10. **Preventative Appointment Time Off:** Getting preventive care is one of the most important steps employees can take to manage their health. Gonzaga encourages all employees to annually receive their recommended preventive screenings without loss of pay or use of sick leave.

When non-exempt employees are unable to schedule appointments outside of work hours, paid Preventive Appointment Time Off is available for non-recurring preventive medical, dental or vision screenings or exams. This benefit is not intended for recurring, regularly-scheduled appointments such as chiropractic, massage therapy, pre-natal visits, physical therapy, courses of treatment involving multiple appointments, or extensive testing over a period of time. Preventive Medical Time Off should be planned in advance and appropriate notice given to the supervisor. This benefit is limited to 12 paid hours annually; if more time off is needed for medical appointments, employees must use their sick/personal/vacation leave. Non-exempt employees will receive these hours each January. Eligible hours will be prorated based on the employee's schedule. Unused hours do not accumulate year to year and will expire at the end of the calendar year. Unused hours will not be paid out at the end of employment. Pay for Preventive Appointment Time Off is not in addition to a regular work shift pay. Preventive Appointment Time Off is for an employee's appointments only and not for employee's dependents or other family members. Time off must be taken in 15-minute increments. See **Part 2: Federal Family and Medical Leave Policy** for immediate family medical appointments or Gonzaga's **Sick Leave Policy**.

11. **Travel Compensation for Nonexempt Employees:** All hours spent in travel that occur during an employee's normal work hours (e.g. 8:00-5:00), any day of the week including Saturday and Sunday, are treated as regular hours worked and count toward overtime pay during any week in

which total hours worked exceed 40 hours. Travel is defined as driving, air, rail or other travel and excludes any time that is otherwise associated with an individual's normal work commute to and from home.

All hours spent attending conferences, mandatory meetings and performing required work assignments are treated as regular hours worked and count toward overtime pay during any week in which total hours worked exceed 40 hours.

Time spent at evening and social events are generally not considered hours worked, unless it is a requirement of the employee's job or the employee is directed to attend a function specifically for some other business purpose, then the hours would be treated as regular hours and count toward overtime pay.

#### Examples 1:

- Employees normal work schedule: Monday through Friday; 8:00 – 5:00.
- An employee is traveling on a Sunday for a conference from 10:00 AM - 2:00 PM, time recorded would be:
  - 4 hours regular from 10:00 – 2:00 pm (within normal work schedule)
- Conference time – 8:00 – 5:00, with an hour break for lunch, time recorded would be:
  - 8 hours regular per conference day.
- The employee travels home on Friday from 6:00 PM to 10:00 PM, so no hours would be recorded since it is outside of the employee's regular work schedule.
- Time reported:

Sunday 13th	Monday 14th	Tuesday 15th	Wednesday 16th	Thursday 17th	Friday 18th	Saturday 19th
4 Regular	8 Regular	8 Regular	8 Regular	8 Regular	8 Regular	

#### Examples 2:

- Employee's normal work schedule: Monday through Friday; 7:30 AM – 4:30 PM.
- An employee is traveling on a Monday to job fair from 8:00 AM - 1:00 PM, the time recorded would be:
  - 5 hours regular for time within normal work schedule.
- On Monday, the employee works from the hotel in preparation for the job fair and performing work assignments from 3:00 PM – 6:00 PM, the time recorded would be:
  - 3 hours regular for work hours.
- The employee attends the job fair on Tuesday from 7:00 – 4:30, with a half hour lunch break, time recorded would be:
  - 9 hours regular for work hours.
- On Wednesday, the employee works from 6:00 AM to 7:00 AM, travels home from 7:00 AM to 11:00 AM, and then comes into office from 1:00 PM – 5:00 PM, time recorded would be:
  - 9 hours regular for travel and work performed.
- Employee works normal work hours on Thursday and Friday.
- Time reported:

Sunday 13th	Monday 14th	Tuesday 15th	Wednesday 16th	Thursday 17th	Friday 18th	Saturday 19th
	8 Regular	9 Regular	9 Regular	8 Regular	8 Regular	

### Examples 3:

- Part-time employee's normal work schedule: Monday through Friday; 8:00 AM – Noon.
- The employee travels on a Wednesday for a three-day meeting, the employee works in the morning, then goes home and begins traveling from 1:00 PM - 2:00 PM (outside of normal work schedule), time recorded would be:
  - 4 hours for normal work hours, and
  - 0 hours for time outside normal work schedule.
- The employee attends meeting on Thursday, Friday and Saturday from 8:00 AM to 4:00 PM with an hour break for lunch, time recorded would be:
  - 7 hours regular for each meeting day.
- The employee travels home on Saturday after the meeting from 5:30 PM to 6:30 PM and performs work tasks during the travel, time recorded would be:
  - 1 hour regular for performing work assignments.
- Since this employee is only part-time, the hours over their regular schedule is regular time unless they work over 40 hours.
- Time reported:

Sunday 13th	Monday 14th	Tuesday 15th	Wednesday 16th	Thursday 17th	Friday 18th	Saturday 19th
	4 Regular	4 Regular	4 Regular	7 Regular	7 Regular	8 Regular

12. **Training and Professional Development:** Gonzaga values and depends upon the many contributions of its employees and asks for their best efforts. One of the ways Gonzaga invests in individuals, teams and departments is by offering training and development opportunities as well as internal consulting services. To learn more about these services and to read course descriptions, please visit the Employee Development page at [www.gonzaga.edu/eod](http://www.gonzaga.edu/eod). These opportunities are designed to strengthen competencies, increase understanding of institutional Mission values, create a shared language to work effectively with others, build community and enhance informal professional support networks. Courses and programs are offered in such areas as interpersonal skills, organizational skills, self-development, and leading and managing others.

### 13. **Work Performance:**

- a. **Annual Performance Review** – Gonzaga is committed to effectively communicating with its employees and encourages supervisors to define job responsibilities and performance standards. Performance reviews are a source of positive reinforcement and allow supervisors and employees to jointly set goals, identify deficiencies, and establish training needs. Supervisors are expected to meet the requirements of Gonzaga's Performance Management program.
- b. **Below Standard Performance** – When an employee's performance fails to meet supervisory expectations or fails to comply with Gonzaga University's policies, the supervisor and employee are to work together to improve performance, if possible. Performance Notice, Corrective Action, and/or other discipline may be appropriate. Supervisors are encouraged to consult with HR during this process.

14. **Personnel File:** HR maintains employee personnel files. Because current information is important, employees should inform HR of name, address, phone number or emergency contact changes. Personnel files are confidential, subject to certain legal and operational exceptions. Employees may review their personnel file in the HR office, by appointment, during business hours. Supervisors may review the files of those employees for whom they are directly responsible. Personnel files may be subject to legal process under limited circumstances.

15. **Privacy of Health Information:** The Health Insurance Portability and Accountability Act (HIPAA), defines standards to protect the privacy of health information. In the course of the



employment relationship, an employee's health information may be used by Gonzaga University when necessary for the administration of workers' compensation benefits or health insurance plan benefits. Employees may be asked to sign an authorization form to permit a medical provider or health plan to disclose health information to Gonzaga. Any such disclosure will only be used for the specific purpose of the disclosure and Gonzaga will take all reasonable precautions to protect the privacy of this information.

16. **End of Employment:** Gonzaga may end the employment of any employee at any time with or without cause.
  - a. **Notice by Gonzaga University** – Generally, employees will be given two-week's notice. Employees are allowed reasonable time off with pay during the notice period for confirmed job interviews. Gonzaga is not required to give notice to employees in their initial, six-month evaluation period or to those dismissed for serious misconduct.
  - b. **Notice by Employees** – To ensure smooth transition and continuous operations, employees are requested to give Gonzaga written notice of their intent to leave Gonzaga, including last day worked and reason. Employees should give two-week's notice. The written notice should be given to the supervisor, who will send a copy to HR.

Employees giving more than the required amount of notice in writing may not be required to leave employment sooner unless dismissed for cause or mutual agreement with Human Resources support. However, if an employee is asked not to work through the entire extended notice period, Gonzaga will pay the employee through the original last day of employment designated by the employee in writing. If dismissed for cause, the employee is paid only through the dismissal date.
  - c. **Last Day of Employment** – An employee's last day of employment is the date recorded on the payroll. Unused vacation time does not extend the last day of employment date or prolong Gonzaga-paid benefits coverage. The supervisor will collect the employee's keys and other department material, and insure HR receives the employee's identification card.
17. **Exit Interview:** Whenever possible, HR conducts an exit interview with employees who are leaving regular employment with Gonzaga or transferring within Gonzaga between divisions. Exit Interviews are maintained separately from the personnel file located in the HR office.
18. **Rehire:** Employees rehired into a regular status position by Gonzaga within six months of their employment end date are credited with their previous length of service for time worked at Gonzaga and accumulated benefit levels.
19. **Non-Gonzaga Employment:** Gonzaga may prohibit non-Gonzaga employment if it results in a conflict of interest, adversely affects job performance, or brings discredit to Gonzaga.
20. **Employment of Relatives:**
  - a. **Employment of Spouse** – Gonzaga policy prohibits discrimination in employment and personnel actions solely on the basis of marital status. No employee, prospective employee, or applicant will be denied employment or benefits of employment solely on the basis of marital status. However, Gonzaga University retains the right to: 1) refuse to place one spouse under the direct supervision of the other spouse where the potential exists for creating an adverse effect on supervision, safety, security, or morale; 2) refuse to place both spouses in the same department, division, or facility where the potential exists to create an adverse effect on supervision, safety, security, morale, or involves a potential conflict of interest or creates the reality or appearance of improper influence or

favor. When marriage of employees creates a situation as described above, a change in employee placement may be required consistent with this policy.

- b. **Employment of Other Relatives** – Other relatives may be hired or transferred except where either would: 1) have authority or practical power to supervise, appoint, remove, or discipline the other; 2) audit the other's work; 3) participate significantly in hiring or internal promotion; 4) be placed in circumstances where the relationship would lead to actual or potential conflict of interest; 5) create the reality or appearance of improper influence or favor. Employees are expected to follow this policy except in unusual circumstances (e.g. a relative is placed in an interim position). Should this type of circumstance arise, the decision will be documented and prior approval must be received from the area vice president, HR and General Counsel.
- 21. **Moving Expenses**: Gonzaga may authorize full or partial payment or reimbursement for family and/or household moving expenses for employees in selected positions. Employees must complete a moving expense reimbursement form, which is available from the Payroll Department. Depending on the type of moving expenses that are reimbursed, there may be tax implications for the employee. Any taxable portion of the reimbursement will be added to the employee's income and applicable taxes will be withheld and reported on the employee's W-2 form. The appropriate area vice president determines approval of these expenses at the time of hire. Approval is at Gonzaga's sole discretion.
- 22. **Reductions-in-Force/Layoffs**: If reductions in the work force become necessary, Gonzaga will consider skills, work quality, and length of service when determining employees who could be laid off. Reductions-in-force may be a result of budget considerations, reorganization, or consolidated job functions. **Part 2: Reductions-in-Force for Employees Policy.**
- 23. **References for Former Employees**: HR is the preferred source of information about former employees. Supervisors or employees who receive written or verbal reference requests or letters of recommendation requests from potential employers should refer requests to HR.
- 24. **Disability Accommodation**: Consistent with Gonzaga's Access and Accommodation for Persons with Disabilities Policy and applicable state and federal laws, Gonzaga has a process for prospective and current employees whose ability to perform their jobs is affected by qualifying illness, condition, or injury. Gonzaga's Accommodation and Leave Manager works with employees, supervisors, and health care providers to evaluate each situation. **Part 2: Access and Accommodation for Persons with Disabilities Policy.**
- 25. **Background Checks**: Background checks are conducted in accordance with the University Background Check Policy. See policy for details in Part 2.
- 26. **Physical Examinations**: An occupational physical is mandatory before the start date of employment for any job that requires significant physical demands or for current employees who transfer to jobs with significant physical demands. They are scheduled once the individual has accepted a conditional offer of the position, and start of employment is contingent on passing the exam. If exam results indicate that all physical demands cannot be met, Gonzaga will consider reasonable accommodations. Physicals are performed by an outside provider in coordination with HR.
- 27. **Drug, Controlled Substance and Alcohol Free Workplace**: Refer to **Part 2: Drug, Controlled Substance and Alcohol Free Workplace Policy.**
- 28. **Employee Valid Driver's License and Driving Record**: Gonzaga University verifies a valid driver's license and good driving record of any employee who will operate a vehicle on behalf of Gonzaga. Employment will be contingent upon proof of a valid driver's license and a good driving record. This documentation will be verified via a background check and is conducted

after the conditional position offer has been accepted. Gonzaga may request an employee's updated driving record at any time during employment.

Employees against whom a disqualifying action (suspension or revocation of license or certificate) has been taken by the Department of Motor Vehicles shall not be employed in a position in which driving on behalf of Gonzaga is an essential function, nor will employees who develop a poor driving record be allowed to continue in such a position. Employees are responsible for maintaining a valid driver's license and special certificates required for the performance of job duties. Employees are also responsible for promptly notifying their supervisor of expiration, conviction, or other Department of Motor Vehicles actions against their driver's license or certificate.

## **C. Harassment and Non-Discrimination Policy**

### **1. Overview**

#### **a. Philosophy**

Gonzaga recognizes the inherent dignity of all individuals and promotes professional conduct for all people in its activities and programs and in the relationships it shares with students, faculty, staff and the public. Further, Gonzaga expects all community members to promote dignity and professionalism in their daily interactions with each other.

Harassment, discrimination, and sexual misconduct will not be tolerated at Gonzaga. Such acts are counter to our mission, values, Student Code of Conduct and are against Gonzaga policy. Acts of harassment, discrimination, and/or sexual misconduct interfere with an individual's ability to benefit from the Gonzaga experience. Gonzaga is committed to taking all appropriate steps to eliminate harassment, discrimination, and sexual misconduct, prevent its recurrence and address its effects.

Gonzaga seeks to cultivate a campus culture of prevention and awareness surrounding harassment, discrimination and/or sexual misconduct. All members of the Gonzaga community are encouraged to report any incident of harassment, discrimination, or sexual misconduct. Gonzaga will take steps to resolve complaints promptly and equitably. Gonzaga does this by providing counseling and support services for individuals and groups who have been affected by harassment, discrimination, and/or sexual misconduct, by holding individuals who violate this policy accountable, and by providing education and training to the Gonzaga community.

It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

#### **b. Notice of Non-Discrimination**

### **GONZAGA'S POLICY ON NON-DISCRIMINATION**

Gonzaga University does not discriminate against any person on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, age, disability, military status, or any characteristic protected by local, state, or federal law, or any other non-merit factor in employment, educational program, or activities that it operates.

Policies and procedures (collectively referred to as “policies”) are written consistent with Gonzaga's Mission Statement. Our non-discrimination policies comply with federal and state regulations, including Title IX of the Education Amendments of 1972.

#### Title IX Inquiries & Complaint Process

Inquiries concerning application of Title IX may be referred to the Title IX Coordinator. To file a complaint of sexual harassment, sexual assault, sexual misconduct, or gender-based discrimination, contact any of the parties listed below.

#### Non-Discrimination Inquiries & Complaint Process

Inquiries concerning the application of the University's non-discrimination policy may be referred to the Office of Equity and Inclusion. To file a complaint of harassment or discrimination based upon any of the protected groups, contact the Office of Equity and Inclusion or any of the parties listed below.

<p>Chris Purviance, Assistant Director Office of Equity &amp; Inclusion Business Services Center, Office 009 102 E. Boone Ave. purviance@gonzaga.edu (509) 313-5858</p> <p>Stephanie N. Whaley Title IX Director Business Services Center, Office 18 102 E. Boone Ave. whaleys@gonzaga.edu (509) 313-6910</p> <p>Matthew Nelson Title IX / EO Investigator nelsonm@gonzaga.edu (509) 313-3998</p>	<p><b><u>Deputy TIX Coordinators</u></b></p> <p>Heather Gores, Athletics Associate Athletic Director McCarthy Athletic Center, Office 315 gores@athletics.gonzaga.edu (509) 313-3599</p> <p>Eric Baldwin, Dean of Student Well-Being and Healthy Living College Hall 120 baldwine@gonzaga.edu (509) 313-4135</p> <p>Michael Roden, Assistant AD Student Athletic Support Services McCarthy Athletic Center PV103A roden@athletics.gonzaga.edu (509) 313-5527</p>
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Individuals may also contact the Office for Civil Rights of the U.S. Department of Education:

Seattle Office, Office for Civil Rights, U.S. Department of Education  
915 Second Avenue Room 3310  
Seattle, WA 98174-1099  
Telephone: 206-607-1600, FAX: 206-607-1601; TDD: 800-877-8339  
Email: OCR.Seattle@ed.gov

#### c. Scope of Policy

This policy applies to harassment and discrimination based on legally protected classes or characteristics. It applies to all Gonzaga community members, including employees and students. All students and employees of Gonzaga are responsible for their actions and behavior, whether the conduct in question occurs on or off campus. As such, this policy applies to both on campus conduct and relevant off campus conduct which affects the Gonzaga community.

Vendors, independent contractors, visitors, and others who conduct business with Gonzaga or on Gonzaga property are also expected to comply with this policy.

Gonzaga's Office of Equity and Inclusion is responsible for oversight of complaints made pursuant to this policy for all forms of harassment and discrimination prohibited by law. However, gender-based complaints made by students against other students, faculty, staff, other community members or visitors, are overseen by the Title IX Coordinator.

d. Harassment and Discrimination Defined

Harassment and discrimination against individuals in protected classes can take many forms. It can include verbal or physical conduct, name-calling, slurs, comments, rumors, jokes, innuendos, unwelcome compliments or touching, cartoons, pranks, graphic and written statements, communications via cell phones or the internet, or other conduct which may be physically or emotionally threatening, harmful or humiliating.

Generally, physical and verbal conduct is considered harassment when it meets one or more of the following criteria:

- i. Submission to the undesirable conduct or communication is made, either explicitly or implicitly, a term or condition of one's employment or academic status, or
- ii. Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment or education, or
- iii. The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creates an intimidating, hostile, or offensive employment or academic environment, and
- iv. The conduct or communication would not have occurred but for the protected category of the individual(s) or group to whom it is directed or who are affected by it.

Specific examples of Harassment and Discrimination are provided in Section B of this policy.

e. Verbal and Other Expressive Behaviors in Instruction Settings

The College and University Personnel Association and the American Association of Gonzaga Professors have developed guidelines for addressing allegations of harassment arising in an instructional setting. The types of expressive behavior which are acceptable within the instructional setting are defined below. Complaints received concerning behaviors outside of these protected behaviors are handled through the applicable procedures described in the *Gonzaga University Policies and Procedures Manual*, the *Faculty Handbook* and the *Student Code of Conduct*, as determined by the classification of the respondent (employee, student or faculty).

i. Definitions:

- "Instructional setting:" An instructional setting is a situation in which a member of the faculty or academic staff is communicating with a student(s) concerning matters the faculty or academic staff member is responsible for teaching the student(s). These situations include, but are not limited to, such communication in a classroom, laboratory, during a field trip or in a faculty or academic staff member's office.
- "Expressive behavior:" Expressive behavior is conduct in an instructional setting whenever a faculty or academic staff member seeks to communicate with students.

It includes, but is not limited to, the use of visual materials, verbal or written statements, and assignment of visual, recorded or written materials.

ii. Protected Expressive Behavior:

- Expressive behavior related to subject matter:
  - A faculty or academic staff member's selection of instructional materials shall not be the basis for discipline if the material selected is germane to the subject of the course. However, if the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member's claim that the materials are germane to the subject of the course is unreasonable, it shall not be an acceptable defense to the use of such material.
  - A faculty or academic staff member's expressive behavior shall not be the basis for discipline if the behavior constitutes an opinion or statement germane to the subject matter of the course. However, if the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member's claim that the expressive behavior is unreasonable, it shall not be an acceptable defense to the use of such behavior.
- Expressive Behavior related to pedagogical strategies: A faculty or academic staff member's selection of pedagogical strategies shall not be the basis for discipline unless the Faculty Harassment/Discrimination Committee finds, at a formal hearing, that the faculty or academic staff member's claim that the objective cannot be accomplished as effectively by techniques less likely to cause harm is unreasonable.

f. Statement of Privacy and Confidentiality

Gonzaga is committed to protecting the privacy and confidentiality of all individuals involved in a report of harassment or discrimination to the extent possible. Gonzaga will balance privacy and confidentiality with its obligation to conduct a thorough review of the allegation for the purpose of protecting the parties and the broader campus community and maintaining an environment which is free from harassment and discrimination.

- i. Privacy generally means information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those Gonzaga employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals are required to be discreet and respect the privacy of all individuals involved in the process.
- ii. Confidentiality means information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These professionals include those licensed by the State as a medical professional, mental health clinician or clergy serving in their capacity as a sacramental confessor or any ordained religious serving in the sacred confidence role.

When Gonzaga has received a report of harassment or discrimination, but the Complainant requests his/her identity remain private or confidential, or that Gonzaga not pursue an investigation, Gonzaga must balance this request for privacy with its responsibility to provide a safe and non-discriminatory environment for all members of the Gonzaga community. Decisions regarding privacy requests will be made by the Title IX Coordinator for gender-based harassment, discrimination, and/or sexual misconduct. Decisions regarding privacy of all other equal opportunity complaints will be made by appropriate Gonzaga officials. Gonzaga will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request, but its ability to do so may be limited by the request for privacy. However, with the presence of circumstances (including without limitation the seriousness of the alleged harassment and the age of the parties) or evidence of a pattern of repetitive behavior, Gonzaga may conduct further investigation, or take other appropriate measures without the Complainant's consent. A Complainant will be informed whenever legally permissible of any action taken by Gonzaga to resolve the complaint, including further investigation and corrective or disciplinary steps.

If circumstances alleged in a report of misconduct pose an immediate threat to the Gonzaga community or when timely notice must be given to protect the health or safety of the community, Gonzaga may not be able to maintain the same level of privacy. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct which include the use of force, a weapon, or other circumstances which represent a serious and ongoing threat to Gonzaga students, faculty, administrators, staff, or visitors.

All resolution proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, other applicable federal and state laws, and Gonzaga policy. No information shall be released except as required or permitted by law and Gonzaga policy.

## **2. Specific Policies Associated with Harassment and Discrimination**

### **a. Gender-based Harassment, Discrimination and Sexual Misconduct**

#### **i. Purpose**

- Define gender-based harassment and the forms of sexual misconduct which violate our community standards;
- Identify resources and support for all members of the Gonzaga community;
- Identify the Title IX Coordinator and the scope of his/her role;
- Provide information as to where an individual can obtain support or access resources in a confidential manner;
- Provide information as to how an individual can make a report on campus or off campus; and
- Provide information as to how a report against a Gonzaga community member will be investigated, evaluated and adjudicated.

When used in this policy:

- i. Reporting Party refers to the person who reports to Gonzaga gender-based harassment, discrimination, and/or sexual misconduct.
- ii. Complainant refers to one who has allegedly been the subject of gender-based harassment, discrimination, and/or sexual misconduct.
- iii. Respondent refers to the person(s) who is reported to have allegedly committed an act or acts of gender-based harassment, discrimination, and/or sexual misconduct.
- iv. Third party refers to any other participant in the process, including a witness to the alleged misconduct.

- v. Mandatory reporter refers to people who have regular contact with students and therefore are legally bound to report suspected or observed abuse. At Gonzaga all employees are mandatory reporters of alleged sexual harassment or discrimination, unless they are licensed by the State as a medical professional, mental health clinician, or clergy, serving in their capacity as a sacramental confessor or any ordained religious serving in the sacred confidence role.
- ii. Gender-based Harassment, Discrimination, and/or Sexual Misconduct Awareness and Education Programs

Gonzaga is committed to providing a variety of awareness and prevention programs on gender-based harassment, discrimination, and/or sexual misconduct issues to all community members including students, faculty and staff. While a variety of offices provide programming related to these issues, the primary offices to contact in search of existing programming or customized events include:

- Housing and Residence Life
- Human Resources
- LGBTQ+ Resource Center
- Center for Cura Personalis
- Women's and Gender Studies
- Campus Climate Committee

These offices offer established training sessions, programs and events throughout each year. Some offices are also available to design programming for specific groups or situations.

iii. Examples, Definitions, and Prohibited Conduct:

This policy addresses a broad spectrum of behavior, all of which falls under the broad definition of sexual harassment. Sexual harassment is objectionable verbal or physical conduct which is gender-based or sexual in nature. Unwelcome sexual advances, requests for sexual favors, sexually motivated physical or verbal conduct may be sexual harassment. Other behavior which is not sexual in nature but is motivated by a person's sex, gender identity, or sexual orientation may also be sexual harassment.

Sexual harassment may include sexual misconduct and sexual violence. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical. Sexual misconduct and sexual violence can include, but is not limited to, sexual assault, intimate partner violence, sexual exploitation, harassment and stalking. Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on gender or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

Gender-based harassment, discrimination or sexual misconduct can take many forms:

- Can occur between equals (e.g., student to student, employee to employee) or between persons of unequal power status (e.g., supervisor to subordinate, professor to student, coach to student-athlete).
- Can be committed by an individual or may be a result of the actions of an organization or group. It can be committed against an individual, an organization or a group.
- Can be committed by an acquaintance, a stranger or someone with whom the Complainant has an intimate or sexual relationship.



- Can occur by any individual against any individual. This policy prohibits gender-based harassment, discrimination, and/or sexual misconduct against Gonzaga community members of any sex, gender identity or sexual orientation.
- 1) **Examples** of behaviors which might be considered sexual harassment include, but are not limited to:
- Demeaning sexist statements, humor or jokes about sex or gender-specific traits, crude sexual remarks, offensive stories, remarks of a sexual nature about a person's clothing or body, remarks about sexual activity or experiences, sexual innuendo or other suggestive comments, offensive notes, sexual propositions, or insults and threats, that an individual communicates are unwanted and unwelcome.
  - Hazing as defined by Student Code of Conduct.
  - Display or circulation of written materials or pictures degrading to an individual(s) or gender group.
  - Engaging in demeaning verbal and other expressive behavior of a sexual or gendered nature in instructional settings.
  - Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
  - Undue and unwanted attention, such as repeated inappropriate flirting, compliments about clothing or physical attributes, staring or making sexually oriented gestures.
  - Pressuring an individual to become involved in sexual activity.
  - Making a student's work or an employee's job more difficult because of that person's sex, gender identity or sexual orientation.
  - Using a position of power and authority to: 1) threaten or punish, either directly or by implication, for refusing to tolerate harassment or submit to sexual activity or for reporting harassment; 2) promise rewards in return for sexual favors.
  - Sexually assaulting an individual.

2) **Specific Examples of Prohibited Conduct:**

In addition to the range of behaviors identified above as sexual harassment, the following conduct is specifically prohibited by this policy:

a) **"Sexual Assault":**

- **Related to Attempted or Actual Penetrations:** Having or attempting to have non-consensual vaginal, anal, or oral penetration, however slight, with any object or body part, with another person. This includes intercourse or attempted intercourse under circumstances including:
  - the use or threat of coercion or force,
  - when the other person is incapacitated and that incapacitation is reasonably apparent to the Respondent; or
  - when the other person does not consent.
- **Related to All Other Forms of Sexual Contact:** Having or attempting to have any non-consensual, non-accidental touching of a sexual nature. This touching can include, but is not limited to, kissing, touching the intimate parts of another or causing the other to touch the harasser's intimate parts. This includes sexual contact under circumstances including:
  - the use or threat of coercion or force,
  - when the other person is incapacitated and that incapacitation is reasonably apparent to the Respondent; or

- when the other person does not consent.
- b) **“Sexual-based Communication”**: Speaking to, or directing any kind of communication, words, or images of a sexual nature at another person which is not welcomed by the receiving party. If the communication is unwelcome, that is, if it occurs without the other person’s consent or participation it may create a hostile learning and living environment. Sexual-based communication can include interactions in person, by phone, social media, electronic messages and photos and written words or images such as graffiti.
- c) **“Sexual Exploitation”**: Taking sexual advantage of another for the Respondent's advantage or benefit, or for the benefit or advantage of anyone other than the Reporting Party, and that behavior does not otherwise constitute other forms of gender-based harassment, discrimination, and/or sexual misconduct described in this policy. Examples of sexual exploitation include creating images (including video or still photography) of another person of a sexual nature via web-cam, camera, Internet exposure, etc., without knowledge and consent of all persons; knowingly exposing a person who has not consented to the risk to Human Immunodeficiency Virus (HIV) or any other Sexually Transmitted Diseases (STD); inducing incapacitation for the purpose of making the other person vulnerable to sexual assault; and voyeurism.
- d) **“Stalking”**: A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person which would cause a reasonable person to become alarmed or be in fear of harm or injury, including physical, emotional or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person.
- e) **“Domestic Violence”**: Domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated or dating.
- f) **“Dating Violence”**: A pattern of abusive behaviors used to exert power and control over a dating partner.
- g) **“Prohibited Relationships”**: Romantic or sexual relationships between two members of the Gonzaga community when one person in that relationship has actual or apparent authority to supervise, evaluate, counsel, educate, employ or otherwise make decision(s) or recommendation(s) regarding the other person in respect to the other person’s employment, education or instruction at Gonzaga, or as to his/her advancement, participation, benefits or privileges in the educational or employment context. Although relationships between "unequal" persons may not necessarily constitute sexual harassment, an inherent conflict of interest and may give rise to sexual harassment/discrimination, or allegations thereof. Refer to the Gonzaga Certain Relationships by Persons in Authority policy for more information.

### 3) Definitions

1. **“Consent”**: Consent occurs when the parties exchange affirmative words, actions, or behavior indicating their agreement to freely participate in mutual sexual activity. Consent must be informed, knowing and voluntary, and freely and actively given. As a general rule, a person will be considered unable to give valid

consent if she/he cannot appreciate the "who, what, when, where, why and how" of a sexual interaction. The following further clarifies the definition of consent:

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity.
  - If at any time it is reasonably apparent either party is hesitant, confused or unsure, both parties should stop and obtain mutual verbal consent before continuing such activity.
  - Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions which clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
  - Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
  - Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity.
  - An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.
  - An individual in a blackout state may appear to act normally but may not have later recall of the events in question. The extent to which a person in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity and the other person is unaware – or reasonably could not have known – of the alcohol consumption or blackout, must be evaluated in determining whether consent could be considered as having been given.
  - Alcohol and other drugs impair a person's decision-making capacity, awareness of the consequences and ability to make judgments, and can create an atmosphere of confusion over whether consent has been freely and clearly sought or given.
  - Being intoxicated or impaired by drugs or alcohol is never an excuse for gender-based harassment, discrimination, and/or sexual misconduct and does not diminish one's responsibility to obtain consent.
2. **"Coercion"**: The use, attempted use or threat of force, immediate or future harm, or the use of physical, severe or pervasive emotional intimidation to cause another person to engage in or submit to certain activities. Coercion also includes administering a drug, intoxicant or similar substance which impairs the person's ability to give consent.
3. **"Incapacitation"**: An individual who is incapacitated cannot consent to sexual activity. An individual is incapacitated if he/she is physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

iv. Retaliation

It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

v. The Role of the Title IX Director and Deputy Title IX Coordinators

Title IX Coordinators and Deputies are knowledgeable and trained in Gonzaga's policies and procedures, state and federal laws applying to matters of sexual misconduct, harassment and discrimination, and the dynamics of sexual misconduct, harassment and discrimination. Title IX Coordinators are available to meet with any individual, either Reporting Party, Complainant, Respondent or third party to discuss the options for resolution of a report under this policy.

In every report of sexual misconduct, harassment and discrimination, the Title IX Coordinator will review the report, investigative steps and will endeavor to ensure that all appropriate remedies have been considered and implemented as needed with the goals of eliminating harassment, preventing its recurrence and addressing its effects. In cases involving a student respondent, the Title IX Coordinator will determine whether there is sufficient evidence to forward the report to the Office of Community Standards.

Gonzaga's Title IX Coordinator:

<p><b>Stephanie N. Whaley</b> Title IX Director (509) 313-6910 whaleys@gonzaga.edu</p>
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Deputy Title IX Coordinators:

Eric Baldwin Dean of Student Well-Being and Healthy Living College Hall 120 baldwine@gonzaga.edu (509) 313-4135	Heather Gores Associate Athletic Director McCarthy Athletic Center, Office 315 gores@athletics.gonzaga.edu (509) 313-3599
	Michael Roden, Assistant AD Student Athletic Support Services McCarthy Athletic Center PV103A roden@athletics.gonzaga.edu (509) 313-5527

vi. Campus and Community Resources

- Health and Safety

The first priority for any individual who has been assaulted is to get to a safe place and call 911 or the Campus Public Safety and Security (509-313-2222).

An individual's physical well-being should be addressed as soon as possible, whether or not that individual wishes to make a report to Gonzaga or local law enforcement. A medical provider can facilitate and provide:

- 1) Emergency or follow-up medical services. The medical exam has two goals: first, to treat the full extent of any injury of physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy; and second, to properly collect and preserve evidence as part of a "rape kit"/sexual assault examination for potential criminal prosecution (provided only by a trained provider in a hospital).
  - IMPORTANT: do not shower, bathe, douche, brush your teeth, drink or change your clothing, as you may be destroying evidence you will need if you decide to prosecute.
- 2) STD and HIV testing (available through Gonzaga Health Center or another off-campus provider)
- 3) Pregnancy testing (available through Gonzaga Health Center or another off-campus provider)
- 4) Health care concerns related to the incident may be discussed with the hospital emergency staff, a personal physician or Gonzaga Health Center staff, who can also provide referrals to off-campus providers
- 5) Gonzaga Health Center can also advise an individual about the complaint processes under this policy.

- Confidential Resources

Gonzaga recognizes not every individual will be prepared to make a formal report to Gonzaga or to local law enforcement. Individuals seeking to talk to someone about an incident of sexual harassment or misconduct in a confidential manner without making a report to Gonzaga or triggering any investigation or action by Gonzaga or the police can access confidential resources as outlined in this policy.

## Campus and Local Resources for STUDENTS

Where to go for Gender-based Harassment, Discrimination, and/or Sexual Misconduct Incidents and Support Services

Confidential Reporting	Non-Confidential Reporting
Health & Counseling Center – 509-313-4052	Campus Security & Public Safety – 509-313-2222
On-campus Lutheran Social Services Advocate 509-313-6119	SART First Responder – 509-313-2222
SAFeT – 509-624-7273	Center for Cura Personalis – 509-313-4009
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Title IX Director – 509-313-6910
<u>Anonymous</u> report completed online at <a href="http://www.gonzaga.edu/sexualmisconductform">www.gonzaga.edu/sexualmisconductform</a>	Any Gonzaga Staff or Faculty Member
Whistle blower website <a href="http://www.gonzaga.ethicspoint.com">www.gonzaga.ethicspoint.com</a>	Spokane Police Dept. – 509-456-2233 (non-emergency)
	Report completed online at <a href="http://www.gonzaga.edu/sexualmisconduct">www.gonzaga.edu/sexualmisconduct</a>

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	SART (Sexual Assault First Responder)- - 509-313-2222
	Deaconess Hospital – 509-458-5800	Safe Transportation (Campus Public Safety – 509-313-2222
	Holy Family Hospital – 509-482-0111	Health & Counseling Center – 509-313-4052
	SAFeT (Sexual assault crisis agency) 509-624-7273	Center for Cura Personalis – 509-313-4009
	Spokane Crime Victim Service Center -- 866-751-7119	Office of Disability Access (Student Disability Resources) – 509-313-4134
	YWCA of Spokane Alternatives to Domestic Violence – 509-326- 2255	Title IX Coordinator –509-313-6910
	First Call for Help 509-838-4428	
	Lutheran Community Services --509-747-8224	

Services offered 24 hrs./day, 365/yr.

## Campus and Local Resources for EMPLOYEES

Where to go for Gender-based Harassment, Discrimination, and/or Sexual Misconduct Incidents and Support Services

Confidential Reporting	Non-Confidential Reporting
On-campus Lutheran Social Services Advocate 509-313-6119	Campus Security & Public Safety – 509-313-2222 Title IX Director – 509-313-6910
SAFeT – 509-624-7273	Any Gonzaga Administrator or Supervisor
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Equity and Inclusion Office – 509-313-5858; 509-313-6909
<u>Anonymous</u> report completed online at <a href="http://www.gonzaga.edu/sexualmisconductform">www.gonzaga.edu/sexualmisconductform</a>	Spokane Police Dept. – 509-456-2233 (non-emergency)
Whistle blower website <a href="http://www.gonzaga.ethicspoint.com">www.gonzaga.ethicspoint.com</a>	Report completed online at <a href="http://www.gonzaga.edu/sexualmisconductform">www.gonzaga.edu/sexualmisconductform</a>

Emergency Response	Health and Safety Resources in Spokane Community	Gonzaga Campus Assistance
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Title IX Coordinator –509-313-6910
	Holy Family Hospital – 509-482-0111	Equity and Inclusion Office – 509-313- 5858; 509-313-6909
	SAFeT (Sexual assault crisis agency) 509-624-7273	Human Resources Disability Accommodations (staff and faculty) – 509-313-5852
	YWCA of Spokane Alternatives to Domestic Violence – 509- 326-2255	Employee Assistance Program (confidential for staff and faculty) -- 877-595-5284 or <a href="http://www.gonzaga.edu/eap">http://www.gonzaga.edu/eap</a>
	Spokane Crime Victim Service Center -- 866-751-7119	
	First Call for Help 509-838-4428	
	Lutheran Community Services --509-747-8224	

Services offered 24 hrs./day, 365/yr.

### vii. Reporting

While certain community members are mandatory reporters, Gonzaga encourages all community members to report information about any type of gender-based harassment, discrimination, and/or sexual misconduct involving students, staff or faculty members. An incident does not have to occur on campus to be reported. Off campus conduct which adversely affects or has the potential to adversely affect the Gonzaga community also falls under this policy. Gonzaga will promptly investigate and respond to all reports of sexual misconduct, harassment and discrimination.

Gonzaga provides resources to both Complainants and Respondents in making decisions, obtaining information about their options under this policy and assisting either party in the event that a report of gender-based harassment, discrimination, and/or sexual misconduct is made.

A Complainant need not immediately request an investigation or disciplinary actions at the time the report is made. Once Gonzaga is made aware of an incident, the option to request action will remain open as long as the Complainant and/or Respondent are current students, staff, faculty or are otherwise subject to this policy. If any party involved in a complaint is no longer affiliated with Gonzaga, Gonzaga will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence and address its effects.

Under Washington State Law, Gonzaga must, within forty-eight hours of receiving a report of alleged sexual assault of an individual under the age of eighteen (18), make a report or cause a report to be made to Child Protective Services or local law enforcement. An appropriate Gonzaga professional will notify the reporting party of Gonzaga's mandatory reporter requirements.

- Coordination with Law Enforcement

Notifying Law Enforcement may result in the Reporting Party, Complainant and/or Respondent being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution may receive a Gonzaga response.

An act not criminally prosecuted may violate Gonzaga policy. To the extent permitted or required by law, Gonzaga will cooperate with outside investigators. Gonzaga encourages reporting to both Gonzaga and to an outside law enforcement agency, if the alleged gender-based harassment, discrimination, and/or sexual misconduct may also be a crime.

Gonzaga process and the criminal justice process are two separate and independent courses of action. If an individual wants to file a report with Law Enforcement, a Gonzaga professional staff member is available to assist. Gonzaga generally will not file a police report on behalf of an individual, unless circumstances warrant. Gonzaga's response to a report is not impacted by the filing of a criminal complaint or by the outcome of the criminal investigation.

- Amnesty

It is Gonzaga's goal that all individuals report all incidents of sexual misconduct so that those affected can receive the support and resources needed. Therefore, violations of Gonzaga's alcohol and drug policies by a Reporting Party or a Complainant may be exempt from disciplinary action in situations where gender-based harassment, discrimination, and/or sexual misconduct also occurs. However, Gonzaga may initiate an educational discussion about the use of alcohol or drugs and their impact.

- False Reports

Submission of a complaint, concern or report of harassment will not affect the Reporting Party's or Complainant's employment, grades, academic standing or work assignments.



## viii. Interim measures

After a report is made, Gonzaga will provide interim support and reasonable protection against further acts of misconduct, harassment or retaliation as needed, and will provide services and resources to provide a safe environment. For a listing of services and resources see the Campus Resources section of this policy.

Gonzaga will determine the necessity and scope of any interim measures pending the completion of the complaint process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. Gonzaga will take immediate and responsive action to enforce a previously implemented interim measure. Interim measures are not appealable.

The range of interim measures includes:

- **Contact/Communication Directives:** The Complainant or Respondent may request, or Gonzaga may impose, even if not requested, communication and contact restrictions to prevent further potentially harmful interaction. Any such request shall be made to the investigator. Upon request the investigator assigned to the case will inform the Reporting Party or Respondent of options and will endeavor to accommodate the requested changes if they are reasonably available.

In some cases, an individual may wish to consider a protection/anti-harassment order issued by the appropriate court of the State of Washington. This is a civil proceeding independent of Gonzaga. If a court order is issued Gonzaga will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order. The court enforces the order through law enforcement. Gonzaga does not enforce the order but does enforce its own rules.

- **Academic, Employment or Living Arrangements:** A Complainant or Respondent may request, or Gonzaga may impose, even if not requested, a change in academic, employment or living situation after a report of sexual misconduct, harassment or discrimination. Upon request Gonzaga will inform the Complainant or Respondent of the options and will endeavor to accommodate the requested changes if they are reasonably available. Interim changes may include:
  - Class or work schedule changes
  - Limiting access to certain Gonzaga facilities or activities
  - Leave of Absence
  - Campus Security escorts across campus
  - Academic support services
  - Other remedies which can be tailored to the involved parties to achieve the goals of this policy
- **Emotional Support:** Gonzaga provides counseling services through the Health and Counseling Center for students, or the Employee Assistance Plan (EAP) for staff and faculty. These resources also provide referrals to off campus agencies.

## ix. Procedures for resolution of gender-based harassment, discrimination, and sexual misconduct

- **Overview of Potential Resolution Outcomes:** Gonzaga is committed to providing all students, staff, and faculty with a safe environment in which to live, learn and work. Consistent with this goal, Gonzaga will respond promptly and equitably when any incident of gender-based harassment, discrimination, and/or sexual misconduct is alleged against an individual or Gonzaga becomes aware of the

situation by other reliable means. The first priority is to offer support and services to members of the Gonzaga community. Gonzaga's response may take a number of forms within its discretion. Potential responses include offering reasonable protection and services to involved parties, conducting a Title IX inquiry or review, conducting an investigation, imposing corrective or restrictive measures (including any student conduct outcome up to suspension or expulsion or employee remediation including termination) and conducting resolution processes.

**Review and Investigation:** Gonzaga will review and respond to all reports of sexual discrimination, misconduct, harassment, and discrimination. In every case, Gonzaga will make an immediate assessment of any risk of harm to individuals or the campus community and will take appropriate steps to address. Following this initial review, Gonzaga may take steps to investigate or otherwise determine what occurred. Gonzaga will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request; however, circumstances may exist when Gonzaga chooses to move forward with an investigation or resolution or take other appropriate measures without the Complainant's consent. Gonzaga will investigate the report in a thorough, equitable, and expeditious manner. These investigative steps may include interim measures intended to provide for the safety of individuals and the campus community. Gonzaga's overarching goal is to end any misconduct, to prevent its recurrence, and to address its effects. Generally speaking, Gonzaga will attempt to complete the investigation and resolution of all reports within 60 calendar days of receiving a report.

- **Resolution of Complaints:**
  - 1) The Student Development Division has staff designated for resolving student-to-student complaints as well as complaints of harassment or discrimination against a student by an unknown party. Reports where a student is the Respondent will be resolved under the Student Code of Conduct.
  - 2) The Equity and Inclusion Office or academic administration is responsible for resolving complaints against a faculty/staff member. Reports where a staff member is the Respondent will be resolved under *Gonzaga University Policies and Procedures Manual*. Reports where a faculty member is the Respondent will be resolved under the *Faculty Handbook*.

Complaints of harassment or discrimination involving both a student and a faculty/staff member are jointly handled by the Student Development Division, the Office of Equity and Inclusion and by appropriate officials within the academic administration.

Parties will be notified in writing of the final outcome of the hearing or other action which concludes the report process.

## b. Harassment and Discrimination of all Other Protected Categories

### i. Purpose

Gonzaga is committed to providing equal opportunities for all individuals. To do so, Gonzaga must maintain an environment free from harassment, discrimination, intimidation and humiliation as expressed by communication, threats, acts of violence, hatred, abuse of authority or ill-will which assaults an individual's self-worth. Harassment and discrimination interferes with or limits an individual's or group's ability to participate in, or benefit from, Gonzaga programs, services, activities or amenities. Harassment and discrimination dishonor Gonzaga and its members and diminishes the stature of the academic community.

Gonzaga will make every reasonable effort to address harassment and discrimination even if the perpetrator has not been identified.

### ii. Harassment and Diversity Awareness and Education Programs

Gonzaga provides a variety of awareness and prevention programs on diversity, harassment and discrimination issues involving race, ethnicity, religion, sexual orientation, gender identification, ability/disability and many other diversity and inclusion topics. Programs are available to all community members including students, faculty and staff. While a variety of offices provide programming related to these issues, the primary offices to contact in search of existing programming or customized events include:

- Campus Climate Committee
- Center for American Indian Studies
- Disability Access Office
- Human Resources
- Intercultural and Multicultural Professionals Affecting Change Together (IMPACT)
- LGBTQ+ Resource Center
- Unity Multicultural Education Center (UMEC)

These offices offer established training sessions, programs and events throughout each year. Staff are also available to design programming for specific groups or situations.

### iii. Examples, Definitions, and Prohibited Conduct

- Definitions:
  - 1) Race, ethnicity, color: Being a member certain race or having personal characteristics associated with race (such as hair texture, skin color, complexion, or certain facial features).
  - 2) Religion, creed: people who belong to traditional, organized religions and also others who have sincerely held religious, ethical or moral beliefs.
  - 3) National origin: Being from a particular country or part of the world, having a particular ethnicity or accent or appearing to be of a certain ethnic background (even if they are not).
  - 4) Sex, gender: Being of a certain gender or sex or being connected with an organization or group which is generally associated with people of a certain sex.
  - 5) Marital status: The status of being a member of a legally recognized union or not being part of a legally recognized union.
  - 6) Sexual orientation: a person's sexual identity in relation to the gender to which they are attracted; the fact of being heterosexual, homosexual, or bisexual, or asexual, or pansexual.

- 7) Gender identity: person's private sense, and subjective experience, of their own gender. This is generally described as one's private sense of being a man or a woman, consisting primarily of the acceptance of membership into a category of people: male or female.
  - 8) Age: for purposes of this policy, being age 40 or older.
  - 9) Disability: being a person covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, and other federal and state laws as applicable. Generally, "disability" means a physical, sensory, or mental impairment that substantially limits one or more major life activities.
  - 10) Military status: having served in the military or currently serving in the military.
  - 11) Genetic information: when genetic information is used for academic or employment purposes.
  - 12) Retaliation: No officer, employee, or agent of an institution shall retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities. Those rights/responsibilities include but are not limited to reporting alleged discrimination or harassment, participating in an investigation or encouraging others to make reports.
- Following are examples of behaviors which, if based on any of the protected classes may constitute harassment or discrimination:
    - 1) Making demeaning remarks to an individual or group, or in the presence of an individual or group. This includes name calling, slurs, epithets, jokes and other put-downs which demean a person or group, treat individuals or groups differently because of these protected classes, or create a hostile environment.
    - 2) Displaying, circulating, or placing visual or written material demeaning anyone based on protected category status in a Gonzaga living or working area, which results in a hostile or demeaning education, working or living environment.
    - 3) Damaging, defacing, or destroying Gonzaga's property or the property of any individual because of these protected categories.
    - 4) Expressing in words (including "fighting words" likely to provoke an immediate or violent reaction), pictures or symbols commonly understood to convey hatred or contempt.
    - 5) Engaging in acts based on these protected categories that obstruct or attempt to obstruct or seriously impair Gonzaga activities on Gonzaga property or in other locations where Gonzaga-sponsored activities occur.
    - 6) Engaging in demeaning verbal and other expressive behavior in instructional settings.

#### iv. Reporting Harassment or Discrimination

- Reporting

**Emergency Reporting:** Call 911 if the incident involves a threat to safety, a crime, or if evidence needs to be collected or preserved.

For Campus Safety and Security assistance call 509-313-2222. A Gonzaga security officer or other Gonzaga official can assist in an emergency situation. Campus Safety and Security personnel can also assist individuals with filing a police report.

Campus reporting options: Individuals are encouraged to bring forward concerns or complaints about suspected harassing or discriminatory behavior to any of the following:

## Campus and Local Resources for STUDENTS

### Where to go for Hate / Bias Incidents and Support Services

<b>Confidential Reporting</b>	<b>Non-Confidential Reporting</b>
Health & Counseling Center – 509-313-4052	Campus Security & Public Safety – 509-313-2222
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Center for Cura Personalis – 509-313-4009 Any Gonzaga Staff or Faculty member
<i>Anonymous</i> report completed online at <a href="http://www.gonzaga.edu/sexualmisconductform">www.gonzaga.edu/sexualmisconductform</a>	Title IX Coordinator – 509-313-6910 Equity and Inclusion Office – 509-313-5858; 509-313-6909
Whistle blower website <a href="http://www.gonzaga.ethicspoint.com">www.gonzaga.ethicspoint.com</a>	Report completed online at <a href="http://www.gonzaga.edu/Student-Life/Support-for-Students/harassmentdiscriminationreport.asp">http://www.gonzaga.edu/Student-Life/Support-for-Students/harassmentdiscriminationreport.asp</a>
	Spokane Police Dept. – 509-456-2233 (non-emergency)

<b>Emergency Response</b>	<b>Health and Safety Resources in Spokane Community</b>	<b>Gonzaga Campus Assistance</b>
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Health Center & Counseling Center – 509-313-4052
	Holy Family Hospital – 509-482-0111	Center for Cura Personalis – 509-313-4009
	Spokane Crime Victim Service Center -- 866-751-7119	UMEC – 509-313-5836
	First Call for Help 509-838-4428	LGBTQ+ Resource Center –509-313-5847
		Office of Disability Access (Student Disability Resources) – 509-313-4134
		Chief Diversity Officer – 509-313-6550
		Title IX Coordinator –509-313-6910

Services offered 24 hrs./day, 365/yr.

## Campus and Local Resources for EMPLOYEES

### Where to go for Hate / Bias Incidents and Support Services

<b>Confidential Reporting</b>	<b>Non-Confidential Reporting</b>
Any Priest serving as a sacramental confessor or any ordained religious serving in the sacred confidence role.	Campus Security & Public Safety – 509-313-2222 Any Gonzaga Administrator or Supervisor
<u>Anonymous</u> report completed online at <a href="http://www.gonzaga.edu/sexualmisconductform">www.gonzaga.edu/sexualmisconductform</a>	Title IX Coordinator – 509-313-6910 Equity and Inclusion Office – 509-313-5858; 509-313-6909
Whistle blower website <a href="http://www.gonzaga.ethicspoint.com">www.gonzaga.ethicspoint.com</a>	Report completed online at <a href="http://www.gonzaga.edu/Student-Life/Support-for-Students/harassmentdiscriminationreport.asp">http://www.gonzaga.edu/Student-Life/Support-for-Students/harassmentdiscriminationreport.asp</a>
	Spokane Police Dept. – 509-456-2233 (non-emergency)

<b>Emergency Response</b>	<b>Health and Safety Resources in Spokane Community</b>	<b>Gonzaga Campus Assistance</b>
911	Spokane Police Dept. – 509-456-2233 (non-emergency)	Campus Security & Public Safety -- 509-313-2222
	Sacred Heart Medical Center – 509-474-3131	Safe Transportation (Campus Public Safety – 509-313-2222
	Deaconess Hospital – 509-458-5800	Chief Diversity Officer – 509-313-6550
	Holy Family Hospital – 509-482-0111	Title IX Coordinator – 509-313-6910
	Spokane Crime Victim Service Center -- 866-751-7119	Equity and Inclusion Office – 509-313-5858; 509-313-6909
	First Call for Help 509-838-4428	Human Resources Disability Accommodations (staff and faculty) – 509-313-5852
		Employee Assistance Program (confidential for staff and faculty) -- 877-595-5284 or <a href="http://www.gonzaga.edu/eap">http://www.gonzaga.edu/eap</a>

Services offered 24 hrs./day, 365/yr.

- Coordination with Law Enforcement

Notifying Law Enforcement may result in the Reporting Party, Complainant, and/or Respondent being contacted by a police officer. The police department determines if a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution may receive a Gonzaga response.

An act not criminally prosecuted may violate Gonzaga policy. To the extent permitted or required by law, Gonzaga will cooperate with outside investigators. Gonzaga encourages reporting to both Gonzaga and to an outside law enforcement agency, if the alleged gender-based harassment, discrimination, and/or sexual misconduct may also be a crime.

Gonzaga process and the criminal justice process are two separate and independent courses of action. If an individual wants to file a report with Law Enforcement, a Gonzaga professional staff member is available to assist. Gonzaga generally will not file a police report on behalf of an individual, unless circumstances warrant. Gonzaga's response to a report is not impacted by the filing of a criminal complaint or by the outcome of the criminal investigation.

- False Reports

Submission of a complaint, concern, or report of harassment will not affect the Reporting Party's or Complainant's employment, grades, academic standing, or work assignments.

v. Retaliation

It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

vi. Procedures for Resolution of Harassment and Discrimination

- Overview of Options

Gonzaga is committed to providing all students, staff and faculty with a safe environment in which to live, learn and work. Consistent with this goal, Gonzaga will respond promptly and equitably when any incident of harassment or discrimination is alleged against an individual or Gonzaga becomes aware of the situation by other reliable means. The first priority is to ensure the safety of all members and then to offer support and services to members of the Gonzaga community. Gonzaga's response may take a number of forms within its discretion. Potential responses include offering reasonable protection and services to involved parties, conducting an inquiry or review, conducting an investigation, imposing corrective or restrictive measures, or conducting resolution processes.

- Review and Investigation

Gonzaga will review and respond to all reports of discrimination or harassment. In every case, Gonzaga will make an immediate assessment of any risk of harm to individuals or the campus community and will take appropriate steps to address any risks. Following this initial review, Gonzaga may take steps to investigate or otherwise determine what occurred. Gonzaga will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request; however, circumstances may exist when Gonzaga chooses to move forward with an investigation or resolution or take other appropriate measures without the Reporting Party or Complainant's consent. Gonzaga will investigate the report in a thorough, equitable, and expeditious manner. These investigative steps may include interim measures intended to provide for the safety of individuals and the campus community. Gonzaga's overarching goal is to end any discrimination and harassment, to prevent its recurrence and to address its effects.

Generally speaking, Gonzaga will attempt to complete the investigation and resolution of all reports within 60 calendar days of receiving a report.

- Resolution of Complaints

- 1) The Student Development Division has staff designated for resolving student-to-student complaints as well as complaints of harassment or discrimination against a student by an unknown party. Reports where a student is the Respondent will be resolved under the Student Code of Conduct.
- 2) The Office of Equity and Inclusion or academic administration is responsible for resolving complaints against a faculty/staff member. Reports where a staff member is the Respondent will be resolved under *Gonzaga University Policies and Procedures Manual*. Reports where a faculty member is the Respondent will be resolved under the *Faculty Handbook*.

Complaints of harassment or discrimination involving both a student and a faculty/staff member are jointly handled by the Student Development Division, the Office Equity and Inclusion and by appropriate officials within the academic administration.

### **3. Harassment and Discrimination Complaint Procedures Specific to Staff**

Gonzaga is committed to resolving all complaints of harassment and discrimination, or reports of information, which create a reasonable belief that harassment or discrimination has occurred. Because of the sensitive nature of most incidents and the emotional and moral complexities involved, effort is made to resolve problems fairly and informally as they arise. Gonzaga retains complete discretion as to the terms and conditions upon which matters may be resolved by informal means.

The staff in the Office of Equity and Inclusion within Human Resources or TIXC is available to discuss general concerns or specific complaints about harassment or discrimination, and to answer questions about the various procedures for initiating a complaint. Any member of the campus community may present questions about procedures, seek informal advice, or submit a complaint, either verbally or in writing. Sometimes suggestions may be provided which enable the individual to deal directly with the other party. Other cases may require intervention or administrative action.



**a. Preliminary Inquiry and/or Investigation**

A preliminary inquiry and/or investigation is the first step in the resolution process after allegations of harassment or discrimination are reported through proper channels. Its purposes are to: 1) determine the facts, 2) determine whether a reasonable basis exists for the allegations, 3) advise the complainant (if applicable) of resolution options, and 4) if appropriate after steps 1-3, notify the respondent of allegations and obtain a response.

The Investigator will meet with the complainant to receive full and complete details about the allegations. Once the Investigator has the initial facts of the case, the Investigator will normally meet with the respondent's immediate supervisor or appropriate administrator to discuss the case and determine the appropriate steps for resolution. Witnesses may be interviewed as necessary to conduct the preliminary inquiry as determined by the Investigator. If the Investigator determines that a reasonable basis exists for the allegations, the Investigator will meet with the respondent to explain the allegations and obtain a response.

If the Investigator cannot determine by a preponderance of evidence that the alleged incident(s) occurred, or that it/they did not constitute harassment or discrimination, the Investigator or TIXC will communicate this to the complainant. Some form of intervention may occur at this point in an attempt to resolve any misperceptions or misunderstandings, or deal with allegations of conduct that may be improper but not harassment or discrimination. Allegations of misconduct that are serious but not considered harassment or discrimination may be handled through applicable processes outlined in the Gonzaga University Policies and Procedures Manual at Gonzaga's discretion.

Gonzaga will conduct a preliminary inquiry in response to all complaints. Any further action deemed necessary will be determined by the results of the preliminary inquiry.

**b. Intervention**

At the conclusion of an inquiry and/or investigation, intervention may occur with or without a finding of policy violation. Intervention entails a variety of actions Gonzaga may take to resolve the situation so as to mitigate the need for administrative action. However, Gonzaga will take administrative action without the step of intervention if the seriousness of the situation or other circumstances warrants such.

Intervention does not involve discipline, or require a specific finding that the harassment and discrimination policy has been violated. Each case will be evaluated on its own merits. Gonzaga will consider such factors as the seriousness of the allegations, the number of complainant(s) involved, the length of time the alleged conduct has occurred, and the effect of the alleged conduct on the complainant. If necessary, a more extensive inquiry may be undertaken to determine these factors.

Intervention may include one or more of the following, which are used at Gonzaga's discretion:

- i. Informal and/or formal discussions with the parties to request behavior changes (normally informal discussions will be used only to resolve a first complaint against an employee)
- ii. Education
- iii. Offer of apology to the complainant or those affected by the behavior
- iv. Formal mediation by a professional (mediation is not used to resolve incidents of sexual assault)
- v. Leave of absence, transfer, resignation
- vi. Other measures deemed appropriate for the situation

Gonzaga has the sole discretion and authority to take whatever actions it deems necessary to resolve the situation. If, after the step of intervention, a satisfactory resolution cannot be reached or if additional complaints, concerns or information are received and corroborated, Gonzaga may take administrative action against a respondent.

**c. Administrative Action**

If the Office of Equity and Inclusion, or TIXC, determines by a preponderance of the evidence that a violation of policy occurred, then administrative action may be taken. Administrative action may involve Performance Notice, Corrective Action Plan (CAP), Letter of Expectation (LOE), suspension,

demotion or termination of employment after a respondent has been found to have violated this policy. These steps may be taken without the step of intervention if the seriousness of the situation or other circumstances warrants such. They may also be taken after intervention has not resolved the problem to Gonzaga's satisfaction or additional allegations are made and corroborated.

d. **Records**

The Office of Equity and Inclusion or TIXC, as appropriate, will keep a confidential record of discussions and actions of the preliminary inquiry, intervention, and administrative action in a separate file. Administrative actions will also be copied to the individual's personnel file.

Throughout the resolution process, Gonzaga will be guided by discretion, with information shared on a need-to-know basis only.

e. **Grievance**

Any party who believes this complaint process has been violated or improperly applied, or that the application of administration action is inappropriate, may use the Grievance Policy as described in the Gonzaga University Policies and Procedures Manual, beginning with Step 2.

f. **Alternative Steps**

Gonzaga University's intention is that through these procedures any complaints will be resolved internally; however, a complaint may be filed with federal or state agencies, such as:

**Washington State Human Rights Commission**

Information and Complaints

1-800 233-3247 or 1-800 622-2755 (Spanish) or TTY (800) 300-7525

**Washington State Human Rights Commission**

Spokane District Office

1330 N. Washington St., Suite 2460

Spokane, WA 99201

(509) 568-3196

**US Office of Civil Rights**

Seattle Office

U.S. Department of Education

915 Second Avenue, Room 3310

Seattle, WA 98174-1099

Telephone: (206) 607-1600

Facsimile: (206) 607-1601

<mailto:OCR.Seattle@ed.gov>

**E-mail:** Complainants may file a complaint, using the following e-mail address: [ocr@ed.gov](mailto:ocr@ed.gov).

**Online:** Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

**U.S. Department of Labor**

Office of Federal Contract Compliance Programs

1111 Third Ave., Suite 745

Seattle, WA 98101

(206) 398-8000

**Equal Employment Opportunity Commission**

Federal Office Building

909 First Avenue, #400

Seattle, WA 98174

(800) 669-4000

TTY (800) 669-6820

#### **D. Equal Employment Opportunity and Affirmative Action**

Gonzaga University's Equity and Inclusion Office in Human Resources coordinates efforts to develop and maintain equal employment opportunity for all employees. This Office works in conjunction with internal and external resources to promote the representation of all individuals regardless of race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, age, disability, military status, any characteristic protected by local, state or federal law, or any other non-merit factor in employment, educational program, or activities that it operates, particularly where they are underrepresented in relation to their availability in the work force. Consistent with these guidelines, Gonzaga attempts to:

1. Recruit and employ all employees according to Gonzaga University's Statement on Non-Discrimination;
2. Advise recruiting sources of its commitment to equal employment opportunity and affirmative action; and
3. Develop new and non-traditional recruiting sources, particularly those placing women, ethnic minorities, current and former members of the military and workers with disabilities with the goal of increasing applicants from these sources.

For further information on the Affirmative Action Plan, refer to any one of the following place:

- a) Affirmative Action Policies in Part 2
- b) [www.gonzaga.edu/eo](http://www.gonzaga.edu/eo)
- c) Gonzaga University Human Resources

## **SECTION II: PAY PRACTICES**

### **A. Compensation**

1. **Position Description**: Position descriptions for each position reflect essential functions, minimum requirements and job titles. HR recommends appropriate titles, and determines classifications and salary ranges for each position, consistent with Gonzaga practice and industry standards. Requests to hire new, replacement, as well as requests to evaluate existing positions are made through the University's on-line Talent Management system process.
2. **Salary Determination**: Gonzaga uses several labor market salary surveys to determine appropriate pay levels for positions. Labor markets are analyzed frequently and salary ranges are adjusted accordingly. Contact HR for more information on Gonzaga's compensation practices.
3. **Contracts**: All non-contracted Gonzaga employees are considered employed at will. Neither this *Gonzaga University Policies and Procedures Manual* nor any other document or statement (other than a specific written contract) issued by Gonzaga is to be considered an employment contract.

Written commitments are made to employees or prospective employees only for the purpose of offering employment and identifying job title, duties, and compensation.

4. **Additional Employee Compensation**: Extra pay may be authorized under specific conditions.  
**Part 2: Staff Additional Compensation Policy.**

### **B. Payroll**

1. **Payday**: All employees are paid semi-monthly on the 10th and 25th of each month or on the last working day before the 10th and 25th of each month if the 10th or 25th occur on a holiday or weekend. Contact the Payroll Department for specifics on pay periods.
2. **Direct Deposit**: The Automated Clearing House (ACH) is the preferred method of payment. Through direct deposit, pay is automatically deposited into the employee's designated checking and/or savings account. Direct Deposit Authorization forms and details are available in the Payroll Office.

## **SECTION III: BENEFITS**

**Gonzaga reserves the right to make changes to the benefits plans described herein at any time at its sole discretion, with or without prior notice.**

### **A. Group Benefits Plans**

Benefits programs (which may include medical, dental, life, etc.), details, and eligibility are provided at the [Gonzaga benefits website](http://benefits.gonzaga.edu) (<http://benefits.gonzaga.edu>). Applicants may access this by contacting Human Resources.

### **B. Retirement**

Gonzaga University wants all employees to have income to supplement Social Security benefits at retirement. Gonzaga provides a 403(b) Retirement Plan. See **Part 2: Retirement Policy** and/or [benefits.gonzaga.edu](http://benefits.gonzaga.edu) for additional information. Faculty may also want to reference paragraphs 422 and 428 in the *Faculty Handbook*.

### **C. Tuition Waiver**

Beginning the semester after the first-year employment anniversary, Gonzaga will grant a tuition waiver to regular employees enrolled in Gonzaga courses. Eligibility for spouse and dependent children is based on the employee's hire date and full-time status. Please see Part 2 Tuition Waiver Policy for full policy details and eligibility requirements.

### **D. Sick Leave**

Gonzaga offers sick leave benefits for periods of temporary absences. Sick leave benefits may be used (1) to take leave for your own health condition or to care for a family member with a health condition, (2) to take leave if you are a victim of domestic violence, sexual assault, or stalking; or if you have a family member who is a victim of domestic violence, sexual assault, or stalking, or (3) to take leave when the organization is closed by order of a public official or any health-related reason, or to care for a child due to school or daycare closure for such reason. Family member is defined as spouse, child, mother, father, sister, brother, grandparents, grandchildren, or spouse's parents or grandparents.

Full-time staff employees earn sick leave at a rate of one-fifth of a work week for each calendar month of paid service to an unlimited number of hours (i.e., 37.5-hour work week = 7.5 hours of sick leave/month; 40-hour work week = 8 hours of sick leave/month). Part-time employees earn sick leave on a pro-rated basis according to the number of hours worked. Temporary and seasonal employees, including interns, will accrue leave at a rate of one (1) hour for every 40 hours worked, in accordance with Washington State Sick Leave law. In the event of significant overtime hours worked in any week, the weekly accrual will not be less than one (1) hour for every 40 hours worked.

1. Sick leave accrues with the first day of employment.
2. Overruns on sick leave are deducted from personal leave, then vacation pay, if available.
3. Employees absent for four or more consecutive working days are required to complete a Leave of Absence Request Form and provide a medical certification. Medical certification (note from doctor) may be required for absences fewer than four (4) working days at the supervisor's discretion.

4. Non-exempt employees must use sick leave in quarter (1/4) hour increments (15 minutes) to cover time away from work as defined above.
5. Exempt employees must use sick leave to cover half-day absences as defined above.
6. Unused sick leave is not paid out at the end of employment.

## E. Personal Leave

Regular full-time and part-time staff employees, employed a minimum of six continuous months, are eligible to use two days of available sick leave per calendar year for personal leave. On January 1 of each year, personal leave days are converted from sick leave for eligible employees. Personal leave should be planned in advance with supervisory approval. Employees should report personal leave hours on their time sheets. Personal leave is available as follows:

1. Non-exempt employees must use personal leave in quarter (1/4) hour increments (15 minutes) to cover time away from work as defined above.
2. Unused hours will remain in the employee's personal leave bank and only the number of hours necessary for a maximum balance of two personal leave days will be converted from your sick leave on January 1 of each year.
3. Overruns on personal leave will be deducted from vacation time, if available.
4. Before January 1 of each year, employees must have a minimum of two days of sick leave to convert any days to personal leave.
5. All eligibility criteria must be met by January 1 of each year to qualify for personal leave in that year; otherwise personal leave is not available until the following calendar year, if eligible at that time.
6. Unused personal leave is not paid when employment ends.

## F. Vacation

1. The following categories of **staff** employees are eligible for paid vacation:

Employment Status	Years of Service	Scheduled hours per week	Hours accrued per pay period	200% Accrual Max
Regular <b>full-time</b> staff employees employed on a <b>12-month schedule</b>	Date of Hire through 4 <sup>th</sup> year anniversary	40	5	240
	Beginning the 5 <sup>th</sup> year of service	40	6.67	320
	Date of Hire through 4 <sup>th</sup> year anniversary	37.5	4.69	225
	Beginning the 5 <sup>th</sup> year of service	37.5	6.25	300
	Date of Hire through 4 <sup>th</sup> year anniversary	32	4.0	192
	Beginning the 5 <sup>th</sup> year of service	32	5.34	256

Regular <b>full-time</b> staff employees employed on a <b>9 or 10-month schedule</b>	<i>Accrue vacation on a pro-rated basis according to their established work schedule. Hours will be accrued only during the months the employee is scheduled to work.</i>			
Regular <b>part-time</b> staff employees employed on a <b>12-month schedule</b>	Date of Hire through 4 <sup>th</sup> year anniversary	20	2.5	120
	Beginning the 5 <sup>th</sup> year of service	20	3.34	160
Regular <b>part-time</b> staff employees employed on a <b>less than 12-month schedule</b>	<i>Not eligible to accrue vacation hours</i>			
Assistant Academic Dean Associate Academic Dean Assistant Academic Vice President Associate Academic Vice President	Date of Hire: Receives an immediate 20 working days paid vacation	40	6.67	320
Academic Dean Interim Academic Dean (if primary position) Executives	Date of Hire: Receives an immediate 22 working days paid vacation	40	7.34	352
Acting Academic Dean	<i>Not eligible to accrue vacation hours.</i>			

*Not all schedules are represented in the above chart. Please contact Benefits with additional questions.*

2. Accrual while on leave: Employees who are on paid leave continue to accrue vacation. Employees who are on unpaid leave do not accrue vacation. Employees must work at least half of their regularly scheduled hours in each pay period in order to accrue vacation.
3. Maximum Accrual: Employees may accrue a maximum of up to 200% of their annual accrual. Once the maximum accrual is reached, hours will stop accruing until the number of available hours drops below the 200% maximum.
4. Vacation Scheduling: Vacations are approved and scheduled by the supervisor, considering the employee's length of service and request date. Employees should request vacation as far in advance as possible. Every effort is made to grant the time requested. Requests may occasionally be denied based on request date, prior scheduled vacations, or department workload. Supervisors should respond to vacation requests within 10 working days of the request. Regular full-time staff employees employed on less than a 12-month schedule may only use accrued vacation hours during their scheduled work months.
5. Status Changes:  
**Status change from a vacation eligible to ineligible position:** A full-time/part-time employee with accrued vacation days who changes to a position not eligible for vacation accrual will have their accrued vacation paid out in a lump sum effective the date of the change and will no longer be eligible to accrue vacation days.

**Status change from a vacation-ineligible to eligible position:** An employee who has not been eligible for vacation accrual will begin accruing vacation days effective the date of their position change. Accrual rates will be based on their length of service as of the effective date of the change. Time in service as an adjunct faculty member, or on-call employee does not count towards years of service for vacation accrual.

**Status change from part time to full time or vice versa:** If the employee changes status between part -time and full -time, the accrual rate will change to align as defined with their new status in the table above, effective the date of the status change.

6. Vacation Payment at Employment End: At the end of employment, accrued vacation is paid out to those employees who have a balance available.
7. Excess use of vacation: An employee who exhausts their accrued vacation balance will be on unpaid time off for any portion of vacation leave submitted and approved in a pay period when that leave exceeds their current available vacation balance. Employees may not take unpaid time off without express permission from their supervisor.
8. Staff reporting of vacation: Non-exempt staff must report time off in **quarter hour** increments. Exempt employees must report time off in **half- or full-day** increments.

#### *Eligible Faculty Vacation*

1. The following categories of **faculty** employees are eligible for paid vacation:

**Eligible Faculty are those on a 12-month work schedule on 50% to 100% FTE contracts**

Employment Status	Years of Service	Hours accrued per pay period	Accrual Max	Additional provisions
Regular <b>full-time</b> Faculty employed on a <b>12-month work schedule: 100% FTE contract</b>	Date of Hire through 4 <sup>th</sup> year anniversary	5	240	Accrual is suspended during unpaid leave; adjunct contracts do not count toward years of service for vacation accrual.
	Beginning the 5 <sup>th</sup> year of service	6.67	320	
Faculty employed on a <b>12-month work schedule: 75% FTE contract</b>	Date of Hire through 4 <sup>th</sup> year anniversary	3.75	180	
	Beginning the 5 <sup>th</sup> year of service	5	240	
Faculty employed on a <b>12-month work schedule: 50% FTE contract</b>	Date of Hire through 4 <sup>th</sup> year anniversary	2.5	120	
	Beginning the 5 <sup>th</sup> year of service	3.34	160	

2. Accrual while on leave: Eligible faculty, as established above, who are on paid leave (including 12-month work schedule faculty on sabbatical) continue to accrue vacation. Eligible faculty who are on unpaid leave do not accrue vacation. Faculty must work at least half of their regularly scheduled hours in each pay period in order to accrue vacation.
3. Maximum Accrual: Eligible Faculty may accrue a maximum of up to 200% of their annual accrual. Once the maximum accrual is reached, hours will stop accruing until the number of available hours drops below the 200% maximum.
4. Vacation Scheduling: Vacations are approved and scheduled by the supervisor, considering the employee's length of service and request date. Faculty should request vacation as far in advance as possible. Every effort is made to grant the time requested. Requests may occasionally be denied based on request date, prior scheduled vacations, or department workload. Supervisors should respond to vacation requests within 10 working days of the request.
5. Status Changes:  
**Status change from a vacation eligible to ineligible position:** An eligible faculty member with accrued vacation days who changes to a position not eligible for vacation accrual will have their accrued vacation paid out in a lump sum effective the date of the change and will no longer be eligible to accrue vacation days.

**Status change from a vacation ineligible to eligible position:** A faculty member who has not been eligible for vacation accrual will begin accruing vacation days effective the date of their



position change. Accrual rates will be based on their length of service as of the effective date of the change. Time in service as an adjunct faculty member does not count towards years of service for vacation accrual.

**Status change from part time to full time or vice versa:** If the faculty member changes status between part time and full time, the accrual rate will change to align as defined with their new status in the table above, effective the date of the status change.

6. Vacation Payment at Employment End: At the end of employment, accrued vacation is paid out to those faculty who have a balance available.
7. Excess use of vacation: An eligible faculty who exhausts their accrued vacation balance will be on unpaid time off for any portion of vacation leave submitted in a pay period when that leave exceeds their current available vacation balance. Faculty may not take unpaid time off without express permission from their supervisor.
8. Faculty reporting of vacation: All 12-month work schedule faculty on 50% to 100% FTE contracts must report their vacation in **4 or 8** hour increments to their Dean's office. The Dean's office will report hours to payroll at the end of the pay period in which the vacation was used. All 12-month work schedule faculty on 50% to 100% FTE contracts taking time off between terms must record leave as vacation hours, except for a paid university holiday.

#### **G. Shared Vacation Leave Program - for Staff Employees**

1. **General Purpose:** Shared Vacation Leave is a voluntary plan that allows employees to donate some of their accrued vacation hours to assist other employees experiencing a serious health condition, or who are a primary care giver for a seriously ill family member. Employee donations of vacation hours provide income to an affected employee who would otherwise be on unpaid leave.
2. **Eligibility:** Staff employees eligible to receive shared vacation leave must meet these criteria:
  - a. Regular full or part-time employee working a minimum of 20 hours per week.
  - b. Employed a minimum of one year.
  - c. Exhausted all sick leave, personal leave and accrued vacation leave.
  - d. Not receiving income from Gonzaga's Long-Term Disability Plan.
  - e. Be in good employment standing.
3. **Procedures:**
  - a. Requests for shared vacation leave must be initiated by the employee who is in need, or by the employee's department (acting on behalf of the employee at the employee's request).
  - b. An employee eligible to receive shared vacation leave must submit the following forms to HR:
    - i. Written request on a Shared Vacation Leave Program Application
    - ii. A Certification of Health Care Provider
  - c. An employee receiving shared vacation leave will continue to accrue sick leave and vacation (if applicable) and participate in Gonzaga's group benefit plans.

- d. Accrued leave hours will be used in lieu of donated hours.
- e. Shared vacation leave not used by the recipient for current need will be returned to the donor.
- f. An employee donating shared vacation leave must submit a written request on a Shared Vacation Leave Program Donation Form available in the HR Office.
- g. Donations must be a minimum of one hour, and are irrevocable unless hours would exceed the recipient's need for current paid hours.
- h. Donated hours are transferred directly to the recipient as hours of paid leave available.
- i. Hours are not converted to a dollar value based on the donor's salary.
- j. Donations will remain confidential unless the donor chooses to self-identify.
- k. Donations will not exceed the 12-week Family Medical Leave period.

4. **Definitions:**

- a. Serious Health Condition: A physical or mental condition that requires inpatient care or continuous treatment by a health care provider.
- b. Family Members (as defined by Family/Medical Leave Policy): Employees' spouse, children under age 18 (unless incapable of self-care due to qualifying disability), or parent.

## H. Holidays

Gonzaga observes these holidays:

Founder's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve  
Christmas Day  
New Year's Day  
Martin Luther King Jr. Day

President's Day  
Good Friday  
Easter Holiday (Monday)  
Memorial Day  
Independence Day  
Labor Day (observed)

All regular employees working a minimum of 20 hours per week are eligible for holiday pay upon their hire date. Holiday pay equals one-fifth of an employee's regular work week. Part-time employees are paid holiday pay equivalent to the number of hours regularly scheduled on that day. Temporary employees and employees on unpaid leave of absence are not eligible for holiday pay.

Employees required to work on a holiday are paid their regular salary for the shift worked and granted an additional day's pay or day off at their supervisor's discretion. The day off should be scheduled within thirty days after the holiday. If a holiday occurs while an employee is on paid sick leave or on a regularly scheduled vacation, the hours are reported and paid as a holiday. If a holiday occurs on an employee's regularly scheduled day off, the employee receives a paid day off at another time.

If a holiday falls on a standard weekend (Saturday/Sunday), employees may receive either the prior Friday or the following Monday as an alternate Holiday.

HR publishes and distributes the annual holiday calendar.

## I. Identification Cards

All employees are required to have a photo ID, which allows access to many buildings, Gonzaga-sponsored services and events, and many other benefits. Employees must have an authorization form provided by HR before obtaining the ID card. A fee may be charged for replacement cards. Employees are required to return ID cards upon separation from the University.

## J. Statutory Benefits

1. **Social Security/Medicare**: Consistent with the Social Security Act of 1938, Gonzaga contributes one-half of Social Security and Medicare taxes for all employees. Employees pay the other half as an automatic payroll deduction.
2. **Worker's Compensation**: In compliance with Washington State law, Gonzaga provides industrial insurance to protect employees who sustain work-related injury or illness. Gonzaga pays the majority of the premium, which is based on hours worked. Employees also pay a share of the premium.

Please review Section V: Safety and Health and **Part 2: Accident Prevention Program Policy** for a detailed description of Gonzaga's safety program.

3. **Unemployment Compensation**: As a Washington State employer, Gonzaga contributes to the State Employment Security Fund. Employees who meet the legal requirements are eligible to receive unemployment compensation. Please contact the nearest state Employment Security Office for complete information.
4. **COBRA (Consolidated Omnibus Budget Reconciliation Act)**: Employees and dependents covered by Gonzaga's medical insurance, dental insurance, vision insurance and flexible spending plans may choose this continuation of coverage, if they lose group coverage(s) because of certain "qualifying events." Coverage is identical to that provided to current employees and their dependents.

### Qualifying Events:

- a. Loss of health coverage due to reduced work hours or termination of employment (other than for misconduct).
- b. Death of employee or covered parent.
- c. Divorce or legal separation.
- d. Child ceases to be an "eligible dependent child" under Gonzaga's group health plan.

Under COBRA, employees or a family member are responsible for informing Gonzaga University HR of a divorce, legal separation, or a child's loss of dependent status under the selected health plan.

This is only a summary of COBRA legislation. Please contact HR for detailed information.

## **SECTION IV: ABSENCE FROM WORK**

### **A. Leaves of Absence**

Gonzaga University grants paid and unpaid leaves of absences depending on length of service, department workload, state and federal laws, and medical necessity. Leave of Absence forms must be completed for absences of 4 or more days whether or not sick time is utilized. Any paid leaves will run concurrently with any of the leaves outlined below. Leave of Absence forms are available online at [benefits.gonzaga.edu](http://benefits.gonzaga.edu) or can be obtained through HR.

#### **1. Federal Law**

**Family and Medical Leave Act**– In accordance with the federal Family and Medical Leave Act (FMLA), Gonzaga grants up to 12 weeks of qualifying leave during a rolling 12-month period to eligible employees, and up to 26 weeks of leave to care for an activated or ill service member. The leave may be paid, unpaid or a combination, depending on the circumstances of the leave and available paid leave accruals as specified in this policy manual.

Please refer to the Federal Family and Medical Leave Act Policy in the appendix of this manual.

#### **2. Washington State Law**

**Family Care Leave** – In accordance with the Washington Family Care Act, employees may use any available accrued paid leave, such as sick leave, vacation or personal leave, to care for sick family members (defined as spouse, registered domestic partner, child, parent, parent-in-law, or grandparent) with a serious health condition or emergency condition. This leave runs concurrently with the federal FMLA, where appropriate. Washington Family Care Act covers grandparents and in-laws, while FMLA does not.

**Family Leave Act** – In accordance with the Washington Family Leave Act employees who qualify for the federal FMLA leave are eligible for additional leave if they are a woman who is pregnant and needs to use leave for a disability due to pregnancy or childbirth. The employee may take an additional 12 weeks to care for her newborn or to cover preterm medical leave. This leave may be paid, unpaid or a combination, depending on the available leave accruals. The leave may be taken after state Pregnancy Disability Leave and concurrently with FMLA.

**Pregnancy Disability Leave** – In accordance with the Protection from Discrimination law, a pregnant employee is guaranteed her job through her disability period, even if the disability continues beyond the 12-week FMLA leave or, if she has not worked the required period of time to qualify for FMLA leave. This leave is taken before any leave under the Washington Family Leave Act and may run concurrently with FMLA. The employee may use paid, unpaid or a combination, depending on the available leave accruals. If the employee is eligible for a leave under FMLA, the leave would run concurrently.

**Domestic Violence Leave** – In accordance with the Washington Leave for Victims of Domestic Violence, Sexual Assault, and Stalking law, employees are entitled to time off from work if they are victims of domestic violence, sexual assault, or stalking, or if they are a family member of such a victim. Family member includes child, spouse, parent, parent-in-law, grandparent or a person the employee is dating. Eligible employees are entitled to a reasonable period of leave or may reduce their work schedule. Employees may use paid leave accruals (sick leave, personal and vacation) or have time off without pay. Reasons for the leave include:

- a. To obtain legal or law enforcement assistance.

- b. To obtain treatment for physical or mental injuries or to attend treatment for the family member.
- c. To obtain services from a domestic violence shelter, rape crisis center or other social service agency.
- d. To obtain mental health counseling.
- e. To participate in creating a safety plan, temporary or permanent relocation, or other actions to increase the safety of the employee or employee's family member.

**Military Spouse Leave** – In accordance with the Leave for Spouses of Deployed Military Personnel law, regular employees working in the state of Washington who are spouses of military personnel are entitled to 15 days unpaid, job-protected leave while their spouse is on leave from deployment, or before and up to deployment, or during time of military conflict declared by the President or Congress. Employees may use paid leave accruals (personal and vacation) and must complete a Leave of Absence for 4 or more consecutive days noting leave type as “Other” on the leave request form.

### 3. **Gonzaga University Leaves**

**Adoption and Paternal Leave (Faculty, see Faculty Handbook policy)**– After one year of service, as noted in the Family and Medical Leave (FMLA) policy, birth fathers and adoptive parents are entitled to 12 weeks of unpaid leave to care for a newborn child or placement of a child with the employee for adoption. Pursuant to Gonzaga policy:

- a. Adoptive parents may use up to two weeks of their paid sick leave to care for their newly adopted child.
- b. Birth fathers may use sick leave, if physician certification is provided stating that they are needed to provide care for a disabled spouse or a newborn with a serious health condition.
- c. In addition to applicable paid sick leave, personal leave and vacation pay may also be used.

**Unpaid Personal Leave** – Regular employees who have been employed a minimum of one year with acceptable job performance may be granted unpaid personal leave of absence (LOA). The leave is at the employee's request. Unpaid LOA approval and duration is at Gonzaga's discretion.

Although not assured, whenever possible, employees completing a personal leave may be reinstated to their former position, if it has not been eliminated or filled. If the former position is unavailable, returning employees will be considered for positions with pay and classification commensurate with their former position. Sick leave and vacation do not accumulate during unpaid leaves and all insurance premiums are the employee's responsibility. All available and accrued leave must be used before going on unpaid leave status.

**Unpaid Medical Leave** – Regular employees may be granted unpaid medical leave for illness, injury, or a condition that does not allow them to return-to-work for an extended period of time. All available and accrued leave must be used before going on unpaid medical leave status. Unpaid medical leave shall not ordinarily be for longer than one year. This leave allows time for administrative decisions regarding reasonable job accommodations, light duty, and evaluation of medical information when an employee's medical condition has not yet stabilized. During this time reasonable options are considered before an employee's final employment status is determined. The employee will be evaluated for reasonable job

accommodations or light duty in accordance with medical information provided by the employee's attending physician to determine if s/he can perform the essential functions of the job in the foreseeable future. If not, the employee may be separated from Gonzaga. The employee may reapply for any open positions at Gonzaga once his/her condition is stabilized and his/her attending physician attests s/he is able to perform the essential functions required in the position description. During any unpaid leave, employees must self-pay their benefits premiums, and sick leave and vacation do not accrue. Further information about unpaid medical leave is available from HR.

**Community Service** – Regular employees who perform community service are granted up to one-half day with pay per calendar year. Staff members are encouraged to participate in community service and the Center for Community Action and Service Learning (CCASL) can assist employees in identifying opportunities. Community service may include volunteering at schools, or at faith-based or other non-profit organizations. Appropriate organizations should have goals that Gonzaga would deem ethical and consistent with its Mission. As in scheduling vacation leave, employees need to obtain prior supervisory approval. Half-day paid leave is as follows: 8-hour-per-day employees may use 4 hours; 7.5-hour-per-day employees may use 3.75 hours; 4-hours-per-day employees may use 2 hours; etc. Employees should enter hours for community service on their time sheet and document the agency at which they volunteered in the comment section.

**Death in Family** – Regular employees are granted up to three working days with pay for each death in the immediate family (defined as spouse, child, mother, father, sister, brother, grandparents, grandchildren, or spouse's parents and grandparents or other person in an equivalent relationship) to attend a funeral. If additional time is needed, personal leave and vacation time may be requested.

**Jury Duty** – Employees are granted paid leave when summoned to serve jury duty or are subpoenaed to serve as witnesses in any public or private litigation. Gonzaga will pay the regular employee's normal salary. Employees must notify their supervisors and provide them with a copy of their subpoena or summons to serve.

**National Guard and Military Reserves** – Regular employees are protected against loss of income as a result of annual encampment or training duty in the National Guard or military reserves. Gonzaga pays the difference of the employee's normal salary and military pay for up to two weeks in a calendar year. Information provided with military pay must be sent to Payroll upon receipt. Employees may elect to use available vacation and keep military pay.

## **B. Attendance**

To carry out its educational Mission, Gonzaga relies on all its employees at all levels. Gonzaga depends on each employee to report to work regularly and on time. Individual departments have established guidelines for acceptable levels of absence and notification procedures. Failure to report to work, excessive absences, including the use of sick leave (unless the leave is covered by law or Workers Compensation), tardiness, and excessive rest breaks are unacceptable. Failure to conform to these requirements may result in corrective action, as appropriate. If an employee misses four consecutive workdays without communicating with Gonzaga it may result in a separation of employment based on job abandonment.

## **SECTION V: SAFETY AND HEALTH**

### **A. General Safety and Health**

Gonzaga is adamant about providing a safe and healthy work and learning environment. Gonzaga's goal is to provide safe work areas, equipment and materials. To protect their own and others' safety, all employees are expected to observe safety rules and immediately correct or report unsafe conditions. A hazard communication program shall be established in departments where their employees use hazardous chemicals. Employees must report a work-related injury or illness to their supervisor as soon as is reasonably possible. Supervisors must report any job-related accident or illness to HR within twenty-four hours. All employees are required to complete an emergency contact form. In an emergency, the information is used to notify next-of-kin and medical personnel. **Part 2: Accident Prevention Program Policy.**

### **B. Health Center Services**

Gonzaga Health Center's physician and nurses are available to employees for work-related emergencies only. These services are not intended to replace medical treatment by an employee's own physician, nor does the Center provide hospital services. Health Center services are not available to employees' dependents.

### **C. Smoking**

Gonzaga recognizes an obligation to provide an environment reasonably free of health hazards and contaminants that may adversely affect the safety and health of Gonzaga employees and students. In support of this obligation, Gonzaga complies with the Washington State Clean Indoor Air Act, by prohibiting smoking and the use of e-cigarettes in all Gonzaga buildings, and within 25 feet of any entrance, exit, window, or ventilation intake. This includes the use of smokeless or chewing tobacco and electronic nicotine delivery devices and related products. Supervisors are responsible for enforcing the provisions of this policy for their employees and in their work areas. Environmental Health and Safety is responsible for administering this policy. Marijuana, although now legal in Washington State, remains prohibited on university property pursuant to federal law.

### **D. Drug, Controlled Substance and Alcohol Free Workplace/Substance Abuse**

Reference *Part 2: Drug, Controlled Substance and Alcohol Free Workplace Policy* for information on this topic.

## **SECTION VI: EMPLOYEE PROFESSIONAL CONDUCT STANDARDS**

Gonzaga University could not achieve its goals of excellence in education and service without the committed efforts of its employees, who are called upon to conduct themselves in a manner consistent with Gonzaga's Mission and values. The university respects the dignity of individual students, faculty, staff and visitors. Gonzaga expects all employees to show the same professionalism and concern for others so all community members can achieve their full potential and carry out their responsibilities effectively. In performing their duties, all employees are expected to be honest, efficient, economical, safe, and courteous. Employees are responsible, and will be held accountable, for adhering to Gonzaga policies, rules, directives, and procedures prescribed through supervisory employees.

### **A. Standards of Conduct**

Gonzaga strives to avoid excessive restrictions on employees' conduct. However, since reasonable standards are necessary for the orderly conduct of university business, Gonzaga has established, and will continue to establish, reasonable conduct standards consistent with Gonzaga's Mission Statement, values, and commitment to ensuring that all employees work in an environment which fosters mutual professionalism. Proper performance of duties, appropriate professional conduct, and treating others with courtesy at all times are essential requirements of every employee's job. Examples of violations of the professional conduct standards includes, but is not limited to: bullying, explicit language, yelling, and other forms of demeaning and unprofessional conduct. Employees who do not abide by these standards will receive a performance notice or other corrective action, as appropriate.

When determining appropriate responses to conduct violations, Gonzaga is guided by fundamental fairness, objectivity, and reasoned discretion. However, serious misconduct may result in immediate dismissal from employment. Conduct which may be considered serious includes, but is not limited to: violent, verbally or physically abusive or threatening behavior; working under the influence of drugs, controlled substances, or alcohol; stealing Gonzaga equipment, funds, or material; harassment or discrimination; and improper practices such as any illegal, fraudulent, dishonest, insubordinate, negligent, or otherwise unethical action relating to Gonzaga operations, finances, or activities. Gonzaga has developed separate policy statements that address these issues more completely. Please refer to: **Part 2: Drug, Controlled Substance and Alcohol Free Workplace Policy; Part 2: Harassment and Discrimination Complaint Policy; Part 2: Workplace Violence Policy.**

### **B. Security and Confidentiality**

Gonzaga policy is to maintain appropriate control over premise entrances, access to work locations, records, computer information, and cash or other valuables. Employees assigned keys, given special access, or assigned job responsibilities relating to the safety, security, or confidentiality of records, material, equipment, or valuables must use sound judgment and discretion in performing their duties and will be held accountable for wrongdoing or acts of indiscretion or poor judgment.

Information about Gonzaga and its students and employees, including the Campus Directory, should be provided only to those having a right to know or who are authorized to receive such information. When in doubt as to whether certain information is confidential, prudence dictates that none be provided without first clearly establishing that the appropriate authority has authorized disclosure of the information. This policy applies to both internal and external disclosure.

Confidential information obtained as a result of Gonzaga employment must not be used by employees to advance any private interest or for personal gain. Use or disclosure of such information can result in civil or criminal penalties both for individuals and for Gonzaga.



## C. Workplace Violence Policy

Gonzaga and its employees are co-responsible for striving to provide a safe, secure work environment for all employees and being mindful of a person's dignity. Toward this end, Gonzaga has established a policy of zero tolerance for acts of violence and will take appropriate action against anyone who engages in threatening or violent behavior. **Part 2: Workplace Violence Policy.**

## D. Reporting

1. **Professional Conduct:** All employees have a duty to promptly report, verbally or in writing, any evidence or knowledge of non-compliance with these conduct standards. Employees should report non-compliance with these conduct standards to their immediate supervisor. If the impropriety appears to involve the employee's immediate supervisor, or a management employee, the reports should be made to the next higher management level supervisor or to HR.
2. **Abuse or Neglect of Minors:** All management and supervisory employees, all faculty, and all athletic department employees, including graduate assistants and volunteers, have a mandatory duty to report directly to law enforcement or the Department of Social and Health Services (DSHS) any instances in which they have a reasonable cause to believe that a minor has suffered abuse or neglect. All other employees are required to immediately report such information to their supervisor, the Human Resources Office, the Equal Opportunity Officer, or the Title IX Coordinator.
3. **Title IX Violations:** All employees have a duty to report allegations of any gender-based harassment and/or discrimination, including sexual misconduct, sexual violence or sexual assault to the Title IX Coordinator, the Office of Equity and Inclusion, or any appropriate University Official as identified in the Harassment and Discrimination Policy.
4. **Ethics and Compliance/Whistleblower:** All employees may access Gonzaga's confidential and independent Ethics and Compliance reporting system to report issues violating financial and ethical standards. Reports can be made through [www.gonzaga.ethicspoint.com](http://www.gonzaga.ethicspoint.com) or 1-855-888-9237.

## **SECTION VII: EMPLOYEE RELATIONS AND CONFLICT RESOLUTION**

Gonzaga depends on the best skills, efforts, performance and commitment of its employees to fulfill its Mission and it strives to treat all employees professionally, consistently, and with fundamental fairness. However, Gonzaga recognizes that employees may have workplace conflicts or employee relations questions, issues, concerns or complaints which, if left unresolved, detract from their ability to put forth their best efforts and harm the positive environment Gonzaga seeks to maintain. Additionally, employees may have performance problems or workplace behaviors that fail to meet Gonzaga standards. Employee relations and conflict resolution processes address these issues through cooperation between employees and supervisors, with assistance from HR.

### **A. Employee Relations Process**

Employee relations concerns, which often result in workplace conflict, usually fall into one of these areas: personnel policies, department policies or operations, distribution of duties, relationships with co-workers, relationships with supervisors, or legal compliance issues such as workplace discrimination. HR is responsible for ensuring that employee relations problems are addressed and that employees receive answers to their questions. However, the actual resolution of any situation normally is the responsibility of the department management team. HR works with employees to find solutions that meet both employee and department needs, consistent with policy and legal requirements. Every attempt is made to find solutions that reflect Gonzaga's values of human dignity and justice.

This process begins when Gonzaga becomes aware of employee relations issues or workplace conflicts. Employees are first encouraged to bring their issues or concerns directly to their supervisor. Employees may also request HR assistance at any time to accompany them through the process.

Goals of this process are to:

1. Maintain confidentiality, to the extent possible, sharing information only with those participating in decisions.
2. Identify employee rights and responsibilities.
3. Identify management rights and responsibilities.
4. Ensure compliance with applicable internal policies and legal requirements.
5. Encourage open communication.
6. Develop action plans to resolve problems (clarify problem or concern, identify involved parties and their roles in the solution, follow-up to evaluate resolution).

Complaints involving civil rights, usually involving harassment, discrimination, access and/or accommodations issues, are investigated and resolved through the Gonzaga Harassment and Non-Discrimination policy. The outcome of that process may also result in the use of this employee relations and conflict resolution process.

### **B. HR Role**

HR staff members serve as facilitators of the conflict resolution process, bringing together involved parties and others, as appropriate, to work toward resolution. The HR representative oversees the process to ensure that employees receive answers to their questions and concerns.

It is not HR's role to take sides in an issue, but rather to assist in interpreting the parties' positions, as well as Gonzaga policies and practices that affect the outcome. In its approach to employee relations issues, HR balances the needs and desires of all employees with Gonzaga's common good in an effort to ensure all employees are able to carry out the essential functions of their position description. Specifically, HR serves as a resource to employees and supervisors in the following ways:

1. Help employees clarify problems or issues and how to present them to supervisors.
2. Assist supervisors to clarify performance standards and/or behavior expectations and positively communicate them to employees, including performance/conduct problems or deficiencies.
3. Develop plans to help employees meet standards.
4. Clarify Gonzaga's expectations of the respective roles of employees and supervisors as vital contributors to the Gonzaga community.
5. Interpret and explain personnel policies and practices.
6. Mediate conflicts or communication problems between or among individuals at their request.
7. Address with senior administrators unresolved conflicts or Gonzaga policies/practices that contribute to employee relations issues.

Employees or supervisors may contact HR directly to schedule a time to discuss a concern. The HR Partner will work directly with the parties as outlined above. Most situations are resolved through this work.

### **C. Supervisors' Role**

Supervisors are responsible for: communicating performance and conduct standards to employees; for guiding, training and developing their employees; and for providing opportunities, if appropriate, to correct performance or behavior deficiencies. Supervisors are responsible for addressing employee relations or conflict issues within their areas, and for responding to employees' concerns or questions in a timely manner so that resolution is achieved at the lowest possible level. A supervisor's involvement in, and response to, employee relations issues or conflicts must be consistent with Gonzaga personnel policies and Mission values. Supervisors seek guidance from their vice president or HR as appropriate, and monitor action plans to ensure that resolution achieves desired results. Supervisors must balance employee needs with department requirements and Gonzaga's common good.

If conflicts rise to the level of policy violations due to patterns of uncorrected behavior, or serious isolated incidents, the supervisor may bypass Section VII and move to corrective action under Section VIII of this policy manual.

### **D. Employees' Role**

Employees are responsible for understanding supervisors' performance and conduct expectations, and for actively participating in corrective action efforts.

### **E. Administrative Leave**

Administrative leave is Gonzaga-initiated, non-disciplinary paid time off for an employee for a variety of purposes related to an employee relations process. Typical situations giving rise to administrative leave include: investigating alleged offenses; cooling off period during conflict; evaluating performance; conduct issues; or, exploring options until a final resolution is implemented. Administrative leave is at the supervisor's discretion with HR approval.

## **SECTION VIII: PERFORMANCE NOTICE, CORRECTIVE ACTION AND LETTER OF EXPECTATION**

### **A. Performance Management Philosophy and Tools for Managing Performance**

Performance management is a continuous process of communicating and clarifying job responsibilities, priorities and performance expectations in order to ensure mutual understanding between supervisor and employee. It is a philosophy which values and encourages employee development through a style of management that provides frequent feedback and fosters teamwork. It emphasizes communication and focuses on adding value to the university by promoting improved job performance and encouraging skill development. Performance management involves clarifying the job duties, defining performance standards, and documenting, evaluating and discussing performance with each employee. The following steps provide an example of how to address a problem:

- 1. Identify the problem** – Supervisors must first identify the problem(s). Examples might include poor work product, strained working relationships, attendance deficiencies, missed deadlines, etc.
- 2. Supervisors assess and clarify scope of problem by talking with employee and others as appropriate** – Problems can stem from skill deficiencies, lack of clear communication, behavioral styles, personal crises, or some combination of these or other factors.
- 3. Supervisors establish clear performance or conduct expectations with the employee for correcting the problem** – Employees need to know what is considered successful resolution of the problem and what support or resources may be available to help meet expectations.
- 4. Supervisors work with employees to identify appropriate measures to correct the problem** - Employees need to accept responsibility for correcting the problem and take appropriate action. Examples might include obtaining training for skill deficiencies, making other transportation or family arrangements for attendance problems, receiving guidance to understand and stop offensive behavior, etc.
- 5. Supervisors and employees communicate regularly regarding progress** – This step usually includes discussions and written documentation that describes progress compared to desired outcomes.
- 6. Supervisors clarify and communicate what the ultimate outcome will be, if the problem is not corrected** – Examples include mandatory participation in Employee Assistance Plan resources, corrective action or dismissal, as appropriate.

When performance management techniques fail to assist the employee to achieve an acceptable level of performance, it is appropriate for supervisors to initiate more formal steps to improve performance, which may involve moving to a formal disciplinary process. The tools available to supervisors in this process include:

- a. Performance Notice
- b. Corrective Action Plan
- c. Letter of Expectation
- d. Mandatory participation in the Employee Assistance Plan resources, as appropriate

The use of a Performance Notice, Corrective Action Plan or Letter of Expectations should be done, in coordination with HR, when a supervisor has identified a performance or behavior problem and has been unable to achieve an acceptable level of performance through coaching. The

documentation tools outlined below play an integral role in correcting performance deficiencies in an effort to improve performance or modify behavior.

## **B. Performance Notice**

Gonzaga's intention is to work with employees whose performance or conduct falls below standards. Supervisors are expected to address problems at the earliest opportunity so that they do not become prolonged or more serious. These problems can be addressed through discussions between the employee and supervisor, but may also involve written communications that clarify performance or conduct expectations, or suggest training or mentoring. It is incumbent upon supervisors to document their efforts in addressing these problems. A Performance Notice form is available to assist supervisors in creating this documentation. All documentation must be maintained in a confidential file by the supervisor. The Performance Notice form can be found by contacting Human Resources.

## **C. Corrective Action Plan (CAP)/Letter of Expectation (LOE)**

A CAP and LOE are different methods used to address performance or behavior concerns. The document should be chosen based on the type of concern, level of position, and past departmental practice. HR can assist supervisors in choosing the appropriate form. A CAP is generally chosen when an employee may be the most appropriate person to identify specific behavior changes needed to correct the problem (ex: attendance). An LOE is generally used when the supervisor will outline the expectations required for the job (ex: performance, skill, or interpersonal behaviors requiring change).

CAP/LOE are specific, detailed written programs that define the issues to be resolved (detailing performance deficiencies, conduct, interpersonal skills, etc.), set expectations for improvement, establish time lines, identify specific actions the employee and supervisor will take, identify the resources available, and state the ultimate outcome, if the issues are not satisfactorily corrected. A CAP/LOE is normally implemented after a Performance Notice has failed to improve performance and/or conduct sufficiently. However, a CAP/LOE can be used in addition to, or in place of, Performance Notice at the supervisor's discretion. Where appropriate, supervisors may also include discipline, such as suspension with or without pay with HR approval. These actions are normally for specific, serious performance incidents or conduct violations and are used to impress upon the employee the gravity of the situation.

Supervisors must consult HR for assistance when administering a CAP or LOE. The supervisor must notify the next supervisory level of the intention to discipline. The CAP/LOE forms can be found on the HR website at [www.gonzaga.edu/er](http://www.gonzaga.edu/er) under the Supervisor Tools link. A CAP/LOE is of significant importance and must be documented using the official Gonzaga University format, be reviewed by HR, have specific steps for improvement, an established time frame, and an end date for resolution. It is strongly recommended that the employee be encouraged to contact Gonzaga University's Employee Assistance Plan as a part of every CAP/LOE.

## **D. Dismissal**

As identified in Section 1:B Employment.2. Employment Status and Evaluation Period, a supervisor may not need to go through corrective action documentation with an employee who cannot meet the performance and/or behavior expectations of his/her position and as outlined in Gonzaga policies and procedures (this manual or other departmental policies and procedures). When appropriate training, coaching and early disciplinary intervention has not been successful, a supervisor may recommend an employee be dismissed from employment during or at the end of this evaluation period. Prior to dismissal the area vice president and Human Resources must give approval.

If corrective actions or earlier disciplinary intervention is unsuccessful or an employee's conduct is so severe that a CAP/LOE is inappropriate or impractical, a supervisor may recommend an employee be dismissed from employment. Prior to dismissal the area vice president, HR, and General Counsel must give approval.

Immediate dismissal may occur due to serious misconduct, including, but not limited, to: illegal activities; harassment or discrimination; insubordination; drug, controlled substance, or alcohol abuse; or acts of physical violence. HR must review all administrative leaves, suspensions and dismissals to ensure consistency and fundamental fairness.

#### **E. Access to Employee Workspace, Equipment, and Records**

If an investigation is conducted for alleged wrongdoing, Gonzaga reserves the right to search and inspect an employee's workspace, files, work-related materials, electronic equipment, personal possessions brought onto company property, or communication devices.

#### **F. Corrective Action Appeal Process**

Any employee having concerns or questions about a CAP/LOE should first talk with their immediate supervisor. If the employee believes that their concerns are not being addressed, the employee may consult HR or pursue the **Part 2: Grievance Policy**.

*Faculty should reference the Faculty Handbook Promotion, Reappointment and Tenure Process Section 305, involuntary termination for cause section 309 and Procedures for Dismissal for Cause Appendix 300E.*

## ***PART 2: POLICIES***

## **PART 2: POLICIES**

37. Access and Accommodation for Persons with Disabilities Policy .....	57
38. Accident Prevention Program Policy .....	60
39. Affirmative Action Policy .....	67
40. Affirmative Action Policy Equal Employment Opportunity for Persons with Disabilities .....	68
41. Affirmative Action Policy Equal Employment Opportunity for Military Veterans .....	69
42. Background Check Policy .....	70
43. Cell Phone Policy .....	72
44. Certain Relationships by Persons in Authority Policy .....	74
45. Confidential Information Policy .....	76
46. Conflict of Interest Policy .....	77
47. Copyright Policy .....	79
48. Drug, Controlled Substance and Alcohol Free Workplace Policy .....	82
49. Electronic Information Technology Accessibility Policy .....	84
50. Events Policy .....	88
51. Federal Family and Medical Leave Act Policy .....	90
52. Gonzaga University Closing Policy .....	93
53. Grievance Policy .....	95
54. Information Technology Use Policy .....	98
55. Institutional Memberships Policy .....	99
56. Lactation Time Away from Work Policy .....	100
57. Media and Public Relations Policy .....	101
58. Patents Policy .....	103
59. Public Expression of Personal Views Policy .....	105
60. Reductions-In-Force for Employees Policy .....	106
61. Retirement Policy .....	110
62. Social Media Policy .....	112
63. Solicitation and Distribution Policy .....	114
64. Staff Additional Compensation Policy .....	115
65. Standards for On-Campus Religious Activities Policy .....	116
66. Telecommute Policy .....	117
67. Travel Related Policies .....	119
68. Tuition Waiver Policy .....	120
69. Vehicle Use Policy .....	124
70. Wellness Policy .....	125
71. Whistleblower Policy .....	126
72. Workplace Violence Policy .....	128



# **Access and Accommodation for Persons with Disabilities Policy**

## **A. Policy**

Gonzaga University seeks to provide equal access for persons with disabilities to include students, employees and the public, to all educational programs, employment, activities, events, and services which it operates, consistent with applicable federal and state laws and Gonzaga policies.

This policy is based on the Americans with Disabilities Act and amendments, the Rehabilitation Act, and the Washington State Law Against Discrimination (RCW Ch. 49.60 as Related to Disabilities), and Gonzaga's mission.

Reasonable accommodations, academic adjustments, and public access will be provided to persons with disabilities to ensure they are provided an equal opportunity to participate in or benefit from any Gonzaga program, activity, event, or service.

Gonzaga is committed to providing reasonable accommodations for students and Gonzaga employees at study abroad venues to the extent feasible given other countries' accessibility standards.

Gonzaga provides reasonable accommodations to persons with disabilities.

## **B. Scope**

This policy applies to all employees with disabilities and to public access. Gonzaga's goals are to provide:

1. Reasonable accommodations for qualified employees with disabilities that will allow them to perform the essential functions of their positions, unless the accommodation is an undue hardship, or the employee being a direct threat to self and/or others is established.
2. A welcoming environment that affords all qualified individuals with disabilities equal opportunity for full public access and participation in campus programs, activities, events, and services.
3. For access and accommodations for students with disabilities, please reference the **Access and Accommodations for Students with Disabilities Policy** located at [www.gonzaga.edu/disabilityaccess](http://www.gonzaga.edu/disabilityaccess).

## **C. Institutional Authority Assigned**

The Benefits Specialist handles accommodations and protected leaves for staff and faculty. The Benefits Specialist is formally designated to:

1. Evaluate and determine that a disability qualifies for an accommodation.
2. Through the interactive process, determine appropriate accommodations, auxiliary aids, and adaptive/assistive technology for employees with disabilities.
3. Work with all parties toward implementing appropriate accommodations, auxiliary aids, physical facility alterations, adaptive/assistive technology.
4. Consult with appropriate entities throughout the institution to develop Gonzaga-wide access and accommodation procedures.

5. Consult with Gonzaga officials during initial development stage for any new or upgraded program, activity, event or service, including technology and facilities, so that disability access is integrated proactively.
6. Create training and informational initiatives about disability access and inclusion for employees.
7. Manage initial intervention stage of access and accommodation issues before formal complaints are filed.
8. Work with the ADA/504 Coordinator on new or revised policies and procedures, educational efforts, and complaint processes.
9. Work with Plant and Construction Services and sponsors to assist with public access for Gonzaga facilities, programs, activities, events, and services.

The Assistant Director of Equity and Inclusion functions as Gonzaga's ADA/504 Coordinator and is formally designated to:

1. Oversee Gonzaga-wide consistency with and adherence to these policies and procedures, and participate in revising policies and procedures as needed to remain current with the law.
2. Consult with General Counsel and Gonzaga administration on disability access and accommodation issues.
3. Manage and investigate access and accommodation issues when the individual files a complaint because they believe they are the victim of harassment or discrimination.
4. Respond to inquiries from the U.S. Office of Civil Rights, Human Rights Commission, Equal Employment Opportunity Commission, or other external agencies.
5. Assist in educating students and employees about disability access and accommodation.

#### **D. Disability Information**

The appropriate office will maintain a confidential file regarding the disability of each person who provides documentation of disability to Gonzaga. The file contains all pertinent information and medical records related to accommodation, academic adjustment, or other services.

#### **E. Complaint Resolution Process**

People with disabilities are also protected from harassment and discrimination under the University-wide Harassment and Discrimination Policy. Complaints regarding disability access and accommodation, or harassment and discrimination, are received and managed by the Office of Equity and Inclusion and handled through the **University-wide Harassment and Discrimination Complaint Policy** found here in the Policies and Procedures Manual.

Any party (employee, student or member of the general public) who believes his or her complaint has not been handled appropriately may use the **Grievance Policy** as described in the *Gonzaga University Policy and Procedures Manual*, beginning with Step 2.

## **F. Alternative Steps**

Gonzaga University's intention is that through these procedures any complaints will be resolved internally; however, a complaint may be filed with federal or state agencies, such as:

### **Washington State Human Rights Commission**

Information and Complaints  
1-800-233-3247  
1-800-622-2755 (Spanish)

### **Washington State Human Rights Commission**

Rock Point Plaza III  
1330 N. Washington St., Suite 2460  
Spokane, WA 99201  
(509) 568-3196

### **U.S. Department of Education**

Office of Civil Rights  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
(206) 607-1600  
TDD (877) 521-2172

### **U.S. Department of Labor**

Office of Federal Act Compliance Programs  
1111 Third Ave., Suite 745  
Seattle, WA 98101  
(206) 398-8000

### **Equal Employment Opportunity Commission**

Federal Office Building  
909 First Ave., #300  
Seattle, WA 98104  
(206) 669-4000

### **U.S. Department of Justice**

950 Pennsylvania Avenue, NW  
Washington, DC 20530-0011  
(202) 514-2000

# **Accident Prevention Program Policy**

## **A. Accident Prevention Program**

1. **Objectives:** The Gonzaga University Accident Prevention Plan contains Gonzaga's official safety policies and procedures and applies to all employees and student workers. It is designed to comply with, and implement, federal and state laws by establishing policies and procedures to prevent accidents, injuries, and occupational illnesses. The rules that provide for the safety of employees also provide for the safety of visitors and students. Gonzaga recognizes its basic responsibility to eliminate hazardous conditions that may be encountered by visitors and students and therefore establishes safety and health policies for this purpose.
2. **Responsibilities:** Gonzaga's administration has the responsibility to provide a safe and healthy learning and working environment. The responsibility for safety and health is shared among Gonzaga administration, Gonzaga Campus Safety and Health Committee, supervisors, and each individual for his or her area of responsibility.
  - a. **Gonzaga Administration's Responsibility:** to provide safe working conditions and do everything reasonably possible to create an effective, accident-free environment for teaching, learning and working.
  - b. **Environmental Health & Safety (EH&S) Department's Responsibility:** to coordinate safety and health activities throughout Gonzaga. EH&S primarily provides consultation and training to administration, supervisors and employees in the areas of general safety; accident prevention; industrial hygiene; hazardous materials and waste; emergency response and prevention, workers compensation claims; and workplace ergonomics.
  - c. **Supervisor's Responsibility:** to ensure working or learning conditions are safe and ensure all employees observe safety policies and procedures.
  - d. **Employee's Responsibility:** Strive to develop habits and procedures that will reduce exposure to potential injury. All employees are required, as a condition of their employment, to observe all safety policies and procedures.
  - e. **Campus Safety Committee:** The Safety Committee consists of management and employee representatives who have an interest in the general promotion of safety and health for Gonzaga University. The committee serves as an advisory group to the administration and is responsible for making recommendations on how to improve safety and health in the workplace. The committee defines problems and removes obstacles to accident prevention; identifies hazards and recommends corrective actions; helps identify employee safety training needs; and, establishes accident investigation procedures for Gonzaga.
3. **Safety Orientation**
  - a. **Safety Orientation Briefing:** All new employees will receive a safety orientation briefing by HR. Record of the completed orientation should be kept by EH&S.
  - b. **Job-Related Safety Orientation:** Supervisors are responsible for ensuring that employees are aware of departmental safety policies and procedures. This orientation for new employees should occur on the first day of employment. A record of completed orientation should be kept by the supervisor.

#### 4. **Safety Committees/Building Representatives:**

##### a. **Campus Safety Committee**

###### i. Introduction/Rationale

It is the policy and duty of Gonzaga University to promote the safety and health of its employees. Gonzaga has established a safety committee consisting of faculty and staff representing the broad spectrum of institutional functions and activities. The basic charge or purpose of this committee is three-fold: 1) To mitigate occupational and environmental hazards; 2) To promote safety and health in the work place; and, 3) To establish a forum to which employees can bring safety issues and concerns.

###### ii. Input/Communication

Any employee of Gonzaga can recommend agenda topics to the committee for consideration and/or request to present a topic directly to the committee by contacting the chairperson. Meeting minutes and safety information shall be posted on safety bulletin boards. Additionally, this information may be distributed via on-campus mail delivery. Hard copies of the minutes shall be distributed to the individual members.

###### iii. Extent of Authority

The Campus Safety Committee is advisory and answers ultimately to the President. The committee may make recommendations at any administrative or supervisory level it deems the most appropriate in order to resolve a safety concern.

##### b. **Lab Safety Committee**

The members of the committee consist of a representative from EH&S, Biology, Chemistry and Engineering labs. The committee is responsible for the development and oversight of policies set out by the Chemical Hygiene Plan.

##### c. **Building Safety Representatives**

Each building and/or identifiable department should appoint a Building Safety Representative from that particular building or department. Selection of the representative is a management decision. Representation should depend upon the nature of the work or program, number of employees, and/or students, and separation of facilities. The EH&S Department is available for consultation on this matter. The name of the Building Safety Representative is posted on the building's safety bulletin board.

The Building Safety Representative will be the liaison within that particular department or building for matters of safety. The Safety Representative will represent that department or building on a subcommittee of the Campus Safety Committee.

5. **Safety Bulletin Boards:** Safety bulletin boards are located in each building where all employees can see them in the normal course of their daily duties. The Building Safety Representative is responsible for maintaining the safety bulletin board and his/her name will be posted on the boards in each building. The safety bulletin boards, or part of an existing board, are outlined in a green border. The designated bulletin board is reserved exclusively for safety material.

## **B. Reporting Accidents or Occupational Illnesses**

**Work-related Accidents / Illnesses Reporting Procedures:** The EH&S Department is responsible for handling the accident/injury/illness reports and claims management for work-related accidents. Employees shall make a prompt report to their immediate supervisor of each industrial injury or occupational illness, regardless of the degree of severity. The procedures to follow in reporting work-related accidents/injuries/illnesses are outlined below:

### **1. Employee's Responsibilities**

- a. Report all work-related accidents/injuries/illnesses to supervisor, regardless of severity.
- b. Fill out the Gonzaga University Accident/Injury Report (available from Supervisor, Building Safety Representative, or EH&S Department) within a reasonable amount of time of the incident.
- c. Continue to update supervisor and EH&S on the status of the claim, which may include continued doctor visits, physical limitations, or time off work.
- d. Medical Treatment:
  - i. If medical attention is necessary, choose any doctor.
  - ii. Inform the doctor that the condition is work-related. Complete the worker's statement on the Washington State Fund Accident Report at the doctor's office.
  - iii. Have the doctor complete the Light Duty Return-to-work Program form and return it to the employee's supervisor or the EH&S Office.
  - iv. If there are physical limitations, please see Temporary Modified Duty/Return-to-work Policy below.

### **2. Supervisor's Responsibilities**

- a. The supervisor must fill out the supervisor section of the Employee Accident/Injury Report form and send this report to EH&S.
- b. Contact EH&S, ext. 5856, immediately when notified of an accident.

### **3. Physical Limitations or Off Work**

- a. If the doctor notes that the employee cannot return-to-work or has physical limitations, the employee is required to inform the doctor that Gonzaga University has a light-duty, return-to-work program. Active participation is expected in all return-to-work activities.
- b. The employee must bring their supervisor a statement from the doctor noting physical limitations and for what period they apply, or the doctor can fax them directly to EH&S at 509-313-5815.
- c. If the doctor notes that the employee is unable to participate in the light-duty program, the employee must check in with their supervisor a minimum of once a week to update on progress while they are off work.
- d. A written release from the doctor is required before returning to regular duties.

### C. Temporary Modified Duty/Return-to-work Policy

1. **Purpose:** Gonzaga supports a Return-to-Work Program for all employees returning from an illness or injury to temporarily work on a light duty basis, if available. Following consultation with the employee and employee's supervisor in an interactive process, Human Resources will make the determination and finalize the appropriate resolution.

The on-the-job injury return-to-work placement will take precedence over non-job related injury and illnesses.

Light duty placement may include a reduction in full-time work, limiting or altering duties in the employee's existing position, or temporarily reassigning the employee to another position that he or she is qualified and capable to perform. In cases where the employee has a temporary disability from an on-the-job or occupational disease, the Human Resources will coordinate with the employee's supervisor to attempt to identify light duty work.

This policy establishes guidelines so that the University can assist in the return-to-work process and minimize the loss of employee productivity by placing the employee in a temporary assignment. The temporary assignment is not to exceed 90 days in most cases but may be extended on a case-by-case basis.

Factors that will be considered include, but are not limited to, physical restrictions, work availability, demands of the job, and cost to the organization.

2. **Procedures:**

- i. The employee will provide the Human Resources department with an activity prescription form (or other acceptable documentation) completed by the attending doctor, preferably two days prior to their anticipated return-to-work date.
- ii. Human Resources will speak with the supervisor and environmental Health and Safety as necessary to clarify restrictions and availability of work. The department will assess the availability of a light duty position based on level of restrictions, work availability, workload demands, etc.
- iii. In situations where the employee is entitled to use Family and Medical Leave on an intermittent basis or full-time basis, the supervisor will work with the employee to accommodate the appropriate scheduling.
- iv. If it is determined that an employee's restrictions cannot be accommodated, the employee must contact the HR department weekly to provide an update on their physical limitations. If the employee indicates an improvement in the condition, the employee must provide another activity prescription to determine if the employee is able to perform a temporary light duty assignment.

### D. Reporting Potential Hazards - Accident Prevention Statement

Accident prevention is fundamental priority for Gonzaga University. Although, the EH&S Department coordinates Gonzaga's accident prevention and safety programs, preventing accidents is truly a team effort by the entire Gonzaga Community.

Employees with concerns about the safety of their work area or questions regarding accident prevention should call the EH&S Department at ext. 5856. If the situation does not pose the threat of immediate harm, employees should contact a Safety Committee Member. As always, you should refer repairs and regular maintenance concerns to Plant Services.

An EH&S department representative will be available to inspect potential hazards, respond to employee questions, and recommend changes, if needed, to ensure that Gonzaga University is providing a safe place to work and study.

## **E. Accident Investigations**

### **1. Responsibilities:**

The investigation of accidents and near misses is an essential part of Gonzaga's Accident Prevention Program. A thorough investigation, reconstructing the chain of events leading to an accident or near-miss, identifies unsafe acts and conditions requiring corrective action. An accident investigation and subsequent implementation of the corrective action minimizes the potential for future accidents.

The EH&S Department investigates all major accidents resulting in death, serious injury, or in-patient hospitalization of employee. EH&S may investigate non-injury accidents and near misses.

The responsible supervisor conducts an investigation and completes a Supervisor's Accident Investigation Report on all reported injuries.

The Campus Safety Committee may assist in the investigation of accidents and near misses.

### **2. Accident Investigations:**

- a. Near-Miss Accident/Injury/Illness: Whenever there is an incident that did not, but could have resulted in serious injury to an employee (near-miss) the following procedures will be followed:
  - i. The supervisor or a team will investigate the incident, depending on the seriousness of the injury that would have occurred.
  - ii. The "Near Miss Report" form will be used to report the near-miss. This report will be forwarded to the EH&S Department.
  - iii. EH&S will work with the department to ensure that the potential hazardous condition is corrected and safety programs are followed.
  - iv. EH&S will also report the incident to the Campus Safety Committee.
- b. Minor Accident/Injury/Illness: In the case of a minor accident/injury/illness the following procedures will be followed:
  - i. The supervisor is to immediately investigate a minor accident. The objective of an investigation is to determine the accident's cause.
  - ii. After the cause is determined, the supervisor is to provide recommendations for corrective action to the supervisor and EH&S. The corrective actions should eliminate or minimize the potential of recurrence.
- c. Serious Accident/Injury/Illness: Whenever there is an accident that results in serious injuries that have immediate symptoms the following procedures will be followed:
  - i. A preliminary investigation will be conducted by the immediate supervisor of the injured person(s), a person designated by management, a member of the Campus Safety Committee, and a representative from EH&S.



- ii. The supervisor is to ensure that he/she preserves the accident site as it was when the accident occurred. Equipment involved in a major accident is not to be moved, unless it is necessary for victim removal or accident prevention. An EH&S representative authorizes removal of equipment involved in a major accident.
- iii. As soon as possible after the accident, the investigation team will take written statements from witnesses, photograph the accident scene and equipment involved, and note the conditions of equipment and the work area that may have had a bearing on the accident.
- iv. The team will make a written report of its finding including: the sequence of events leading up to the accident; conclusions about the accident; and, any recommendations to prevent the accident from recurring. The Safety Programs Manager will follow-up on recommendations to ensure action items are complete. The report will be reviewed by the Campus Safety Committee at its next regularly scheduled meeting.
- v. After the investigation, the supervisor, EH&S and Safety Committee representative will promptly complete an Accident Investigation Report and submit it to EH&S.
- vi. In case of fatality, probable fatality, or when two or more employees are admitted to a hospital because of an accident an EH&S Department representative will contact the Department of Labor and Industries within eight hours after becoming aware of the accident. During weekends and evenings, the toll-free notification number is: 1-800-321-6742. The notification must be a verbal conversation with a representative of the department. The notification must report: the company name, location and time of the accident, number of employees involved the extent of injuries or illness, a brief description of what happened, and the name and phone number of a contact person.

## F. Safety Training

Gonzaga supervisors are responsible for providing initial safety training and periodically reviewing applicable safety procedures and use of personal protective equipment with employees.

Employees who work under specified conditions are to receive training as required by law. In addition to training, Gonzaga University has developed written programs that explain procedures for doing certain kinds of work that have special hazards. Please contact EH&S for specific information.

## G. First Aid Response Plan

1. **First Aid Training & Requirements:** To assure that all Gonzaga employees can be afforded quick and effective first aid attention, specified employees are to obtain first aid certification. EH&S offers an American Safety & Health Institute approved basic certification course and maintains a training record of all certified employees with expiration dates. Employees take refresher training every two years to keep the certification current.

Whenever employees are present in a workplace, there must be an individual holding a valid certificate of first aid training present, or available. Once a demonstrated need is established, EH&S may designate additional employees to be trained and certified to surpass the standard requirements.

2. **First Aid Kits:** First aid kits are to be accessible to employees and student employees at all times while they are at work. First aid kits are to be labeled with emergency telephone numbers, available from the EH&S Department.

3. **Automated External Defibrillator:** The Automated External Defibrillator (AED) is a device used to treat a person in cardiac arrest by giving their heart an electric shock. The AED is used in addition to CPR, if necessary. There are several located on campus and the EH&S Department provides consulting services to help departments and employees meet all of the above requirements.

## **H. Fire Prevention**

Each building will have an evacuation map posted on its safety bulletin board and at other visible locations. The map will show escape routes, location of exits, related safety devices and the designated gathering location outside that building.

### **1. In case of a fire:**

- a. Notify another person immediately. Call or have that person call 911 and a supervisor.
- b. Activate the building fire alarm system.
- c. Notify other employees in the area to evacuate.
- d. Notify supervisors in other areas of the building to evacuate.
- e. If the fire is small, such as a wastebasket fire (under 4 feet), and there is minimal smoke, one may attempt to put it out with a fire extinguisher.
- f. If the fire grows or there is thick smoke, do not continue to fight the fire.
- g. If the fire is too large to fight, leave the area and close the doors behind you as you leave.

### **2. Evacuation:**

Building occupants are required to leave the building when the fire alarm sounds. Persons remaining in the building are in violation of the Uniform Fire Code and may be found guilty of a misdemeanor. When exiting:

- a. Follow the predetermined evacuation plan for the work area.
- b. Check doors for heat or smoke before opening. Close doors after passing through.
- c. Do not lock doors or allow doors to lock. Locked doors could preclude return should the fire prevent exit.
- d. If smoke is encountered, crawl rather than walk.
- e. Never use an elevator.
- f. If smoke is present in a stairwell, do not enter the stairwell. Choose another route.
- g. Go to the designated gathering point and verify that all employees are accounted for. If an employee is missing, do not re-enter the building! Notify the responding fire personnel that an employee is missing and may be in the building.

## **Affirmative Action Policy**

**(For the full AAP see the affirmative action page on [www.gonzaga.edu/eo](http://www.gonzaga.edu/eo))**

### **REAFFIRMING OUR COMMITMENT TO EQUAL OPPORTUNITY**

Gonzaga is an equal opportunity, affirmative-action University. Gonzaga fosters a commitment to dignity of the human person, social justice, diversity, intercultural competence, and global engagement. We seek to nourish an environment characterized by professionalism and the sustainable creation of a campus climate that attracts and retains members from diverse backgrounds. As part of this commitment, we cooperate with the government civil rights agencies in an effort to ensure equal opportunity in employment through a program known as “Affirmative Action”.

For purposes of this Affirmative Action Plan (AAP), it means we conduct detailed internal analysis and periodic reporting to the government on our employment and human resources practices to ensure they are free of bias related to ethnicity or color, gender, and national origin. Other laws require us to plan affirmative action efforts based on disability or veteran status.

These efforts take us beyond simple avoidance of illegal discrimination. Affirmative action means we are proactive in community efforts to encourage every eligible individual to participate in the workplace to the fullest extent of his or her individual talent and potential.

The specific efforts outlined in this federally prescribed Affirmative Action Plan focus on ethnic minorities and women. We ensure career paths are open to all, regardless of gender or ethnicity. We use only valid, job-related requirements for hiring and promotion. We evaluate faculty and staff as individuals in accord with their merit in achieving our high standards of service.

Each year we update our affirmative action program, just as we evaluate our effectiveness in other areas of our mission. It is imperative we keep these commitments continually in mind as they relate to our mission and our Catholic, Jesuit, and humanistic heritage and identity.

Christine Purviance, Assistant Director Equity and Inclusion, is responsible for the administration of this Affirmative Action Plan. I am confident that we can count on your full cooperation and support. Let us know if you have any questions.

## **Affirmative Action**

### **Equal Employment Opportunity for Persons with Disabilities**

Employers play a key role in helping overcome barriers those with disabilities may experience in obtaining equal opportunity. Gonzaga University is dedicated to facilitating and co-creating a welcoming and equal opportunity environment for persons with disabilities. We recognize the unique and intrinsic value of each person and are committed to providing opportunity for all faculty and staff to meet their fullest potential in achieving our goal of equal employment opportunity.

There shall be no discrimination against any faculty, staff, or applicant for employment because of physical, sensory or mental disability, except in cases of a bona fide job-related disqualification. In addition, Gonzaga University will make every effort to ensure that all employment decisions, employment programs and personnel actions are administered in conformance with the principles of equal employment opportunity. We will take affirmative action to employ, and advance in employment, persons with disabilities at all levels of employment, and to otherwise treat such persons without discrimination on the basis of non-disqualifying disability in all employment practices including, but not limited to: recruitment, advertising, hiring, upgrading, promotion, discipline, transfer, layoff, leave or termination, rates of pay, other forms of compensation or benefits, training, apprenticeship, or participation in social or recreational activities. 60-741.5(a)

Faculty, staff, and applicants shall not be subjected to harassment, intimidation, threats, coercion, or discrimination because of filing a complaint, assisting in an investigation, opposing a practice prohibited by laws protective of persons with disabilities, or exercising any other rights under such laws.

Christine Purviance, Assistant Director of Equity and Inclusion, is designated as Gonzaga University's Affirmative Action Officer and ADA/504 Coordinator. Christine has responsibility to maintain the necessary programs, records and reports to ensure compliance and policy objectives. This plan will be available for review by faculty and staff or applicants on the Human Resource Equal Opportunity page of the Gonzaga University website. I expect all of us to give our full support to this effort.

## **Affirmative Action**

### **Equal Employment Opportunity for Military Veterans**

Gonzaga University, its leadership, staff and faculty must be fully committed to utilizing all human resources, including veterans of U.S. military service, to their fullest potential and to achieving the goal of equal employment opportunity under the federal Vietnam Era Veterans Readjustment Assistance Act, as amended. This includes removing any employment barriers and reaching out to qualified veterans.

We prohibit discrimination against any qualified applicant, faculty, or staff based on his or her status as a veteran of the United States military. We have established an Affirmative Action plan for veterans:

1. with a service-connected disability, or
2. in the 3-year period beginning on the date of release from active duty, or
3. who served in a war, campaign or expedition for which a campaign badge has been authorized, or in an operation for which a U.S. Armed Forces service medal was awarded.

Our policy applies to all personnel actions including but not limited to recruitment, advertising, hiring, re-evaluation, promotion, discipline, transfer, layoff, leave or termination, rates of pay, other forms of compensation or benefits, training, apprenticeship, or participation in social or recreational activities. All such decisions will be based only on valid job requirements. Our Affirmative Action plan has the purpose of focusing our efforts to employ and advance in employment, qualified veterans including disabled veterans, and other protected veterans at all levels of employment.

If you believe you are a protected veteran, you are invited to inform our Affirmative Action Officer so that you may be included in required government reporting, or (for faculty and staff) go to [zagweb.gonzaga.edu](http://zagweb.gonzaga.edu) to update your status. No one shall be subjected to harassment, intimidation, threats, coercion, or discrimination because of filing a complaint under this policy, assisting in an investigation, opposing a practice prohibited by laws protective of veterans, or exercising any other rights under these laws or related amendments.

Christine Purviance, Assistant Director of Equity and Inclusion, is Gonzaga University's Affirmative Action Officer and has responsibility to maintain the necessary programs, records, and reports to ensure compliance and policy objectives. The full text of the policy may be reviewed on the Human Resource Equal Opportunity page of the Gonzaga University website.

# **Background Check Policy**

## **A. Purpose**

Gonzaga University is committed to preserving the safety of the campus community and the integrity of the institution by taking appropriate steps to protect its community members, property, and other assets. To achieve this goal, the University has developed this policy regarding background checks and related inquiries.

## **B. Applicability**

This policy applies to persons currently employed or seeking employment with Gonzaga University, including certain student and non-student temporary employees and volunteers.

## **C. Policy**

1. **Pre-Employment Background Checks:** Prior to the start of employment all employees must successfully pass a pre-employment background check to be conducted in accordance with state and federal law. The background checks are conducted once a position has been offered and accepted and the extent and subject of the background check depends on the specific responsibilities of the position and the corresponding business necessity.

Employment is contingent upon satisfactory results from the background check. Any adverse information discovered during a background check can be taken into consideration by the University when determining whether the results are satisfactory. The University will determine, in its own discretion, whether the results are satisfactory.

Applicants may be employed on a conditional basis pending completion of a background check under exigent circumstances. Authorization for this conditional start date require approval of divisional leadership and AVP of Human Resources. If the results of the background check are unsatisfactory the person will not be eligible to continue employment in the position.

2. **Current Employees:** Background checks may be performed on current employees under certain circumstances including, but not limited to, when duties and responsibilities have changed, when needed as part of an investigation into an incident or allegation, when required by job description, contract, grant, or agreement, or where safety or security is a concern.

3. **Scope of Background Checks:** The information requested during a background check will vary depending on the job responsibilities and nature of the position. Background checks may include, but are not limited to, the following:

- Educational Credentials Verification
- Employment History Verification
- Ten Year Criminal History Record \*
- National Sex Offender Search
- Social Security Number Trace and Validation
- Consumer or Credit History Report (for applicable positions only)
- Professional Licenses and Certifications (for applicable positions only)
- Motor Vehicle Record (for applicable positions only)
- Drug and Alcohol Testing

\*NOTE: Criminal convictions will not automatically disqualify an applicant from employment. The University will consider factors such as the nature of the crime, the age of the individual at the time the crime was committed, the length of time since the conviction, the nature of the position, and the job-relatedness of the conviction.

4. **Confidentiality:** Background check information is confidential, and will only be obtained and reviewed by authorized University employees. All records related to background checks will be maintained in a secure location separate from employee personnel records.

5. **Notification and Authorization:** Applicants and employees required to submit to a background check will be informed of the University's intent and will be requested to sign an authorization form for any background check, including those considered an "investigative consumer report" as defined in the Fair Credit Reporting Act. Refusal to complete the process or the receipt of unsatisfactory information during the screening process may result in either the position offer being rescinded or the end of employment.

Background check results are the property of Gonzaga University. Applicants and employees shall be informed of their right to obtain a copy of the results. In the event of unsatisfactory background check results the applicant or employee shall be informed of the results and provided an opportunity to respond. If applicable, the applicant or employee will be provided with a summary of their rights under the federal Fair Credit Reporting Act and the Washington Fair Credit Reporting Act.

6. **Duty to Give Notice of Conviction:** All current Gonzaga University employees must immediately notify Human Resources of any criminal conviction. Failure to report such conviction is grounds for disciplinary action, up to and including termination of employment.

# **Cell Phone Policy**

## **A. Purpose**

This policy provides guidelines for Gonzaga departments regarding the issuance of cell phones to employees and the payment of employees' personal cell phone expenses for legitimate job-related needs. The purpose of this policy is to: outline Gonzaga's expectations for proper procedures relating to cell phone acquisition, use, and expense reimbursement; to define criteria for determining employee eligibility; to articulate departmental and employee responsibilities; and, to assist in managing and containing costs and risks related to cell phone services.

## **B. Guidelines**

1. Departmental and vice presidential approval is required for issuance of a Gonzaga-owned cell phone or the payment of an employee's personal cell phone expenses.
2. Employees are eligible for a Gonzaga-owned cell phone or the payment of their personal cell phone expenses, if they meet any of the following criteria:
  - a. Employee's job requires significant travel on behalf of Gonzaga.
  - b. Employee spends significant time away from the desk/office during the day and needs to remain in contact (e.g., IT support employees).
  - c. Employee's job requires that the employee be accessible before/after normal work hours.
  - d. Employee's job has other specific requirements with vice president approval.
3. It is the responsibility of each cell phone user to know, understand, and adhere to Gonzaga's policy for cell phone voice and data use. Departments may specify additional guidelines specific to their areas via a Departmental Addendum to the Gonzaga University Cell Phone Policy. Departmental addenda must be reviewed and approved by the area vice president.
4. Each employee who requires a cell phone must complete the Cell Phone Request and Approval Form and sign the Cell Phone Policy Acknowledgement and Agreement Form.
5. Cell phone service is available through Gonzaga approved vendors only. Contact Purchasing for a current list of approved vendors. Service providers may change over time. Gonzaga may, at its discretion, move Gonzaga-provided cell phones from one provider to another as necessary.
6. Cell phone equipment must be supportable by Information Technology Services. Cell phones that have data service activated must be secured via the use of a password. Password complexity and other security requirements for cell phones may change over time. Contact ITS for current information on mobile phone security policy.
7. If an employee's cell phone charges exceed the monthly limits for voice and/or data service (including SMS/texting), the employee is responsible for reimbursing Gonzaga for the cost of any personal use of the phone and associated services, except for when the phone is used during out-of-country travel. This applies to both Gonzaga-owned phones and personally owned phones where Gonzaga is paying for the cell phone services.
8. Gonzaga data and information transmitted via mobile technology qualify as records of Gonzaga University, subject to all policies, including those relating to data security, data retention, and e-discovery. Employees should not expect privacy while using Gonzaga cell phones. Gonzaga may search cell phone records, text messages and other means of communication.



9. Users are responsible for protecting confidential data on cell phones/mobile data devices. If a cell phone is lost or stolen, it is the employee's responsibility to notify his/her department, University Purchasing, and the Help Desk immediately. Phones that are reported lost or stolen will be wiped of all data. An employee may be required to compensate Gonzaga for lost or damaged phones if the employee has been found at fault in losing or damaging the cell phone.
10. When an employee leaves Gonzaga, it is the responsibility of the employee to return the phone and accessories to his/her department, and it is the supervisor's responsibility to ensure that the phone and accessories are returned. The phone and associated phone number is the property of Gonzaga University, unless otherwise negotiated.
11. An annual cell phone inventory list and cell phone usage report will be provided to each vice president to review with their respective departments. Each Gonzaga department is required to review and provide feedback to its area vice president to ensure that there is still a business need for previously approved cell phones and to ensure that employees know and adhere to Gonzaga's Cell Phone Policy.
12. Cell phones (whether university-provided or personal) may not be used to conduct university business while driving. If you have a hands-free telephone device you may use it while driving, otherwise, should you need to use your cell phone, you must pull off the road, park, and make or receive the call. Reading, typing or sending a text message, while driving, is strictly prohibited by law.

### **C. Cell Phone Acquisition Process**

1. Departments must submit to University Purchasing a signed copy of the Cell Phone Request and Approval Form and the Cell Phone Policy Acknowledgement and Agreement Form, along with the Gonzaga purchase requisition. These forms are found at <http://www.gonzaga.edu/campus-resources/Offices-and-Services-A-Z/Purchasing/PurchasingandFinanceForms.asp>.
2. Departments must select approved phone and accessories, and an approved data service package for smart phones. The department should select the minimum package necessary to enable the job functions of the individual.

## **Certain Relationships by Persons in Authority Policy**

### **A. Policy**

A romantic (amorous) relationship or sexual relationship freely entered into between two members of the Gonzaga community generally are not addressed here and are not at issue. Certain romantic or sexual relationships, however, may arise in circumstances that involve an inherent conflict of interest and present a recognized potential for sexual harassment/discrimination, or charges thereof. Those include relationships in which the following circumstances co-exist:

1. A romantic or sexual relationship between two members of Gonzaga community, and one person in that relationship has actual or apparent authority to supervise, evaluate, or make decision(s) or recommendation(s) regarding the other person in respect to the other person's employment, education, or instruction at Gonzaga, or as to his or her advancement, participation, benefits or privileges in connection with or relating thereto. Romantic or sexual relationships in those circumstances are recognized to entail an inherent conflict of interest. Continuation of such can result in irreparable injury and may give rise to serious legal and financial consequences for both Gonzaga and for the participants.
2. Such relationships involve heightened financial risks because of known, real potential for (a) claims that a *quid pro quo* ("this for that") exchange was required or was implicit, and (b) claims that Gonzaga has legal responsibility for *quid pro quo* acts of the supervisory-person even though no one in Gonzaga (other than the participants) had any knowledge or notice of the romantic nature of the relationship. An employer can be held strictly liable for its supervisor's *quid pro quo* harassment of an employee even though the only persons in the company having actual knowledge or notice of the relationship were the two persons who were intimately involved.
3. The power of persons in authority greatly restricts the freedom of subordinate students and employees to reject romantic or sexual advances. Typically, authority to give or withhold rewards such as evaluations, grades, advancements, and recommendations limits the extent to which a romantic or sexual relationship between individuals can be considered consensual. Even if a student or subordinate employee does not appear to object to participation in the relationship, this does not mean that the individual welcomes (or will continue to welcome) the relationship. Romances sometimes end and, in circumstances in which a power imbalance exists, the person having authority may become highly vulnerable and defenseless against exaggerated accusations, especially in a factual dispute between the participants as to whether *quid pro quo* consideration was required or implied. Moreover, a third party may claim that the participant in a consenting relationship unduly received preferential treatment and may file a complaint of discrimination against the person having power or authority. This policy seeks to avoid or minimize those risks and concerns.
4. **Relationship of this Policy to Gonzaga's Harassment and Discrimination Policy:** A consensual, romantic relationship does not necessarily include or entail the elements of sexual harassment. Indeed, an essential element of sexual harassment is that the sexual conduct was not welcomed. One purpose of the present policy is to head-off and deter high-risk relationships which can give rise to accusations of the *quid pro quo* form of sexual harassment. Accordingly, this policy is not considered as an amendment to Gonzaga's harassment and discrimination policy but as preventative and as complementary to the harassment policy.
5. **Duty:** If and when those stated circumstances co-exist, regardless of which occurs first, the person in position of authority is required to do the following *forthwith*: (1) discontinue exercising any authority over the other person; (2) report the relevant facts to his or her own supervisor as set forth in the procedures portion of this policy; and (3) confer with his/her own supervisor with respect to transfer of that authority to another. Prompt action is required in fulfilling these mandatory requirements.

6. **Violation of Duty:** If the person in authority fails to fully or timely comply with these requirements, he or she will have violated this policy and will be subject to disciplinary sanctions, up to and including dismissal from employment by Gonzaga. This policy has Gonzaga-wide application including without limitation relationships between faculty/student, faculty/faculty, administrator/faculty, administrator/staff, administrator/student, advisor/advisee, or supervisor/supervisee. In this context, the term “administrator” is defined as any employee in a position level above or perceived as having influence over another employee.

## **B. Procedures**

### **1. Self-Reporting:**

- a. The policy requires that the person in authority in such a relationship report the relevant facts to his or her own immediate supervisor. If the immediate supervisor is not readily available, report shall be made to the next available higher supervisor (e.g., faculty ordinarily would report to chair/dean/AVP as customary and appropriate; staff would report to his or her supervisor/director/vice president, as customary and appropriate).
- b. If, for any reason, the transfer of authority is not or cannot be accomplished by the supervisor to whom report is made, that supervisor should act promptly to refer such matter to a higher level or levels of authority to obtain direction and resolution of the matter.
- c. Persons receiving such self-reported information are expected to maintain confidentiality by limiting communication of such self-reported information to those having a need or right to know, thereby encouraging prompt and voluntary self-reporting of such matters.

2. **Reports by Others:** Reports or allegations by any other person that the circumstances referenced in paragraphs 1 and 2 of the policy co-exist as to another member of the Gonzaga community, should be directed to Gonzaga’s vice president having supervision of the departmental area in which that member is employed. That vice president will then coordinate with that member’s immediate supervisor (and/or higher supervisors) to consider or effect any further action deemed appropriate. Prompt, accurate, honest and forthright reporting is encouraged and needed, if the objectives of this policy are to be achieved. Conversely, reports or allegations made without any foundation in fact are counter-productive to these goals and itself could give rise to serious consequences, including disciplinary action.

3. **Discipline:** Disciplinary procedures, if any, for violation of this policy will be (a) pursuant to the applicable provisions of the *Gonzaga University Policies and Procedures Manual*, if the alleged violation is by a staff person, and (b) pursuant to Section Three, Paragraphs 309.01 and Appendix 300E of the *Faculty Handbook*, if the alleged violation is by a faculty member. Enforcement will seek to take into consideration all relevant factors, including without limitation whether the matter was self-reported, to what extent the mandatory requirements were complied with, and the timing thereof.

*This policy is also considered as complementary to Gonzaga’s existing policy entitled “Employment of Relatives” which appears in Gonzaga University Policies and Procedures Manual.*

## **Confidential Information Policy**

Employees will respect and safeguard confidential information regarding the University's business and its students, staff, faculty and alumni. Confidential information is information protected by statutes, regulations, Gonzaga policies or contractual language. Samples of confidential information include: donor information, financial information, academic grades, personally identifiable information (name, social security number, driver's license number, identification card number, account number, credit/debit card number, etc.), information covered under FERPA, personnel files, and proprietary information of Gonzaga University.

Employees are responsible for protecting previously defined confidential information on personally owned computers, mobile data devices and on internet-cloud based services. Employees will not access, copy, preserve or disseminate confidential information, except in the course of fulfilling their job responsibilities.

Employees who are uncertain of their authorization status should contact their supervisor or HR for guidance.

Nothing in this policy is intended to interfere with or discourage: (a) good faith disclosures pursuant to Gonzaga University's Whistleblower Policy, (b) good faith disclosures to governmental agencies pursuant to regulations or law, and (c) lawful discussions regarding terms of employment as authorized by the National Labor Relations Act.

## **Conflict of Interest Policy**

The highest standards of conduct and honesty are expected of all employees of Gonzaga University. It is the obligation of all employees to avoid involvement in activities which might conflict, or which might appear to conflict, with institutional responsibilities. The conflict of interest guidelines contained in this document are intended to help employees avoid involvement in actual or apparent conflicts of interest, and to protect both the employee and Gonzaga from potential legal prosecution, damage to its reputation and financial loss.

While it is useful to provide basic guidelines to assist employees in assessing potential conflict situations, no list can be so exhaustive as to provide direction for all the variable circumstances that may arise. The personal good judgment of employees is indispensable.

Gonzaga remains committed to academic freedom and nothing in this policy should be construed as diminishing this commitment.

### **A. Definition**

A conflict of interest is considered to exist if an employee's actions or activities on behalf of Gonzaga result in preferential treatment or an improper gain or advantage to the employee, the individual's family or business associates, or conversely, has a detrimental effect on Gonzaga's interests. It can include an instance in which an employee fails to exercise due care, skill, and judgment on behalf of Gonzaga in the performance of the individual's duties because of a conflict of interest.

### **B. Guidelines**

1. All employees have a duty to act in the best interests of Gonzaga. Therefore, all employees have a duty to avoid conflicts of interest and to conduct themselves in a manner that maintains the integrity and accountability of Gonzaga University.
2. Employees who have a financial or family interest in a business that furnishes goods or services or contracts with Gonzaga should not undertake to act for Gonzaga or enter into negotiations or contracts with that business, either directly or indirectly, on behalf of Gonzaga University. No employee may participate in the selection, award or administration of a contract with any party with whom he or she is negotiating potential employment, or has any arrangement concerning potential employment.
3. Employees must avoid outside employment or business activity which may conflict, or appear to conflict, with Gonzaga interests. Directorships or consultation agreements for which the employee is compensated must be approved in writing by the appropriate dean or area vice president.
4. Employees must provide full written disclosure of any business, financial enterprise or activity that might influence, or appear to influence, decisions or actions concerning Gonzaga matters. Disclosure must be made by completing a disclosure statement annually, or whenever a significant change in interest occurs. The disclosure statement will be maintained in a confidential file by the appropriate area vice president and a copy submitted to General Counsel.
5. If an employee anticipates a conflict of interest or that the appearance of a conflict may arise, he or she should seek advice from the appropriate dean or area vice president. Employees should not participate in any way in the matter that is the subject of their concern until the area vice president has made a determination regarding the potential conflict of interest. Such determination will be in writing.

6. Employees should not use confidential information or special knowledge acquired as a result of their relationship with Gonzaga to, among other things, purchase or sell securities, real property or other goods or services, or to in any way enhance their own personal financial well-being by using such inside information to their own advantage.
7. Employees may use the name of Gonzaga to identify themselves professionally, but unless they are authorized to do so, they should be careful not to represent themselves as speaking on behalf of Gonzaga University.
8. Employees may not use students or other employees of Gonzaga to perform personal services for themselves or others if improper gain or benefit would result, or to perform any tasks unrelated to their position description.
9. Employees must not disclose information regarding Gonzaga's intentions as to investments, property development, sale or acquisition of property, or Gonzaga's purchasing and contracting activities.
10. Employees must not make unauthorized use of Gonzaga equipment, property or other resources for personal benefit or for the personal benefit of any other person.
11. Personal gifts or favors from persons with whom Gonzaga has a business relationship should be discouraged. To avoid improper influence, or the appearance or suggestion of such, personal gifts of more than nominal value should not be accepted. Special caution has to be exercised by employees involved in awarding or administering federal or government contracts as it is a crime to solicit or accept gratuities, favors or anything of value from contractors or potential contractors.
12. Employees may not be involved in Gonzaga matters pertaining to a member of his or her immediate family, insofar as said matter affects such family member's employment, evaluation or advancement at Gonzaga, without first making a full disclosure. Such disclosure must be in writing and shall include the nature of the relationship and the impact or potential impact the employee's actions may have on such family member. The disclosure should be made prior to any action being taken with regard to the family member and should be made to the appropriate area vice president. See also **Part 2: Certain Relationships by Persons in Authority Policy**.

# **Copyright Policy**

Gonzaga seeks to balance the right of fair use with the legal ownership rights of copyright holders in accordance with its philosophy and Mission as a humanistic, Catholic, and Jesuit University. This policy's objective is good faith compliance with the directives and intent of the copyright law of the United States.

The copying, for research and classroom purposes of books, articles, and other copyrightable works is a concern to the entire Gonzaga community. This policy statement addresses questions about when copying may take place without the consent of the copyright owner, the extent of fair use, when and how permission to copy should be obtained, and how to reduce exposure to liability.

## **A. Preamble**

Gonzaga University intends to adhere in spirit and principle to the provisions of the United States Copyright Law (Title 17, United State Code, Sec. 101, et seq.). This policy represents a sincere effort to conform to the requirements of the copyright act.

## **B. Policy**

1. **Responsibility:** Gonzaga disapproves of and forbids duplication in any form that violates copyright law. This includes, but is not limited to, duplication of printed matter, music, computer software, and video/audio materials. Members of the Gonzaga community who disregard Gonzaga copyright policy and guidelines do so at their own risk and assume all responsibility and liability arising from such activity, including indemnification of Gonzaga. Gonzaga employees who cooperate with persons violating this policy will be subject to disciplinary action, including dismissal.
2. **Compliance:** Members of the Gonzaga community are expected to adhere to the copyright law, fair use guidelines, licenses or contractual agreements, or other permissions.

## **C. Guidelines**

A person may use copyrighted material without permission of the owner when such use satisfies the requirements of "fair use" or if the use is by an instructor for distribution to a class. However, in the latter case, the use must meet the requirements of spontaneity, brevity and cumulative effect.

1. **Copyright:** A copyright grants the holder exclusive rights in the reproduction of creative works. With certain exceptions, no one may reproduce the work without express permission from the copyright holder.

A copyright is created at the time the work is created. The copyright is created regardless of whether the work is published or unpublished and the copyright immediately becomes the property of the author. If the work is created for hire, the copyright becomes the property of the hiring party. Registration with the Copyright Office is not required to protect an interest in the work. Additionally, affixing the copyright notice is no longer required to give the public notice. However, registration with the Copyright Office is required before initiating an infringement suit. Also, affixing the copyright notice will make defense of the copyright easier.

2. **Fair Use:** A person may make copies of copyrighted work to promote research and scholarship. The test used consists of a four level balancing test. The areas applicable to "fair use" are:
  - a. Purpose and character of the use, such as whether it is for commercial or non-commercial use.
  - b. The nature of the copyrighted work.

- c. The amount and substantiality of the portion used as related to the work as a whole.
  - d. The effect of the use on the potential market or value for the copyrighted work.
3. **Distribution to a Class:** Instructors may make copies of copyrighted material for use in preparing lectures or for distribution to students in their courses. Different guidelines apply on the intended use of the copyrighted material. Single copies intended to be used by the instructor for research or lecture preparation may consist of any of the following:
- a. A chapter from a book.
  - b. An article from a periodical or newspaper.
  - c. A short story, short essay or short poem, whether or not from a collective work.
  - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
4. **Multiple Copies for Distribution to a Class:** If multiple copies are desired for distribution to a class, three requirements must be met. First the copying must meet the requirements for spontaneity and brevity. Second, the cumulative effect test must be satisfied. Third, each copy must include a notice of copyright.
- a. Spontaneity: Spontaneity is satisfied when the copying is done at the insistence of the teacher, and the decision to use the copyrighted work, combined with need for quick use to gain maximum teaching effectiveness from the copyrighted material, make it unreasonable for the teacher to get permission from the copyright holder.
  - b. Brevity: Brevity is defined differently depending on the type of work being considered. Listed below are the differing requirements for each type of written work.
    - i. Poetry - a complete poem is less than 250 words and printed on two or fewer pages; or, an excerpt from a longer poem not to exceed 250 words.
    - ii. Prose - a complete article of fewer than 2,500 words; or, an excerpt not to exceed 1,000 words or 10% of the work, whichever is less. However, the minimum limit is not less than 500 words.
    - iii. Illustration - one chart, graph, diagram, cartoon or picture per book or periodical.
    - iv. "Special" works - those works that comprise both a prose and pictures that consist of fewer than 2,500 words.
  - c. Cumulative Effect: The cumulative effect test limits the overall use and number of copies that can be made. The test requires that:
    - i. The copies made are for use in only one class in the school.
    - ii. No more than one short poem, article, story, essay or no more than two excerpts from the same author. Also, cumulatively, no more than three short poems, articles, stories, essays or more than six excerpts may be copied from the same collective work or periodical volume during one school term.
    - iii. In totality, no more than nine instances of multiple copying per course per term may take place.



5. **Conclusion:** The copyright rules concerning reproductions made for individual research are easily followed. As long as reproductions of only the sections needed for research are used, no violation should occur. The copyright rules that allow an instructor to use copyrighted works for class are straightforward. However, the requirement that could be most easily overlooked would be the one requiring that the copyright owner's notice be attached. This is because the notice may or may not be on the page or pages reproduced and might be overlooked if the copier is in a rush.

# **Drug, Controlled Substance and Alcohol Free Workplace Policy**

## **A. Policy**

Gonzaga University encourages employees who might have a drug, controlled substance or alcohol abuse problem to seek assistance through outside sources or to contact HR for referral to an agency providing rehabilitative and counseling services.

**Illegal Drugs:** In compliance with the Drug-Free Workplace Act of 1988 (41 U.S. Code, Section 702) and consistent with its Mission Statement, Gonzaga University prohibits in its workplace the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances that are illegal under state or federal law.

**Controlled Substances/Prescription Medication:** Employees must not be working when they are under the influence of prescription medication that impairs their personal safety or ability to perform the essential functions of their job or affects their perception or judgment. If an employee has been prescribed a controlled substance and the employee or his/her medical professional believes this medication may impair him/her, the employee must report this information to Gonzaga's Accommodations and Leaves Manager (313-5996).

**Alcohol:** Employees must not be working when they are under the influence of alcohol.

## **B. Procedure**

1. **Administration and Education:** The Assistant Vice President for HR (AVPHR) is responsible for administering the Drug, Controlled Substance and Alcohol Free Workplace Policy. Information, support, guidance and resources for staff and faculty dealing with a drug, controlled substance or alcohol problem are provided through Curalinc, Gonzaga's Employee Assistance Program (EAP).
2. **Reporting:** Any employees observing or having knowledge of others in a condition adversely affecting their ability to perform job responsibilities or posing a hazard to the safety and welfare of themselves or others shall promptly report such condition to the appropriate supervisor or HR.
3. **Violations:** A violation of this policy may result in actions ranging from mandatory participation in a drug rehabilitation program up to dismissal from employment.
4. **Notifications:** In order to comply with the Federal Drug-Free Workplace Act, the AVPHR will, if required, notify the appropriate government agency within ten (10) days after receiving notice of an employee's criminal drug statute conviction occurring in the workplace. The Office of Sponsored Research and Programs (SRP) will provide copies of Gonzaga's Drug, Controlled Substance and Alcohol Free Workplace Policy to all employees involved with federally-funded grants or contracts.

## **C. Testing Program**

1. **For-Cause Testing:** Employee drug, controlled substance and alcohol testing may occur whenever a reasonable suspicion exists that an employee is under the influence of illegal drugs, controlled substances or alcohol. When an incident occurs, the employee's supervisor and HR must immediately be notified to review the circumstances and facts related to the event that gave rise to the suspicion that an employee is under the influence. No prior notice is required to test for-cause.

2. **Post-Accident Testing:** Gonzaga reserves the right to require a post-event drug test of employees involved in an on-the-job accident or incident, where there is a reasonable possibility that drug use contributed to the accident.
3. **Group Testing:** Gonzaga reserves the right to conduct drug, controlled substance or alcohol tests for an area, team, shift or department when reasonable suspicion of wide-spread use exists.
4. **Testing Company:** Drug, controlled substance and alcohol testing will be conducted by a certified testing company.
5. **Paid Administrative Leave:** If a drug, controlled substance, or alcohol test is administered to an employee, the employee immediately will be placed on paid administrative leave until a full evaluation is complete and an appropriate course of action has been determined.
6. **Refusal to Test:** Any employee refusing to be tested will be deemed to have failed the relevant test and will be subject to disciplinary action, up to and including dismissal.

#### **D. Washington State Marijuana Law**

Gonzaga prohibits the use or possession of marijuana on Gonzaga-owned, leased, or managed property or during any university-sponsored or affiliated activity or program whether on campus or at another location.

As a condition of receiving federal funds, Gonzaga is required by the federal Drug-Free Schools and Communities Act to certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illegal drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level this law includes any amount of marijuana.

Although Washington State Chapter 69.50 RCW allows people over the age of 21 to possess small amounts of marijuana for personal use, it is in conflict with federal law. When state and federal laws are in conflict, federal law takes precedence

# **Electronic and Information Technology Accessibility Policy**

## **I. Introduction and Policy Statement**

In accordance with federal and state laws, including the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Section 508 of the 1973 Rehabilitation Act as amended, and the Washington Law Against Discrimination, RCW 49.60, Gonzaga University has developed this Electronic and Information Technology Accessibility Policy.

The intent of this Policy is to promote equal access to University electronic information resources, technologies, and services for students, employees, guests, and visitors.

This Policy encompasses the following areas:

1. Web-based information and services — including those associated with courses of instruction, departmental programs, University-sponsored activities, employment, administration, and other University services.
2. Hardware and software to be developed, purchased, or acquired by Gonzaga University.
3. Environments containing information technology — including classroom and general use computer facilities, on-line instruction, distance learning, employee worksites, libraries, and resource centers.

The implementation of this policy will occur over a reasonable period of time as hardware, software, and other relevant electronic and information technology is upgraded, renewed, or replaced. The first phase of implementation will include making University websites and web-based content accessible, including electronic documents and multimedia distributed through the web. Additional phases will include procurement of compliant hardware, software, and associated accessible products and services necessary to replace all non-compliant and partially compliant hardware, software, and associated accessible products and services.

Ensuring equal and effective electronic and information technology access is the responsibility of all University administrators, faculty, and staff.

## **II. Definitions**

"Accessible" or "Universal Access" means that individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as individuals without disabilities, with substantially equivalent ease of use to the accessibility standard required by law.

"Individuals with Disabilities" means individuals covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, and other federal and state laws as applicable. Generally, the term "disability" means with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

"Electronic and information technology" or "EIT" includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, the internet and intranet websites, content delivered in digital form, electronic books and electronic book reading systems, search engines and databases, learning management systems, classroom technology and multimedia, personal response systems ("clickers"), and office equipment such as classroom podiums, copiers and fax machines. It also includes any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, creation, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This term includes telecommunications products (such as telephones), information kiosks, Automated Teller Machines (ATMs) transaction machines, computers,

ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

“Equally effective” means that the alternative format or medium communicates the same information in as timely a fashion as does the original format or medium. “Equally effective alternative access” means affording persons with disabilities and equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs.

“Legacy websites” include any and all University websites published before the redesigned and upgraded University website.

“ADA/504 Coordinator” is the University employee designated to coordinate this Policy and to assist employees and supervisors in complying with this Policy.

### **III. Electronic and Information Technology Accessibility Standards**

#### **1. Web Accessibility**

[Web Content Accessibility Guidelines \(WCAG\) 2.0](#), level AA, and Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0, or the current web accessibility standards identified under state and/or federal law shall serve as the web accessibility standards for Gonzaga University. New and redesigned web page and other web resources published, hosted or otherwise provided by Gonzaga University, must be in compliance with these standards. Other existing pages and materials posted to Gonzaga University websites will be made accessible as they are updated or as required by necessity.

Web pages, including legacy or archived pages, that are specifically requested to be made accessible as an accommodation for an individual with a disability must be made accessible or an equally effective alternative must be provided within a reasonable period of time.

Each Gonzaga University affiliated website, including legacy pages, must provide, in plain text, contact information for users to gain assistance when having difficulty accessing the content.

Gonzaga University will conduct random and other audits for compliance with these accessibility standards for online content.

#### **2. Instructional Materials Accessibility**

Electronic instructional materials, optional and required, will be accessible and as effective and useable for persons with disabilities as they are for persons without disabilities.

This standard applies to all electronic instructional materials (syllabi, textbooks, presentations, handouts, etc.) including electronic instructional materials delivered within the University’s learning management system or those delivered in an alternate fashion (email, blogs, etc.) and electronic instructional activities (online collaborative writing, web conferencing, etc.).

All instructional materials must meet all applicable standards and guidelines established in this policy.

#### **3. Document Accessibility**

Except as provided below, this section applies to all electronic documents produced, maintained, or distributed by or for the University including, but not limited to, word processing documents, PDFs, presentations, electronic publications, and spreadsheets.

Newly created electronic documents must meet the standards and guidelines outlined in the [Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies](#), published by the World Wide Web Consortium as the Working Draft, dated December 13, 2012, or the current web accessibility standards identified under state and/or federal law. Existing inaccessible documents will be updated according to published University priority levels and needs.

#### 4. Accessible Electronic Media

The University shall purchase and produce only accessible multimedia and update existing inaccessible media as it becomes necessary and practical, except as pursuant to Section 7 of this policy.

Media resources in use at the University must be accessible. This includes, but is not limited to, media that is instructional, informational, or promotional.

Video media resources must be closed captioned and audio-described. Audio resources must be transcribed.

#### 5. Software, Hardware, and Systems Accessibility

Software, hardware, and systems developed, purchased, or acquired by Gonzaga University shall be accessible and must produce accessible products. This includes, but is not limited to, learning and content management systems, library and email systems, and administrative management systems such as finance, registration, and human resources.

EIT accessibility for software, hardware, and systems requires compliance with the [US Access Board's Guide 508 Standards - Software Applications and Operating Systems](#).

#### 6. Procurement

Gonzaga University shall purchase only EIT software, hardware, and services that are in compliance with the EIT accessibility requirements detailed in this Policy.

To ensure that the EIT accessibility requirements are satisfied, it is recommended that all purchase orders or contracts with hardware or software vendors contain the provisions set forth below or substantially similar language.

- Vendor hereby warrants that the products or services to be provided under this agreement comply with the Gonzaga University accessibility requirements.
- Vendor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services, which is brought to its attention.
- Vendor further agrees to indemnify and hold harmless Gonzaga University or any university entity using the vendor's products or services from any claim arising out of its failure to comply with the aforesaid requirements.
- Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement.

All University employees must contact and work with ITS to ensure that any hardware and software products they are considering for purchase on behalf of the University are accessible and to ensure that accessibility requirements are included in the specifications.

#### 7. Exceptions

In the event an employee perceives that complying with this policy in a particular situation introduces an undue burden or would result in a fundamental program alteration, the employee will report the concern to the Chief Information Officer or the ADA/504 Coordinator. The Chief Information Officer and the ADA/504 Coordinator will jointly undertake an evaluation process, consulting affected faculty and staff, appropriate experts, and/or users, and considering appropriate information and legal guidance. The

Chief Information Officer and the ADA/504 Coordinator will jointly issue a written summary report of the evaluation with a determination and justification for or against an exception to this policy based on an undue burden or fundamental program alteration. Justification for an exception must include the cost of meeting the accessibility requirement, available funding and other resources, and a plan for providing equally effective alternate access. The ADA/504 Coordinator will maintain records of all evaluations, related documentation and summary reports. Exceptions to this policy will be communicated to the President's Office via the Chief of Staff.

When exceptions to this policy are granted, appropriate accommodations will be provided as needed.

#### **8. Future Technologies**

As new technology is developed, this Policy will be modified to address the new technology based on the procedures, standards, and responsibilities listed herein.

### **IV. Training, Support, and Resources**

The University shall provide training, support, and resources necessary to assist employees in achieving compliance with this Policy including, but not limited to, webpage design and creation, classroom instructional material, production of media content, and classroom technology.

### **V. Compliance**

The ADA/504 Coordinator shall oversee compliance with this Policy and with state and federal law prohibiting discrimination on the basis of disability and requiring reasonable accommodation. Questions or concerns regarding compliance with this Policy or complaints of discrimination should be directed to the ADA/504 Coordinator [509-313-5996].

Each individual employee and supervisor responsible for web content, instructional materials, or document creation must also understand this Policy and how to provide accessible content. These employees and supervisors must also monitor and evaluate the content of their web pages, electronic instructional materials, electronic documents, and electronic media regularly for accessibility.

## **Interim Events Policy**

### **A. Preamble**

Gonzaga University is an exemplary learning community that educates students for lives of leadership and service for the common good. In keeping with its Catholic, Jesuit, and humanistic heritage and identity, Gonzaga models and expects excellence in academic and professional pursuits and intentionally develops the whole person -- intellectually, spiritually, culturally, physically, and emotionally.

Through engagement with knowledge, wisdom, and questions informed by classical and contemporary perspectives, Gonzaga cultivates in its students the capacities and dispositions for reflective and critical thought, lifelong learning, spiritual growth, ethical discernment, creativity, and innovation.

To serve these objectives, members of the University community must be free to engage the full range of views on a variety of subjects. They may, therefore, consistent with the processes and standards below, invite speakers to campus and produce events on campus that promote the University's values, as well as those that express ideas or opinions that are contrary to Catholic doctrines and teachings.

Recognizing that the University's engagement and cultivation of students occurs communally over time, and its success must not be measured by a single event, the following standards and procedures govern such activities.

### **B. Standard**

Permission to invite a guest speaker or to host an event for the public on campus may be denied altogether if:

1. The speech or event would not constitute a legitimate educational experience or otherwise contribute to the University's mission; or
2. The speech or event is likely to confuse the public or students about or offend the University's core values or mission as a Catholic, Jesuit, humanistic institution by advocating positions or activity contrary to Catholic teachings and the person or group seeking permission refuses to accept provisions for appropriate response or counter-programming; or
3. There is a substantial risk that the speech or event would conflict with University policies concerning the creation of a hostile learning environment;
4. The speech or event poses a substantial risk to the physical safety of members of the University community; or
5. There is a substantial risk that the speech or event would disrupt classes, obstruct access to campus facilities, or otherwise interfere with other ongoing University events or activities; or
6. The speech or event would violate the law.

### **C. Process**

1. A student or student group wishing to invite a guest speaker to campus or to host an event for the public on campus must follow the policies and procedures adopted by the Vice President for Student Development regarding guest speakers and events. This will require



obtaining advance approval from the Vice President for Student Development, so that the standards of paragraph 1 will be applied before any invitation is made.

2. Because faculty are representatives of the University and implementers of its mission, faculty wishing to invite a guest speaker to campus or to host an event on campus shall seek the advice of colleagues, the most appropriate department chair, and their dean before extending an invitation or planning an event that is likely to confuse the public or students about or offend the University's core values or mission as a Catholic, Jesuit, humanistic institution. If the faculty member's judgment about a speaking invitation or event is questioned, the Academic Vice President shall make the initial determination as to the propriety of the speech or event, in light of the rationale and considerations offered by the faculty supporting the event.
3. In reviewing any request for a guest speaker or event, the Vice President for Student Development or Academic Vice President may impose conditions to ensure consistency with the standards of paragraph 1. Any decision of the Vice President for Student Development or the Academic Vice President to grant, deny, or condition permission for a guest speaker or event must be provided to the interested parties and may be appealed to the President. The President shall have final authority to grant, deny, or condition usage of University property for any guest speaker or event.
4. In exercising this authority, the Vice President for Student Development, Academic Vice President, and President shall:
  - a. Give due consideration to the standards of paragraph 1; the educational content and value of the proposed speech or event; the degree of faculty involvement in planning the speech or event; the academic or educational context for it; and the amount of co-sponsorship by faculty and campus organizations.
  - b. Seek, where possible, modifications to the speech or event that, short of prohibiting it, would address the concerns about it. Such actions may include issuing disclaimers, requiring that a question and answer period immediately follow the speech or event, creating counter programming at a different time, balancing the speech or event with opposing views, changing the date of the speech or event, or otherwise providing appropriate context for those attending
  - c. Give the persons and groups supporting or opposing the speech or event an opportunity to be heard.
5. To avoid unnecessary future conflict and facilitate future decision making by members of the University community, when the President exercises his authority to permit, condition, or deny permission for a guest speaker or event, he shall communicate to the University Community his reasons for doing so in a timely manner.

#### **D. Disclaimer**

An invitation to a guest speaker or production of an event does not in any way imply approval, endorsement, or sponsorship by Gonzaga or by those making the invitation or planning the event of the views expressed by the speaker or any aspect of the event.

# **Federal Family and Medical Leave Act Policy**

## **A. Purpose**

In accordance with the federal Family and Medical Leave Act of 1993 (FMLA), Gonzaga's policy is to grant up to 12 weeks of unpaid, job-protected leave during a rolling 12-month period to eligible employees, and up to 26 weeks in compliance with the expansion of the FMLA under The Support for Injured Service Members Act of 2007. The leave may be paid, unpaid or a combination of both depending on the circumstances of the leave and available paid leave accruals.

## **B. Eligibility**

An eligible employee must have one year of service and have worked at least 1,250 hours during the 12 months preceding the leave request.

## **C. Types and Duration of Leaves Covered**

An eligible employee is entitled to 12 weeks (26 weeks to care for an injured or ill service member) under this policy during a rolling 12-month period.

1. Care for an employee's child after birth, adoption, or foster care placement. The leave must be completed within 12 months of the date of birth or placement. The right to take leave under FMLA applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption or foster care of a child. If both parents work for Gonzaga the leave is a combined total of 12 weeks.
2. Care for an immediate family member with a serious health condition.
3. Employee's serious health condition that renders the employee unable to perform his or her job functions.
4. Care for needs of an immediate family member called to active duty, or on active duty, in the Armed Forces. Needs may include helping the family member prepare for the departure or caring for the children of the service member. The leave may commence as soon as the individual receives the call-up notice. Employees must provide proof of the qualifying family member's call-up or active military service before leave is granted.
5. Care for an immediate family member who is a wounded veteran, or an immediate family member who is injured or ill, or recovering from an injury or illness suffered while on active military duty, and who is unable to perform the duties of the service member's office, grade, rank or rating. This leave may extend to up to 26 weeks in a 12-month period. If more than one family member works for Gonzaga and each wishes to care for the same injured or ill service member, the leave is combined to a total of 26 weeks.

Employees must provide certification of the family member's injury, recovery or need for care.

## **D. Procedures**

1. Employees applying for Family and Medical Leave must complete a Leave of Absence Request Form. This form must be accompanied by the Certification of Health Care Provider form for a medical leave or proof of the qualifying family member's call-up or active military service or certification of the military family member's injury or illness. The Leave of Absence Request form and Certification of Health Care Provider forms are available in HR or on the website at [www.gonzaga.edu/benefits](http://www.gonzaga.edu/benefits).

2. Request for leave should be submitted 30 days in advance. If 30-day's notice is not possible notice must be given as soon as possible.
3. Employees are required to use all available paid leave (i.e.; sick, personal leave and/or vacation, when applicable) before going to unpaid status.
4. Gonzaga has the right to require a second medical opinion from a health care provider selected, and paid for, by Gonzaga for the serious illness of an employee, or non-service member family member. A third opinion may also be required. The selected health care provider may not be employed on a regular basis by Gonzaga.
5. While on leave, employees are requested to report periodically to their supervisor regarding the status of the medical condition, and their intent to return-to-work.

## **E. Definitions**

1. "Serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
2. An "immediate family member" includes:
  - a. Employee's spouse;
  - b. "Son" or "daughter" is any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day-to-day basis and for whom the employee is financially responsible. A "son" or "daughter" is also a child over 18 who is incapable of self-care because of a qualifying disability. For care of needs, or care for an injured or ill service member, a son or daughter can be over age 18.
  - c. Parent is a biological parent or individual who assumed day-to-day and financial responsibility for the employee when the employee was a child (not parent-in-law);
  - d. Next-of-kin of the injured or recovering service member is defined as the closest blood relative.
3. A "health care provider" is any doctor of medicine or osteopathy, podiatrist, optometrist, and any nurse practitioner, or nurse midwife performing within the scope of his or her practice as defined under state law.
4. The "12-month period" will be calculated by determining the amount of leave used by an employee for the 12 months prior to each day for which leave is requested and subtracting that number from the total days equal to 12 work weeks (or 26 weeks for the care of the ill or injured service member.) This is referred to as the "rolling" method of calculation. Employees will be advised when requesting leave of the amount of Family and Medical Leave they have available.

## **F. Health Benefits**

1. Health benefits will be continued during the leave on the same basis as before the leave. The employee is required to continue to pay the employee portion of any health insurance premiums normally deducted from the employee's paycheck and shall pay such amounts at the time contributions are normally deducted. All the amounts due Gonzaga because of unreimbursed health benefits provided during the leave will be deducted from the employee's pay upon return. NOTE: The Washington State Family Care Rule that extends protected leave for parent-in-laws and grandparents does not include continuation of medical and dental benefits paid by Gonzaga during unpaid leave periods.
2. An employee may self-pay on other group benefits during the unpaid leave.

## **G. Intermittent Leave or a Reduced Work Schedule**

1. The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take it periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12-month period or 26 weeks for the care of the ill or injured service member.
2. For intermittent leave or leave on a reduced hour schedule, there must be a medical need for the leave as documented by the Certification of Health Care Provider form for a serious health condition.
3. An employee needing intermittent leave or leave on a reduced hour schedule must attempt to schedule their leave as not to disrupt departmental operations.
4. Gonzaga may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

## **H. Reinstatement**

1. An employee taking leave under this policy will be returned to the employee's same position or to an equivalent position, unless the employee would have been terminated in the absence of any leave.
2. Before returning from a leave for the employee's serious health condition, the employee must have a medical release from a health care provider authorizing the return and stating any applicable work restrictions.
3. Upon receiving notice that the employee is not returning to employment with Gonzaga, or should the employee simply fail to return or return to employment with Gonzaga for fewer than thirty days after leave has ended, the employee shall owe Gonzaga the cost of any benefits provided during leave, including both the employer and any employee premiums. No such amount shall be owed if there is a recurrence or onset of a serious health condition.

*Information on the Washington Family Leave Act and Washington Family Care Act can be found in Part 1, Section IV: Absence from Work*

# **Gonzaga University Closing Policy**

## **A. Purpose**

The purpose of this policy is to inform Gonzaga employees about how and when decisions will be made to close campus in the event of emergency situations (severe weather, public health, pandemic, power failure, etc.) and guidelines regarding time off when Gonzaga is officially closed. During such periods, Gonzaga reserves the right to close the administrative, offices, academic schools, and other functions and operations of Gonzaga.

Gonzaga University will remain open unless it is determined that safety is compromised by emergency situations or lack of utility services. In certain circumstances, essential facilities or services will be open even though in-person classes are canceled.

## **B. Definitions**

1. **Essential Employee**: Employees designated to report to work in the event of campus closure to maintain minimum levels of service. Essential employees will be defined based on the specific emergency circumstance and determined by the department head or designee, dean or vice president and communicated to the employee in accordance with department communication plan.
2. **Campus Closure**: Entire campus is closed for business operations and classes are canceled. Essential employees may be called in as necessary.
3. **Campus Open/Classes Canceled**: Business operations will remain open; however, the Academic Vice President may cancel classes.
4. **Opening Delayed**: Campus will be opened for business and classes after a brief delay. This is generally when reports suggest that conditions will improve within a brief period of time.
5. **Campus Closed/Classes Operating Remotely**: Campus will be closed for business operations and classes will continue remotely. Essential employees may be called in as necessary.

## **C. Procedures**

1. The determination to close Gonzaga will be made by the President in consultation with others. Generally, a campus closure decision will be made by 6:00 a.m. daily.
2. Notification of campus and/or class cancellations or delays may include: recorded notification on the Gonzaga University's Information Line at 509-313-5666; email, Gonzaga's main web-page ([www.gonzaga.edu](http://www.gonzaga.edu)), information and public announcement to the local news media. Campus closure/cancellation information may be accessed by calling 509-313-5666 after 6:00 a.m. daily.
3. Because conditions will vary considerably during an emergency closure, each employee must individually assess his/her unique situation and determine if he/she can safely report to work. Employees not reporting to work in accordance with their work schedule due to the emergency situation should consult with their supervisor to determine the appropriate time reporting code.
4. If the emergency situation affects scheduled events such as athletics, theater, library hours or related activities, department heads may contact the Gonzaga switchboard and the Office of Public Relations to provide information to anyone who calls.
5. The Campus Public Safety and Security office is open 24 hours. If you have an emergency, or need additional information or assistance, you may contact them at 509-313-2222.

## D. Application

### 1. Compensation Method for Emergency Situations or Closures

If an announcement is made to close Gonzaga University employees will be paid at their regular rate of pay, if they were scheduled to work during the period of declared closure. Staff on prearranged vacation, personal days or sick leave on the day of closure will be paid as they would have been had Gonzaga been open, and they will not receive closure pay or alternate time off. Similarly, staff on leaves of absence will not be paid for the emergency closure day.

If Gonzaga has determined to keep Gonzaga University operational during an emergency situation, each employee must individually assess his/her unique situation and determine if he/she can safely report to work. If the employee chooses not to come in to work due to the emergency situation employees should consult with their supervisor to determine the appropriate time reporting code and may choose to take a vacation day or personal day or make up the time, provided they do so in the same pay-period with supervisor approval. Non-exempt employees may not work more than 40-hours in a workweek without prior supervisor approval.

If an employee is designated an essential employee for this closure and the employee comes in to work on a regularly scheduled day in which Gonzaga closes, that employee will be granted an alternate day off to be used within thirty days. If a non-exempt essential employee works a partial day, the employee will be granted the equivalent hours off on an alternate day to be used within thirty days.

If Gonzaga closes mid-day or an employee works a partial day Gonzaga will pay the employee the remainder of their regularly scheduled hours.

If an employee is called in as essential personnel on a regularly scheduled day off, the employee will be compensated at their regular rate of pay and paid any over time if applicable but will not receive an additional day off.

For clarification on call-in procedures, employees should reference their specific departmental call-in procedures (i.e. Plant Services, ITS, Security, etc.).

### 2. Limitations & Exclusions

Employees will be paid up to three business days of regularly scheduled days during emergency closure status. Beyond three days, the President in consultation with others will re-evaluate the situation to determine a future course of action.

Depending on the needs of the department, a department head may require staff to work on an emergency closure day. Staff members who are required to work are responsible for their own transportation to and from Gonzaga or when appropriate, telecommuting. If a staff member who is required to work cannot make it in due to inclement conditions, they must notify their supervisor as soon as possible.

Temporary staff members include employees who work through an agency or are non-regular employees who are employed for a specific period of time, season, or non-recurring work project and not eligible for Gonzaga university-sponsored group benefits. Temporary employees are not eligible for pay during emergency closures, unless they are required to work. If they are required to work during a closure, they will be paid only for the time worked for that day and shall not receive an alternate day off. Employees who telecommute during an emergency closure should also reference **Part 2: Telecommute Policy**.

## **Grievance Policy**

### **A. Policy**

1. Employees may utilize the Grievance Policy to grieve a Corrective Action Plan (CAP), Letter of Expectations (LOE), or termination of employment or when they believe a Gonzaga policy or procedure has been violated or improperly interpreted or applied. All other issues involving interpersonal conflict with peers, conflict with supervisors or direct reports, and performance issues should be handled through Section VII: Employee Relations and Conflict Resolution of the *Gonzaga University Policies and Procedures Manual* (PPM). Gonzaga's HR department can assist employees with facilitated discussions, mediation, consulting, problem solving and other techniques utilizing both internal and external resources.
2. Complaints alleging harassment or discrimination are filed under Section I.C. Harassment and Discrimination of the Gonzaga University PPM, and complaints alleging denial of accommodation are filed under the **Access and Accommodation for Persons with Disabilities Policy** found in Part 2 of the Gonzaga University PPM.
3. Former regular employees who have been dismissed shall start this process at Step 2 and must submit a Grievance Resolution Form within five (5) working days of their employment end date.
4. This policy is optional for Executives, particularly when dismissal is involved, because of the sensitive nature of these positions and their impact on Gonzaga operations. This procedure may be used for Executive-level positions only with the President's approval.
5. Performance reviews are not covered under this Grievance Policy. Performance reviews should be handled through divisional management levels up to the area vice president.
6. Complaints alleging harassment or discrimination against faculty members are filed under **Faculty Handbook Section C300 Complaint Procedures When a Faculty Member is the Accused**.

### **B. Procedure**

**Step 1: Initial Investigation with HR for harassment/discrimination issues-** this step is designed to resolve the situation informally through discussion and agreement.

1. The complainant may contact HR directly or complete an Issue Clarification Form and submit it to the Assistant Director Equity and Inclusion within HR at:

Gonzaga University  
HR Department  
102 East Boone Avenue, Spokane  
(509) 313-5996, [www.gonzaga.edu/hr](http://www.gonzaga.edu/hr)

2. The Assistant Director Equity and Inclusion or designee conducts a preliminary inquiry and attempts to resolve the situation by:
  - a. Working directly with the complainant, respondent(s), supervisors, directors and other administrators to clarify policies and procedures, and enhance communication and understanding.
  - b. Assisting the complainant to articulate issues and serving as liaison between the complainant and the respondent(s).
3. Most situations are positively resolved through facilitation within a reasonable timeframe. If the situation is urgent, the Assistant Director Equity and Inclusion or designee will work diligently to

expedite resolution. The Assistant Director Equity and Inclusion or designee will communicate progress and provide a resolution to all parties.

4. If the complainant does not believe the situation has been appropriately resolved at Step 1, he/she may proceed to Step 2 by completing the Grievance Resolution Form and submitting it to the Assistant Vice President of Human Resources (AVPHR) within five (5) working days after receiving the Step 1 decision. The AVPHR will inform the complainant and respondent(s) of this process.

**STEP 2: Grievance Resolution Process** - For employees grieving receipt of a CAP or LOE, this step is designed to address problems that the complainant believes were not resolved at Step 1: Initial Facilitation with HR. Step 2 also is used by staff and students who wish to grieve decisions made through the Harassment/Discrimination Policy or the Access and Accommodation for Persons with Disability Policy. Additionally, former regular employees who are grieving their termination of employment start at this step.

1. The complainant completes the Grievance Resolution Form (GRF) or other documented notice and submits it to the AVPHR within five (5) working days after receiving the decision in Step 1.
2. The AVPHR provides copies of the GRF to the employee's immediate supervisor, divisional vice president or cabinet representative, and respondent(s).
3. The AVPHR conducts a review of the case file to ensure completeness, conducts an investigation where necessary, assesses the findings and determines whether a violation of law or Gonzaga policy or procedure occurred.
4. The AVPHR selects an executive-level representative to serve as Review Officer who is free of conflicts of interest in the case. The AVPHR will ensure the Review Officer has all information in the record, and other documentation as may be requested to consider the grievance.
5. The Review Officer may meet with complainant, respondent(s) and other persons as appropriate, or make a determination on the written investigative record only.
6. The Review Officer communicates the decision in writing to the complainant and the AVPHR within a reasonable timeframe after receiving the Grievance.
7. This is the final recourse within Gonzaga for all but former employees.

**STEP 3: Appeal Process** - this step is available only to former regular employees whose employment has been terminated.

1. If a former employee is dissatisfied with the Review Officer's decision in Step 2, he/she may appeal by completing the Appeal Form and submitting it to the AVPHR within five (5) working days after receiving the Review Officer's written decision. The AVPHR will provide a copy of the Appeal Form to the respondent(s) to the Grievance, who have the right to respond in writing. Any response must be filed with the AVPHR, who will provide a copy of such to the former regular employee filing the appeal.
2. The appeal will be heard and resolved by an Appeal Officer (typically another executive-level representative) who is not in the former employee's management levels and has not previously been involved in the situation that led to the Grievance.
3. The President designates the Appeal Officer.
4. The Appeal Officer may request anyone to meet to discuss the appeal and may request anyone to submit written materials. The AVPHR will ensure that the Appeal Officer has all documentation of previous steps.



5. The Appeal Officer normally issues a written decision on the appeal within a reasonable timeframe after the appeal is received. The decision will determine the validity of the appeal and its resolution. The AVPHR will send copies of the appeal decision to the former employee and respondent(s).
6. This appeal is the final recourse within Gonzaga.

### **C. HR Role and Records**

1. The AVPHR or designee oversees this Grievance procedure, explains steps, clarifies and interprets personnel policies and procedures, conducts preliminary inquiries and investigations, and ensures that the Review and Appeal Officers are fully informed of all relevant information.
2. HR maintains a written record of all proceedings in a confidential file, not in an employee's personnel file, for at least three (3) years after resolution. Information concerning the Grievance, the complainant, or any person named in the Grievance is confidential.

### **D. Protection Against Retaliation**

Gonzaga is committed to ensuring employees are free from retaliation. It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.

### **E. Outside Remedies**

Gonzaga's intention is that complaints are resolved internally. However, employees may file a complaint with these federal and state agencies:

#### **Washington State Human Rights Commission**

Information and Complaints  
1-800-233-3247  
1-800-622-2755 (Spanish)

#### **Washington State Human Rights Commission**

Spokane District Office  
1330 N. Washington St., Suite 2460  
Spokane, WA 99201  
(509) 568-3196

#### **Equal Employment Opportunity Commission**

Federal Office Building  
909 First Ave  
Seattle, WA 98104  
(800) 669-4000

#### **U.S. Department of Education**

Office of Civil Rights  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
(206) 220-7900  
TDD (877) 521-2172

#### **U.S. Department of Labor**

Office of Federal Contract Compliance Programs  
1111 Third Ave., Suite 745  
Seattle, WA 98101  
(206) 398-8000

#### **Washington State Employment Security**

130 S. Arthur  
Spokane, WA 99202  
(509) 532-3000

#### **U.S. Department of Justice**

950 Pennsylvania Avenue, NW  
Washington, DC 20530-0011  
(202) 514-2000

## **Information Technology Use Policy**

For the ***Information Technology Policy***, please visit the Resources tab on the [Information Technology Services website](#), or go directly to the [Information Technology Use policy](#).

## **Institutional Memberships Policy**

### **A. Purpose**

As an educational institution and as a corporate citizen, Gonzaga University holds membership in a wide variety of organizations. These institutional memberships range from the Association of Jesuit Colleges and Universities, the Independent Colleges of Washington, the West Coast (athletic) Conference, and the Association of American Law Schools to the Spokane Area Chamber of Commerce and the Sister Cities Association.

In addition to these institutional memberships, a significant number of Gonzaga faculty and staff belong to professional, civic, and community organizations. When deemed to be in the best interest of Gonzaga, funding is at times made available for these individual memberships as well.

### **B. Procedure**

In an effort to control increases in expenditures for institutional and Gonzaga-funded individual memberships, specific approval of institutional or Gonzaga-funded individual memberships must be secured from the appropriate area vice president. Approval is required for both annual membership renewals and requests for new organizational or individual memberships. The Purchasing Office will not accept a requisition nor will the Controller's Office make payment without such approval. In academic departments, the signature of the Dean is required before forwarding the purchase requisition/payment voucher to the AVP office.

## **Lactation Time Away from Work Policy**

To assist the transition of women from maternity leave back to work following the birth of a child, Gonzaga provides reasonable time away from work for lactating mothers to express breast milk, and will provide a private room or other location, other than a restroom, in proximity to the work area for such activity.

The time away from work for lactating mothers should, to the maximum extent possible, run concurrently with break times already provided. Supervisors should be flexible in allowing mothers to select appropriate times to utilize an appropriate space/room.

Lactation room locations can be found at: [www.gonzaga.edu/benefits](http://www.gonzaga.edu/benefits), under the “Work/Life Benefits” section. Visitors to campus may access these spaces by contacting the appropriate service desk as indicated on that webpage. Employees and students wishing to develop a schedule for use and individual access to a space should contact Accommodations (employees) at 509-313-5852 or Office of Disability Access (students) at 509-313-4134 as appropriate.

Lactation spaces will be keyed for privacy. They will also be equipped with comfortable seating, a table and an outlet.

If an employee has concerns regarding access to a private location, contact HR at 509-313-5996 for assistance.

## **Media and Public Relations Policy**

### **A. Media Relations**

Gonzaga has established the following procedures to distribute news and information to the news media.

1. All information about Gonzaga events, i.e. music, art, theatre, lectures, presentations, should be entered by the sponsoring department's calendar representative on the Gonzaga University Web events calendar as far in advance of the event as possible. The Public Relations Office will disseminate a weekly media tip sheet to alert media to upcoming events.
2. All other news and information except that directly related to the Athletic Department should be released to the media through the Public Relations Office. Athletic Department news and information should be released through the Sports Information Office.
3. The decision to release information, date and content of release will be the responsibility of the Marketing and Communications Department and/or the Vice President for University Advancement.
4. When information released to the media affects Gonzaga policy or reputation, the following Gonzaga officials will be notified in the order listed:
  - a. Vice President for University Advancement
  - b. Gonzaga President
  - c. Academic Vice President, Vice Presidents for Student Development, Finance, Mission, and Administration and Planning.

After the Vice President for University Advancement and the President are notified, the vice president directly affected will be contacted first and all others as quickly as possible thereafter.

If the President and all vice presidents are unavailable, the Marketing and Communications Department will seek advice from other Gonzaga officials knowledgeable about the affected area and make whatever announcement is deemed prudent, and continue attempts to reach the President and vice presidents.

5. Individuals contacted for comments, opinions, or as experts in their fields of study are encouraged to respond, at their own discretion, to questions relating to their areas of expertise. Employees should notify the Marketing and Communications Department that a media representative has contacted them.
6. When faculty, administrators or staff are questioned about Gonzaga operations, they should refer all questions to the Marketing and Communications Department that will then involve the appropriate Gonzaga spokesperson to speak on behalf of the university.

As with any written policy, all contingencies cannot be anticipated but common sense should prevail in any course of action.

### **B. Public Relations**

The Marketing and Communications Department must be notified as soon as possible when situations or events occur which ultimately may require a public statement of Gonzaga position. When the Marketing and Communications Department is not immediately available, the Vice President for University Advancement will be the spokesperson.

1. The Marketing and Communications Department must be:
  - a. Apprised of circumstances
  - b. Involved in early discussions concerning the situation
  - c. Informed about facts pertinent to the situation
  - d. Made aware of other Gonzaga policies that bear on the event
  - e. Made aware of positions taken by the President and/or the Board of Trustees which may affect specific situations
2. Administrators speaking on behalf of Gonzaga should review prepared statements, questions that may arise, and direction on Gonzaga policy with the Marketing and Communications Department.
3. Early involvement of the Marketing and Communications Department will enable the department to:
  - a. Review all aspects of the situation
  - b. Arrange a system of obtaining information
  - c. Help those involved develop an official Gonzaga position
  - d. Anticipate questions from the media
  - e. Prepare a list of questions to be avoided
  - f. Respond to negative situations in the manner most favorable to Gonzaga

In an emergency situation, those directly involved will address the issue, and the Marketing and Communications Department will respond to questions from the public, on behalf of the university.

# **Patents Policy**

## **A. Purpose**

This policy establishes guidelines for inventions, improvements, and discoveries resulting from the work of Gonzaga University faculty, administrators, staff, students, research associates, visiting scholars, and anyone employed by Gonzaga.

Gonzaga's main interest in research is training future scientists and engineers, and promoting new knowledge and understanding for the general benefit of humankind - not to financially benefit from inventions. However, marketable inventions or discoveries may result from Gonzaga research activities. In such cases, it is in the best interest of the inventor, Gonzaga, and the public that a patent be applied for and obtained, if possible, as outlined in this policy.

## **B. Patentable Inventions**

1. **Preamble**: Gonzaga University considers and, where appropriate, assists in patenting and commercially developing any discovery or invention accomplished with Gonzaga support. This policy encourages creative intellectual effort, furthers the advancement of knowledge for the public benefit, protects the respective interests of all parties involved, and assists the inventor and Gonzaga in realizing tangible benefits from inventions, improvements and discoveries.
2. **Applicability of the Policy**: This policy applies to all inventions, improvements and discoveries, whether patentable or not, which are conceived or reduced to practice through research and development supported by Gonzaga-owned or administered funds, equipment, facilities, materials, or services. Such inventions, improvements and discoveries are referred to as "Gonzaga inventions," and the term "inventor" refers to Gonzaga University faculty, administrators, staff, students, research associates, visiting scholars, or anyone employed by Gonzaga.

Inventions resulting from an inventor's efforts on his or her own time and without the aid of Gonzaga facilities and/or equipment are the inventor's sole property. Gonzaga does not claim any rights to inventions resulting from outside duties or use of Gonzaga facilities and/or equipment.

3. **Disclosure of Inventions**: As soon as reasonably possible, the inventor will disclose in writing his or her invention to the dean of his or her academic area. The Dean will inform the Academic Vice President, who will convene the Patent Committee. The Dean of the College of Arts and Sciences and the Dean of the School of Engineering are ex-officio members of the Patent Committee, and will annually alternate the Chairpersonship of the committee. Other committee members are one trustee appointed by the Chairperson of the Board of Trustees for a three-year term, one regent appointed by the President of the Board of Regents for a three-year term, and three faculty elected by the Faculty Assembly for staggered three-year terms. The committee must be kept fully informed, in writing, about the progress of research and development of an invention. Committee decisions will be in writing and a copy forwarded to the inventor.
4. **Ownership and Disposition of Inventions**: As to each Gonzaga invention, the committee shall decide whether:
  - a. The invention will be submitted to Research Corporation Technologies or to another similar non-profit organization for patenting, marketing, etc., subject to the reservation of agreed upon rights, and upon acceptance, assigned and transferred to such organization.

- b. The invention will remain in Gonzaga's ownership. If patents are applied for by the inventor at Gonzaga's expense and if a patent or patents are granted, the inventor will assign the patent or patents to Gonzaga for administration.
- c. The invention will be released to the inventor who may apply for a patent at his or her own expense. Under this alternative, the inventor shall grant to Gonzaga a royalty-free, irrevocable, non-exclusive license to make or use the invention for its own purposes.

Depending on the circumstances of each case, all Patent Committee decisions will be made promptly. If the Committee fails to act within six months of the original disclosure notice, it will be presumed that the Committee determined that the invention will be released to the inventor who may apply for a patent at his or her own expense.

- 5. **Distribution of Royalties from Inventions:** To recognize the inventor's meritorious services and to encourage basic and applied research, Gonzaga University will share the proceeds from patents with the inventor. The inventor or inventors will receive sixty percent of the net royalties received by Gonzaga, and Gonzaga will retain forty percent. Gonzaga's share will be maintained in a separate account dedicated to the support of research. In each instance of receipt of net royalties, one-half of Gonzaga's share will be allocated to the inventor's department. Net royalties are defined as the total proceeds Gonzaga receives from marketing and selling the invention less expenses incurred by Gonzaga, including patent and/or litigation costs, consulting and professional fees, commissions paid to others, travel expenses, telephone and reproduction costs, and any other identifiable expenses.

If the inventor receives release time from his or her regular duties to work on the invention, a separate agreement for the distribution of royalties will be entered into and signed by Gonzaga and the inventor. This agreed distribution may vary from the formula stated in the preceding paragraph.

- 6. **Sponsored Research:** If the research and development is financed jointly by Gonzaga and one or more third parties, or solely by one or more third parties, Gonzaga and the principal investigator (inventor) will confer with the third party or parties concerning a mutually satisfactory agreement regarding ownership, licensing, royalties, and use of any results from the work. Most agreements provide that Gonzaga will take title to inventions and will grant certain license rights to the sponsor.
- 7. **Resolution of Disputes:** Any inventor requesting an exception to this policy or challenging a patent decision made by the Patent Committee on behalf of Gonzaga may appeal to the Academic Vice President. The appeal must be in writing and may be submitted by the inventor as argument in opposition to the Committee's report. A copy of the inventor's written argument will be submitted to the Committee, and the Committee may submit a written answer to the inventor's argument. If the Committee submits such answer, the inventor will be given the opportunity to respond.

The Academic Vice President will establish a time schedule for filing the documents in the appeal process. Such schedule will be strictly adhered to unless the Academic Vice President grants an extension or extensions. The Academic Vice President's decision on the appeal will be final and will be explained in writing to the inventor.

### **C. Effective Date, Amendments and Revisions**

The Patent Committee will review this policy at least every five years, or more frequently by request of the President or the Academic Vice President. Before taking effect, revisions recommended by the Committee must be approved by the Academic Vice President, the President and the Board of Trustees.



## **Public Expression of Personal Views Policy**

When making public expressions of personal views, Gonzaga employees must take steps to assure they are not identified as Gonzaga spokespersons or representatives. If you identify yourself as a Gonzaga employee on any posting, refer to the work done by Gonzaga, comment on any aspect of Gonzaga's business or any policy issue in which Gonzaga is involved and in which the employee may have responsibility, or provide a link to Gonzaga's website, the employee should include the following disclaimer in a reasonably prominent place – The views expressed on this post are mine and do not necessarily reflect the views of Gonzaga University.

As a tax-exempt organization, Gonzaga is prohibited from participating in political activities. This prohibition includes, for example, endorsing candidates for political office or engaging in lobbying activities related to legislative initiatives. Therefore, Gonzaga employees are cautioned to take extraordinary steps to assure that personal involvement in such activities does not infer endorsement or support by Gonzaga. Unless directly approved or authorized, do not use Gonzaga's name to promote a product, service, or political party or candidate.

# **Reductions-In-Force for Employees Policy**

## **A. Purpose**

While Gonzaga's goal is to provide a stable work environment, Gonzaga's staffing needs change over time. These variations may be related to program, functional, or enrollment changes; reorganization; lack of work; the reduction, elimination or reallocation of funding sources; or for other reasons determined by Gonzaga administration. When circumstances necessitate a reduction-in-force, certain employees may be separated from Gonzaga through layoff, reduction of hours/days worked, and/or consolidation of positions. The administration reserves the right to implement such personnel actions in the best interest of Gonzaga. All personnel actions will comply with applicable federal and state laws and Gonzaga's policy on non-discrimination. Nothing in this policy shall be construed as creating a contractual right to continuing or permanent employment or to change the existing employment-at-will status of employees.

## **B. Definitions**

1. **Reduction-in-force**: A reduction in the employment of current staff through temporary or permanent layoff, reduced hours/days worked, or consolidation of positions.
2. **Temporary Layoff**: Gonzaga-initiated unpaid leave with the general expectation of recall to work within six months from the time the layoff begins.
3. **Permanent Layoff**: Termination of employment with Gonzaga with no expectation of recall.
4. **Reduction of hours/days worked**: As an alternative to layoff, Gonzaga may reduce the number of hours or days to be worked in a work period.
5. **Consolidation of positions**: Existing positions may be consolidated at Gonzaga's discretion. This will normally result in the reassignment and/or permanent layoff of affected identified employees.
6. **Furlough**: Gonzaga reserves the right, at its discretion, to implement short, temporary unpaid furloughs for all classifications of employees other than those with employment contracts.

## **C. Criteria for Determining Reductions-in-Force**

Reductions-in-force will be planned to consider appropriate treatment of identified employees, the impact upon affirmative action and diversity objectives, and compliance with Gonzaga policy. Decisions will be made on the basis of Gonzaga needs and work requirements. These decisions will not reflect adversely upon the job performance, employment and reference record of employees impacted by these actions.

1. **Selection**:
  - a. The reduction-in-force policy is not intended as a means of removing unsatisfactory employees whose below standard performance or unprofessional conduct has not been addressed and documented through performance review, Performance Notice, CAP/LOE, discipline, and other appropriate methods. However, employee performance may be considered in reduction-in-force determinations if proper attempts have been made to address the performance or conduct issue, and appropriate documentation of these efforts exists.
  - b. When employee skill, productivity, value and performance levels are deemed by management to be substantially equal, length of service with Gonzaga and diversity objectives may be considered in selecting employees for reductions-in-force.

- c. In consultation with deans, supervisors, and/or directors, the area vice president will determine which positions from the area will be affected by reductions-in-force. This analysis will include consideration of alternatives for reorganization, restructuring, and/or consolidation for efficiency and operational requirements.
- d. The following general guidelines will normally determine the priority in which employees will be affected by a reduction-in-force in a given area:
  - i. Temporary employees will normally be laid off first, except where special skills are required.
  - ii. Part-time employees will normally be laid off next, except where special skills are required.
- e. If regular employees are to be laid off, the following factors will be considered:
  - i. Employees in their first six months of employment will normally be laid off before other regular-status employees in the same department or area, provided the retained employees have the skills and abilities to perform the available work.
  - ii. While length of service will be considered, it will not be the sole criteria for determining which employees are to be laid off or retained. Relative capabilities, adaptability, teamwork, and people skills may also be compared and considered.
  - iii. Length of service may be the determining criteria where the decision makers perceive no material difference in the other designated factors.
- f. Individuals whose positions are reduced or eliminated may not automatically assume a similar position occupied by an employee with less length of service. For example, if shifts are eliminated due to consolidation or reorganization, the individuals currently working those shifts will not automatically be allowed to take the position of an individual on another shift based on length of service. The decision as to who will be retained on the remaining shifts will be based on the criteria outlined above.

## 2. **Notification:**

- a. The HR Department will assist departments in developing communication strategies to notify identified employees.
- b. Employees will be notified in writing and in person whenever possible by the department supervisor and a HR Representative.
- c. Length of Notice: all classifications of employees will be given a minimum of four weeks' notice. However; Gonzaga may pay employees in lieu of providing the minimum notice period.
- e. Employees who are required to continue to work during the notice period may request reasonable time off with pay for activities related to a job search. The immediate supervisor and HR must give prior approval for such activity.
- f. Should an employee resign after receiving written notice of temporary or permanent layoff, (i.e., to accept a position outside Gonzaga) payment will not be made for the balance of the notice period.

## **D. Employee Benefits**

### **1. Permanent Layoff:**

- a. Group Benefits - Coverage for medical and dental benefits will end the last day of the month in which the notice period ends. Life and long-term disability benefits will end on the day of termination.
- b. COBRA (Consolidated Omnibus Budget Reconciliation Act) - If employees and their dependents are not covered by any other group medical plan or dental plan they may continue coverage for a period up to 18 months by paying the monthly premium. Employees will receive detailed information from the third-party administrator of Gonzaga University's COBRA plan regarding their rights to continue coverage and payment schedule.
- c. Retirement Plan - Final contributions to the employee's pension plan will be made when the last paycheck is issued. HR will provide detailed information regarding withdrawal options.
- d. Tuition Waiver - Tuition waiver benefits will continue through the end of the semester in which the notice period ends.
- e. Vacation - All unused and accrued vacation will be paid in the employee's final paycheck. Vacation may not be used to extend the notice period; however, employees will be encouraged to use their vacation during the notice period.
- f. Sick Leave - Unused sick leave is not paid out when employment is terminated.

### **2. Temporary Layoff:**

- a. Group Benefits - Coverage for medical, dental, life and long-term disability benefits will end the last day of the month in which the employee is on paid status. HR will notify employees of their option to self-pay all benefits during their unpaid leave period.
- b. Retirement Plan - Contributions to the employee's pension plan will be made on all earnings received from Gonzaga (including return to a temporary position). Withdrawals from the pension plan can be made only at time of termination. They are not available during unpaid leave periods.
- c. Tuition Waiver - Tuition waiver benefits will continue during the unpaid leave period.
- d. Vacation - Employees must utilize all unused and accrued vacation pay before going to unpaid leave status. Accrued vacation, if any, will be paid if employment is terminated. Vacation does not accrue during unpaid leave periods.
- e. Sick Leave - All accrued sick leave will be carried over upon an employee's return-to-work, but will not be paid out if employment is terminated. Sick leave does not accrue during unpaid leave periods, and it may not be used.

## **E. Employment Assistance**

- 1. **Gonzaga Positions:** Employees on temporary or permanent layoff status are encouraged to apply for Gonzaga positions when such positions are open for recruitment. All employment

opportunities will be posted on the Gonzaga employment website at [www.gonzaga.edu/employment](http://www.gonzaga.edu/employment).

2. **Out Placement Assistance:** Upon request, HR will provide information and assistance in job search techniques, resume and application letter preparation, interviewing skills, and guidelines for unemployment assistance.
3. **Rehire:** As provided by Section 1 B, of the *Gonzaga University Policies and Procedures Manual*, employees rehired by Gonzaga within six months of their permanent lay-off date will be credited with their previous length of service and accumulated benefit eligibility level, consistent with the classification of their new position.

#### **F. Pre-implementation Review**

A proposal to layoff one or more employees pursuant to this policy must be submitted to the Assistant Vice President for HR (AVPHR) and the Equal Opportunity Officer in sufficient time to allow HR to review the proposal before implementation. The AVPHR and the Equal Opportunity Officer will review the reduction-in-force proposal in an effort to ensure that the plan or proposal (a) does not unlawfully impact protected classes of employees, (b) provides appropriately documented programmatic and/or budgetary justification to identify affected positions and employees, and (c) provides appropriately documented justification for the selection of each particular employee for layoff within a classification and level.

#### **G. Appeal Procedure**

Any regular employee directly affected by and who objects to a layoff decision made under this policy shall use the **Part 2: Grievance Policy** to request a review of the decision.

*Faculty should review the Faculty Handbook and individual faculty contracts § 308.00.*

## **Retirement Policy**

Gonzaga provides a 403(b) plan and an optional 457(b) Deferred Compensation Retirement Plan. Gonzaga's formal 403(b) retirement plan allows participants to:

1. Accumulate a substantial portion of retirement benefits for long term service with Gonzaga.
2. Accumulate retirement benefits which can be added to benefits from other employers for those who have served Gonzaga for a shorter time.

### **A. Normal Retirement Age:**

Gonzaga does not have a mandatory retirement age. The normal retirement age of approximately 65 does not apply to eligibility for withdrawals on Gonzaga's retirement plan or other benefits.

### **B. Retirement Plans:**

**403(b) Defined Contribution Retirement Plan** - Beginning the first day of the month following one (1) year of service, all employees working a minimum of 1,000 hours per year must enroll in Gonzaga's 403(b) Defined Contribution Retirement Plan. Employees contribute 5% of their salary and Gonzaga contributes 8.5%.

Employees may make voluntary contributions before one year of service, if working less than 1,000 hours, and above the required contribution after one year of service. Gonzaga does not match voluntary contributions. Voluntary contributions are subject to IRS limitations. All contributions are tax sheltered as provided under section 403(b) of the Internal Revenue Service Code. Employees are 100% vested in all contributions and earnings from their participation date.

**457(b) Deferred Compensation Retirement Plan** - All employees working a minimum of 1,000 hours per year are eligible to enroll in Gonzaga's 457(b) Retirement Plan. By enrolling in the 457(b) plan, employees are eligible to tax-shelter additional contributions beyond the 403(b) plan limits, up to the 457(b) IRS limit. There is no Gonzaga matching contribution.

**Investment Options** - Gonzaga's policy is to use investment vehicles that provide a reasonable return to all participants. Many investment options are available. However, given the nature of retirement funds, Gonzaga selects only those investment options deemed prudent. To minimize risk, Gonzaga uses major financial service organizations with high industry ratings, substantial size, and experience.

Individuals have varying financial needs and investment goals depending on their age, length of service, personal financial status, and risk tolerance. To accommodate these variances, the retirement plan allows participants to select fixed income and/or common stock options. While Gonzaga cannot advise individuals on investment selections, the plans will enable participants to make changes in their investment options during the course of their careers.

### **C. Retirement Committee**

Gonzaga administrators, including but not limited to the Executive Vice President, the Vice President for Finance, the Assistant Vice President for HR, and the Benefits Manager, will meet annually to review the program in light of current economic conditions, benefit plan trends, and investment performance. Gonzaga employees may be represented on the Retirement committee by the chairperson of the Faculty and Staff Benefits Committees.

#### **D. Retiree Medical Insurance**

Gonzaga offers medical insurance continuation to employees in good standing who choose to retire early. Medical benefits-eligible employees with a minimum of 10 years of service who are at least age 55 may continue coverage in Gonzaga's medical insurance for themselves and their dependents by self-paying the premium. The premium is calculated by adding Gonzaga's total cost. The employee may continue their dependent coverage until the employee reaches age 65. COBRA benefits will then be offered to eligible dependents.

*Faculty may also want to reference 428 in the Faculty Handbook.*

## **Social Media Policy**

### **A. Policy**

This policy applies to all Gonzaga employees who participate in any form of social media activity. Gonzaga employees who engage in social media activity must abide by all federal and state laws, and Gonzaga policies and procedures. Social media includes all types of postings on the internet including, but not limited to: blogs, forums, on-line journals and diaries, bulletin boards and chat rooms, internet-based collaboration tools such as Google Apps, and micro-blogging or social networking sites such as Twitter, Facebook, LinkedIn, Instagram, and YouTube. This list incorporates future technology and social networking sites as they are developed. Employees must be aware that when they post something on-line it becomes a part of the public domain.

Consistent with Section VI Employee Professional Conduct Standards of the *Gonzaga University Policies and Procedures Manual*, employees should use discretion when requesting or accepting “friend” requests from other employees or students, and should be aware of what fellow employees, students, alumni or others may see in their on-line profiles, blogs, postings, etc. Employees may reject a friend request from any other employee or student without repercussion.

Employees are not allowed to directly or indirectly represent themselves as a representative of Gonzaga University on their **personal** social media accounts, including but not limited to use of the Gonzaga name, trademarks, logos, or branding in naming these personal accounts. In order to use the Gonzaga University name, beyond identification under “employer” designations, requires permission of [Gonzaga University's Marketing & Communications department](#).

### **B. The Use of Social Media as part of Job Responsibilities**

1. Employees who use social media as part of their regular work responsibilities must comply with their departmental guidelines. Departmental guidelines must be reviewed by HR before being implemented.
2. Recruiting

All employees must review the Gonzaga University recruitment strategy guidelines prior to initiating a recruiting process.

Internet-based / social media research in the recruitment process is authorized pursuant to Human Resources guidelines and must be consistent with the Gonzaga University's Policy on Non-Discrimination.

- a. Research can only be done on publicly available platforms.
- b. Candidates may NOT be asked for passwords.
- c. Consider the source of the online information in your evaluation. If information of concern is discovered, we recommend giving the candidate an opportunity to explain or respond to the information. Allowing a candidate to respond is especially valuable if you are conducting this research following a formal interview.



d. Potential sites for review include:

- i. websites provided by the candidate that are relevant to the job position requirements;
- ii. university or employer websites where the candidate may have relevant experience;
- iii. relevant professional association sites;
- iv. websites associated with a candidate's research, teaching, volunteer, or other activities.

3. References

- a. References for applicants - Reference checks must be coordinated through HR to ensure consistency and legal compliance.
- b. References for former employees - Consistent with Section I: Employment, para. 23 "References for Former Employees" in the *Gonzaga University Policies and Procedures Manual*, HR is the preferred source of information about former employees. Supervisors or employees who receive written or verbal reference requests or letters of recommendation requests from potential employers should refer requests to HR. Employees should not use social media to provide references for former employees.

4. Performance Feedback:

Supervisors must conduct performance reviews as part of Gonzaga's regular review process consistent with Section I: Employment, para. 13 "Work Performance" in the *Gonzaga University Policies and Procedures Manual*. Supervisors must not conduct performance feedback on social networking sites.

## **Solicitation and Distribution Policy**

### **A. Purpose**

In order to maintain and promote efficient and secure operations, solicitation and promotion of causes or organizations and the distribution of materials in the workplace are limited.

### **B. Policy**

No employee shall solicit or promote any cause or organization in work areas during his or her working time or during the working time of the employees at whom such activity is directed without authorization from the appropriate department head.

No employee shall distribute or circulate any printed or written non-Gonzaga, non-work material in work areas during his or her working time or during the working time of the employees at whom such activity is directed.

Meals and breaks do not constitute working time.

It is the responsibility of the employee to distinguish appropriate times and means for solicitation and distribution consistent with this policy.

Under no circumstances will non-Gonzaga employees be permitted to solicit or distribute written materials for any purpose on Gonzaga's premises without prior authorization from the appropriate vice president.

# **Staff Additional Compensation Policy**

## **A. Policy**

Additional compensation may be requested by a supervisor for an employee who carries out a special project, serves in an acting appointment, or who otherwise appropriately earns a bonus.

Additional compensation is not appropriate if the work in question is to become an on-going part of an employee's position. If so, the employee's position should be subjected to a formal job evaluation, with the assistance of HR.

Supervisors who wish to recommend additional compensation must consult with his/her divisional budget officer and Human Resources before submitting a formal request. A justification memo will be required along with a form for all additional compensation requests, outlining the business rationale for the request. Supervisors should be mindful that additional compensation, if approved, requires Gonzaga University to pay corresponding benefits, including but not limited to, retirement plan contributions and Social Security taxes.

## **B. Criteria**

1. Special Project - a project that creates substantial additional work for an employee. A special project must have a defined timeframe and outside the normal scope of a position.
2. Acting Appointment- an appointment in which an employee accepts additional job responsibilities due to the absence of another employee or supervisor. Acting appointments normally occur when an employee is asked to assume the role of an employee in a higher job classification. Acting appointments must have a defined timeframe.
3. Bonus – a non-base building one-time bonus may be allocated to an employee who demonstrates exceptional performance or goal achievement, or to recognize longevity and service. A bonus may not exceed 10% of the individual's annual salary.
5. Honoraria – considered a gesture of goodwill and appreciation to employees for a service for which payment is not required. The amount is not negotiated and does not involve a contract or invoice. It is not for ongoing services.
6. Base Building – base building adjustments may be used for recognition of exceptional performance, retention efforts, strengthen alignment within an established pay range, etc. These adjustments are considered base salary.

## **C. Process**

1. Originator completes the Additional Compensation Request Form, justification memo and submits to Human Resources (HR) for review.
2. If the HR supports the request, it is sent to the Office of Budget and Financial Analysis for funding confirmation. The request is then forwarded to Area Vice President for review.
3. Once the Area Vice President reviews, it is sent to Chief of Staff (President's designee) for final approval.
4. If approved, HR will complete an electronic personnel action form for the appropriate payroll effective date.

# **Standards for On-Campus Religious Activities Policy**

## **A. Purpose**

Gonzaga University is a Catholic University committed to supporting the faith life of its Roman Catholic members and supporting the faith development of Gonzaga community members from other faith traditions. Gonzaga also educates the entire Gonzaga community on its Jesuit, Catholic, and humanistic character.

## **B. Guidelines**

1. Gonzaga makes no active attempts to proselytize these individuals through its programs or sponsored activities. Similarly, Gonzaga University does not allow any individual or organization to proselytize using facilities, programs, or activities controlled by Gonzaga.
2. This policy should not be used to discourage open dialogue among community members concerning their religious beliefs and values. Representatives of all faith traditions may, with approval of the Director of University Ministry, provide on-campus religious functions for students who are likewise affiliated. Students of all faiths are encouraged to create recognized groups to support their own religious beliefs and practices. These groups are sponsored through Gonzaga Ministry Office.
3. No individual or organization, either internal or external to Gonzaga, may sponsor activities on campus that have the express purpose of proselytization, which is to make converts of members of Gonzaga community to join another church or religious affiliation. Gonzaga reserves the right to limit or restrict the on-campus activities of any organization or individual whose purposes are contrary to Gonzaga's religious and ethical values.

## **C. Enforcement**

Gonzaga also reserves the right to enforce a policy of non-duplication of services. If approved organization is already functioning to provide for the faith needs of a particular segment of students, then Gonzaga can deny access to a similar group. The Director of University Ministry will evaluate and implement this policy as necessary.

# **Telecommute Policy**

## **A. Policy**

Gonzaga University considers telecommuting a viable work option which, when properly implemented and administered, can benefit both Gonzaga and the telecommuter. Telecommuting does not change the terms and conditions of employment with Gonzaga. All Gonzaga University employees, including telecommuters, are subject to Gonzaga University's employment policies and procedures.

Supervisors must carefully evaluate an employee's request to telecommute based on factors listed in this document to determine if the request is reasonable, and benefits both Gonzaga and the employee. The supervisor, department head or dean, and area vice president must approve any telecommute arrangement. If approved, the employee, supervisor, area vice president, and Information Technology Services (ITS) representative sign the "Telecommuting Employee and Supervisors Agreement" and submit the form to HR for final review. The telecommute agreement may be withdrawn at any time if it is no longer in the best interest of Gonzaga University to continue.

The employee and supervisor agree on the number of telecommuting days allowed each week, the work schedule the employee customarily maintains, and the manner and frequency of communication. The supervisor and telecommuter communicate in a manner and frequency that is appropriate for the job and the individuals involved. The telecommuter agrees that he/she is readily accessible by phone or online within a reasonable time period during the agreed upon scheduled work hours at the off-site premise. Telecommuting employees will be held accountable for producing the quality and quantity of work product equivalent to an employee who is on-site.

A telecommuter who is non-exempt must record all hours worked. Hours worked include any time an employee spends in email and/or telephone conversation on behalf of Gonzaga University, whether during normal work hours or any other hours. A non-exempt employee must also take his/her required breaks, and obtain pre-approval to work any overtime in accordance with Gonzaga policy.

## **B. Eligibility**

Telecommuting employees are selected based on University need and their demonstrated ability to work independently and manage their own workload. In most cases, an employee should have at least one year of Gonzaga University service, be in good standing with demonstrated exceptional performance, and have a position description whose essential functions are conducive to telecommuting.

## **C. Responsibilities**

1. The telecommuter is responsible for:
  - a. Designating and maintaining a workplace free from recognized hazards and in compliance with all occupational safety and health standards, rules, and regulations. All office equipment, telecommuting equipment, furniture, and other items used for Gonzaga business shall be located within the work space designated by the telecommuter and may be used only by authorized employees for intended Gonzaga University purposes.
  - b. Establishing an appropriate work environment at the off-site office. Gonzaga is not responsible for remodeling or repair costs associated with the setup or maintenance of the employee's off-site office.

- c. Using all Gonzaga University-owned telecommuting equipment, office equipment, and furniture in a safe manner and for its intended purpose. Employees must return the equipment in the same condition in which it was originally received, minus normal wear and tear. Employees are personally liable for missing or damaged equipment.
  - d. Setting up and maintaining an ergonomically correct workstation and following Gonzaga's ergonomic guidelines found at [www.gonzaga.edu/safety](http://www.gonzaga.edu/safety) or as provided by Gonzaga's Environmental Health & Safety (EH&S) Department. Ergonomic evaluation of the employee's workspace may be performed by the EH&S Department during the regularly agreed upon telecommute work schedule.
  - e. Following Gonzaga's accident/prevention plan and reporting injuries to his/her supervisor and EH&S Department within a reasonable amount of time. Following a work-related injury, an EH&S Department representative will conduct an evaluation of the employee's workspace. All Workers Compensation Insurance claims arising from job-related injuries will be filed in the State of Washington.
  - f. Ensuring his/her internet connectivity is adequate to meet the technology requirements to accomplish the job.
2. Gonzaga University is responsible for:
- a. Supplying the telecommuter with appropriate office supplies (e.g., pens, paper, etc.) to successfully complete job responsibilities.
  - b. Reimbursing the telecommuter for all other pre-approved business-related expenses (e.g., phone calls, shipping costs, etc.) reasonably incurred within job responsibilities.
  - c. At its discretion, repairing and maintaining University-owned telecommuting equipment, office equipment, and furniture (in accordance with the normal execution of work).

## **Travel Related Policies**

For the ***Booking Airfare Policy***, please visit the Policies and Procedures tab on the Controller's Office website, or go directly to the [Booking Airfare policy](#).

For the ***Receipt Requirements Policy***, please visit Policies and Procedures tab on the Controller's Office website, or go directly to the [Receipt Requirements policy](#).

For the ***Travel Meals & Incidentals Policy***, please visit Policies and Procedures tab on the Controller's Office website, or go directly to the [Travel Meals & Incidentals policy](#).

For Credit Card Policies, please visit the Zags Travel & Expense tab on the Controller's Office website, or go directly to:

- [Zags Travel & Expense Card Policy - NonAcademic](#)
- [Zags Travel & Expense Card Policy – Academic Division](#)

# Tuition Waiver Policy

## A. Purpose

Gonzaga University's tuition waiver benefit provides continuing opportunities for educational development for eligible employees, their spouses and dependent children.

*This policy is intended to provide qualified tuition reduction benefits under Internal Revenue Code Section 117(d) and to serve as an educational assistance program under Internal Revenue Code Section 127.*

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*Employees and their eligible dependents utilizing benefits are considered Gonzaga students and must adhere to all applicable policies including Admissions, Registration, and Office of Community Standards, fee assessment, financial holds, Financial Aid and academic requirements.*

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## B. Eligibility

These eligibility requirements apply to regular employees, or spouses and dependent children, for courses at Gonzaga University:

1. **Employees:** Effective **August 1, 2016** Regular employees are eligible to receive tuition waiver for courses that begin after one year of continuous employment.
  - a. Full-time employees, scheduled 30 hours or more per week are eligible for 100% tuition waiver. Part-time employees (faculty 50%-74% contract) are eligible for 50% tuition waiver. Adjunct faculty are not eligible for tuition waiver benefits.
  - b. Tuition waiver is available for undergraduate, graduate, and doctoral courses. Tuition waiver is not available for Law School or Medical School courses.
  - c. Staff employees are limited to one course during their regularly scheduled working hours per semester. Regular working hours include lunch and break periods; employees cannot use their intended lunch breaks to attend classes unless it meets two requirements: (1) compliance with federal and state regulations on break periods, and (2) it is the employee's election, not the supervisor's directive. Employees are expected to get approval from their supervisor for adjusting work schedules for class attendance.
  - d. Supervisory approval is required for enrollment AND for work hour adjustments. Supervisors must consider the needs of the department when determining whether to permit an employee to enroll in one course per semester during working hours. All job duties must continue to be performed according to expectations while utilizing the tuition waiver benefit.
  - e. Under the Tuition Waiver Policy, employees are limited to one of each degree type: one bachelor's degree, one master's degree and one doctoral degree. Tuition Waiver is not available for a second degree if the second degree would be of lower academic level than the first degree received under the Tuition Waiver. For example, once a Master's degree has been earned, completion of a Bachelor's degree is not allowed under the Tuition Waiver benefit.
2. **Spouse and Dependent Children:** Legal spouses and dependent children of full-time employees are eligible for tuition waiver based on the employee's anniversary date, before the beginning of the semester, as follows:
  - After the 1st year anniversary date - 50%
  - After the 3<sup>rd</sup> year anniversary date - 75%
  - After the 5<sup>th</sup> year anniversary date - 100%



- a. Spouse tuition waivers are for **one** Gonzaga University degree, either undergraduate **or** graduate courses (excluding Doctoral, Law and Medical).
- b. Dependent children tuition waivers are for one undergraduate degree. Admitted High School Dual Enrollment students are covered under this policy as non-matriculated students.

For the purpose of Tuition Waiver dependent children are defined as follows:

- A dependent child (a) is a son, daughter, stepson, or stepdaughter of the employee, (b) has not attained age 24 as of the close of the applicable calendar year, (c) resides with the employee more than one-half of the year, (d) does not provide more than one-half of his/her own support, and (e) has been claimed on the employee's most recent tax return as a dependent.
  - Upon initial request for tuition waiver benefits, the employee will be asked to certify that his/her child meets the above criteria by providing a copy of the employee's most recent tax return showing that the child was claimed as a dependent or a copy of domestic relations order stating that the child is qualified dependent.
  - Annually employees will be asked to certify that his/her child continues to meet the above criteria by completing an affidavit that the above criteria continues to be met.
3. **Dependent Children of Retired or Deceased Employees:** Dependent children of retired employees in good standing (at least age 55 with a minimum of 10 years of service) or deceased employees are eligible for 100% waiver benefit if, at the time of the employee's retirement or death, they were otherwise eligible employees. All other policy provisions apply. Written hardcopy Tuition Waiver forms must be completed annually. Contact HR for a copy of this form.
  4. **ROTC Personnel:** Fulltime ROTC personnel may participate in Gonzaga's Tuition Waiver program on the same basis as Gonzaga employees. However, all available federal tuition assistance should be used to reduce the amount of such waivers. Special guidelines exist for ROTC personnel; each case should be referred to HR. Written hardcopy Tuition Waiver forms must be completed annually. Contact HR for a copy of this form.

### C. Other Terms and Conditions

1. **Fees:** This policy covers tuition only; all related mandatory fees (GSBA, matriculation, workshops, lab fees, technology, etc.) text books and other supplies are the responsibility of the student.
2. **Credit Limits:** Employees and their dependents are eligible to take up to 30 Undergrad Non-matriculated credits or 12 non matriculated graduate level credits per tuition waiver. Employees and their eligible dependents are allowed a maximum of 155 credits to complete their undergraduate degree under the Tuition Waiver benefit. Employees and their spouses are allowed only the number of credits required to earn the graduate and doctoral degrees. Tuition charges related to taking courses beyond those required for the degree are not covered under the Tuition Waiver and are the responsibility of the employee.
3. **Eligible Courses:** Eligible courses or programs are regular courses for matriculated students at the graduate or undergraduate level. Study abroad courses (with the exception of GU in Florence), Principal Certification, Continuing Education/Workshop and site based classes are excluded from tuition waiver.
4. **Study abroad programs:** Dependent children who are matriculated Gonzaga University students are eligible to participate in Gonzaga-in-Florence study abroad program. Additional fees related to travel, books and other cost will be the responsibility of the student. The tuition waiver does not apply to the following programs Gonzaga-in-Paris, Faculty-Lead, Exchange Programs and Sponsored Programs. Employees and spouses are not eligible for tuition waiver on study abroad programs.
5. **FACHEX and Tuition Exchange:** FACHEX and Tuition Exchange are undergraduate tuition waiver exchange programs involving other Jesuit Colleges and Universities and other participating universities. This program is open to dependent children of Gonzaga University employees who are

eligible for 100% tuition waiver. Dependent Children that are accepted to other Universities are subject to the host schools' terms and conditions. Because it is a competitive process and only limited spots are available based on the policies of the host institutions, there are no guarantees given to eligible employees that their eligible dependents will be awarded a Tuition Waiver at the school of their choice. Each school determines how many waivers are available and sets their own criteria for deciding who will be awarded tuition exchange waivers.

General information and a current list of participating institutions is available on the [benefits.gonzaga.edu](http://benefits.gonzaga.edu) website, specific arrangements for FACHEX and Tuition Exchange should be made through the Financial Aid Office. Applications for FACHEX and Tuition Exchange are available on the [benefits.gonzaga.edu](http://benefits.gonzaga.edu) website.

6. **Taxable Waivers:** All undergraduate waivers are non-taxable, except waivers granted to grandfathered dependent children who do not meet the Internal Revenue Service definition of dependent. Post - Bachelor and Graduate waivers for employees are only taxable if the value of the tuition is greater than \$5,250 per calendar year. Graduate waivers for spouses are taxable in full. The value of taxable waivers is included in an employee's gross income and the applicable taxes are withheld during the semester that the waiver is incurred. Please contact payroll with questions regarding your taxable waiver amount. Please consult a tax advisor with questions regarding the effect on your individual taxes.
7. **Satisfactory Academic Progress:** All students, including those receiving tuition waiver, must be in good academic standing, as defined by the Financial Aid Office's satisfactory academic progress policy, to maintain eligibility for the tuition waiver and other types of financial aid. Students who fail to meet the requirements have the option of appealing their status to the financial aid office. The complete policy, including details on the satisfactory academic progress measures, statuses, and options for appealing are available at [www.gonzaga.edu/SAP](http://www.gonzaga.edu/SAP).
8. **Financial Aid:** Employees are encouraged to complete a Free Application for Federal Student Aid (FAFSA) to determine financial aid eligibility for other sources of financial aid. Students eligible for tuition waiver under this policy may retain any Gonzaga-funded merit, department, activity, and athletic scholarships for which they qualify; however, the value of the award and tuition waiver combined cannot exceed 100% of the tuition. Gonzaga's financial aid office will coordinate from other sources (federal, state, etc.) according to the appropriate regulations. In general, external aid does not affect the value of the waiver. Students attending Gonzaga through FACHEX are subject to the limitation noted above. Students attending other institutions on FACHEX are subject to the financial aid policies of the receiving institution.
9. **Employment Status:** Employees under formal disciplinary actions that are deemed to be connected to attendance and/or ability to perform job functions may not be eligible to receive the tuition waiver benefit for themselves.
10. **Student Accounts:** All employee, spouses and dependents must have their student accounts paid in full and/or their payment plan in good standing at the end of each semester. Students with balances due from a prior semester will not receive the tuition waiver for any subsequent semesters until all balances have been paid in full.
11. **Employment End:** If an employee **voluntarily** leaves employment, prior to October 15<sup>th</sup> for fall semester, March 1<sup>st</sup> for spring semester or July 1<sup>st</sup> for summer sessions, the tuition waiver will be revoked and the employee and/or dependents will be personally responsible for full amount of tuition and fees incurred during that semester. If an employee is dismissed, eligibility for this program will cease at the end of the semester in which the employee's employment ends.

## **D. Procedures**

1. Employees are responsible for conforming to this policy to receive tuition waiver benefits.
2. Registration must be confirmed through the Student Accounts Office to be valid.
3. Deadlines for submission of Tuition Waiver Request forms are due one month prior to the start of the term.

4. Dependents and spouses must have an active student record with the University prior to submitting a tuition waiver form. Parents of new incoming students should contact the benefits manager with their students ID number prior to completing the tuition waiver form in Zag Web.
5. Employees must complete the tuition waiver on Zag Web for the academic year.

*Regular Faculty hired prior to November 1, 1996 may have additional grandfathered benefits for themselves and their dependents. Please contact Human Resources for additional details.*

## **Vehicle Use Policy**

Federal regulations require extensive record keeping by employers who permit the use of employer-owned vehicles for personal business. Employers must determine the value of the personal use of a vehicle and require full reimbursement from employees, or report this value on an employee's Form W-2 as additional compensation. Because of the additional burden on Gonzaga that this requires, the President has directed that Gonzaga vehicles be used only for Gonzaga business.

## **Wellness Policy**

Gonzaga University's wellness program helps to promote optimal working conditions and enhances employees' physical and emotional health. The program coordinates Gonzaga's many resources that facilitate individual health and well-being. A Wellness Committee of faculty and staff, with the support of HR, directs the program, chooses positive approaches to wellness, encourages health knowledge/practices, and presents enjoyable activities to promote self-esteem and self-acceptance. The mission of the committee is to provide diverse and balanced health management program resources and opportunities to meet a wide range of personal health needs, which fosters employee engagement to create or build on healthier lifestyles.

The Gonzaga Wellness program is designed to improve the health and well-being of Gonzaga University employees and their families through health management programs that include early intervention and activities that support positive lifestyle changes. This results in improved employee morale and health-care related cost savings. The Wellness Program includes: ZagFit, Wellness and Benefits Fair that includes biometric screening and completion of a Personal Health Assessment; fitness classes; Health Advocate's assistance and support for understanding medical issues and medical claim inquiries, recommendations to assist with elder care, competitions and challenges that can earn prizes and discounts on medical premiums.

## **Whistleblower Policy**

- A. Gonzaga University has a responsibility for the stewardship of university resources and the public and private support that enables it to pursue its Mission. Gonzaga University is committed to compliance with the laws and regulations to which it is subject and to promulgating university policies and procedures to interpret and apply these laws and regulations in Gonzaga University setting. Laws, regulations, policies, and procedures strengthen and promote ethical practices and ethical treatment of all members of the Gonzaga community, those who conduct business with Gonzaga, and those who conduct Gonzaga's business.
- B. Gonzaga's internal controls and operating procedures are intended to detect and prevent or deter improper use of university assets, misappropriations, or improper commercial business transactions or activities. However, even the best systems of control cannot provide absolute safeguards against such irregularities. Intentional and unintentional violations of laws, regulations, policies, and procedures may occur and may constitute improper use of university assets, misappropriations, or improper commercial business transactions or activities. Gonzaga has a responsibility to investigate and report to appropriate parties allegations of any such suspected improper activities. Examples of improper activities are set forth in Exhibit A.
- C. Anyone may report an allegation of improper use of university assets, misappropriations, or improper commercial business transactions or activities. A whistleblower report may be made to EthicsPoint, Gonzaga's independent and confidential reporting service, or other internal Gonzaga reporting sources. EthicsPoint can be reached at: [www.gonzaga.ethicspoint.com](http://www.gonzaga.ethicspoint.com) or 1-855-888-9237. EthicsPoint shall review the report and coordinate with appropriate individuals at Gonzaga to investigate and determine the facts. In all instances, Gonzaga retains the prerogative to determine when circumstances warrant an investigation and, in conformity with this policy and applicable laws and regulations, the appropriate investigative process and/or disciplinary process to be employed.
- D. A person or entity reporting improper use of university assets, misappropriations, or improper commercial business transactions or activities is commonly referred to as a whistleblower. Whistleblowers may be university employees (faculty or staff), applicants for employment, students, vendors, contractors, or the general public. The whistleblower's role is as a reporting party. Whistleblowers are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.
- E. Whistleblowers frequently make their reports in confidence. To the extent possible, within the limitations of law and policy and the need to conduct a competent investigation, confidentiality of whistleblowers will be maintained. Whistleblowers should be cautioned that their identity may become known for reasons outside of the control of the investigators or university administrators. Should the whistleblower self-disclose his or her identity, Gonzaga will no longer be obligated to maintain such confidence.
- F. Similarly, the identity of the subject(s) of the investigation will be maintained in confidence, to the extent possible, with the same limitations.
- G. It is a violation of Gonzaga policy to threaten, intimidate or retaliate in any way against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Gonzaga will take immediate and responsive action to any retaliation. Anyone found to have acted in a retaliatory manner may be subject to appropriate disciplinary action up to and including termination of employment.
- H. This whistleblower policy does not address work-related conflicts and thus does not replace or supplant the **Part 2: Grievance Policy** found in the *Gonzaga University Policies and Procedures Manual* and in the *Gonzaga University Faculty Handbook*, Section 307.00, et seq., under the circumstances described herein.

**Continued next page**

## **Exhibit A**

### **Examples of Improper Conduct and Reprisal or Retaliation**

Examples of improper conduct include, but are not limited to the following:

1. Forgery or alteration of documents
2. Unauthorized alteration or manipulation of computer files
3. Fraudulent financial reporting
4. Pursuit of a benefit or advantage in violation of Gonzaga's conflict of interest policy.
5. Misappropriation or misuse of university resources, such as funds, supplies, or other assets
6. Authorizing or receiving compensation for goods not received or services not performed
7. Authorizing or receiving compensation for hours not worked
8. Knowingly allowing others to do a dishonest act

# **Workplace Violence Prevention Policy**

## **A. Purpose**

This policy establishes procedures to minimize the threat of violence in the workplace and provides guidelines for responding promptly to workplace violence.

All employees are responsible for minimizing workplace violence. Verbal threats, threatening behavior, or acts of violence by any employee against any person on Gonzaga-owned, leased, or managed property will not be tolerated. Workplace violence will be investigated, and employees who engage in this behavior will be removed from the campus as quickly as safety permits. Violations of this policy will result in appropriate disciplinary action, including potential dismissal. Arrest and criminal prosecution by off-campus authorities are also possible.

## **B. Prohibited Behavior**

While it is not possible to describe all the actions that might constitute threatening or violent behavior, the following conduct is strictly forbidden in the workplace:

1. Harming or threatening to harm another person.
2. Damaging or threatening to damage another person's property.
3. Committing or threatening to commit acts of workplace sabotage.
4. Possessing a weapon. The term "weapon" is defined as any object designed to cause bodily injury, damage property, or cause a reasonable fear of bodily injury or property damage. The prohibition includes, but is not limited to, firearms, pellet/BB/air guns, replica guns and other simulated weapons, fireworks, home-manufactured cannons or explosive devices, bows and arrows, slingshots, clubs, martial arts devices, and switchblades or otherwise-illegal knives. An object otherwise not considered a weapon may be included within this policy if used as a weapon. Possession of a lawfully issued concealed weapon permit does not exempt a party from this prohibition.

## **C. Managing Behavior**

1. Incidents of Workplace Violence – Notification Requirements
  - a. 9-1-1: Employees should call 911 to report violent behavior or immediate threats of violence. An immediate threat includes any behavior that is perceived as likely to lead to violence, such as a verbal altercation which appears to be escalating. Employees are encouraged to err on the side of caution and not hesitate to call 911.
  - b. Campus Public Safety & Security (CPSS) (external 509 313-2222, internal 2222): Employees should next call CPSS and explain a 911 call has been placed. CPSS will respond accordingly. CPSS will contact Human Resources at the soonest available opportunity. HR will coordinate services as appropriate.
  - c. Functional Area Leadership: Employees should next call their immediate supervisor. If unavailable, the employee should contact their next level of leadership until they have exhausted the functional area chain of command. For example, a faculty member needs to notify their Chair, and depending on accessibility, their Dean, and potentially, the Academic Vice President. Department and program chairs will notify their dean or vice-president level supervisor.



## 2. Potential Threat of Workplace Violence

- a. Reporting: Employees should promptly report to their supervisors or Human Resources situations they believe could lead to workplace violence, including, but not limited to, personal situations of domestic violence or the existence of any type of no-contact orders such as restraining or anti-harassment orders.
- b. Evaluation: Employees are encouraged to err on the side of caution when evaluating the threat of potential workplace violence. While each situation is unique, circumstances can quickly escalate. In all cases, University personnel will exercise discretion in handling reported information.
- c. Employee Relations: Supervisors are required to seek HR's assistance with potentially volatile situations such as employee disciplinary action or organizational restructuring.

### D. Exceptions

1. ROTC - The Director of CPSS has authorized ROTC personnel access to simulated, inoperable, ceremonial weapons. The authorization defines the terms and conditions of access, storage, and transportation requirements and is available through CPSS (external 509 313-2222, internal 2222).
2. Academic - With prior approval from both the Academic Vice President and Director of CPSS, a weapon used in or for specific instruction, theatre production, or approved research may be permitted in University academic, administrative, or support facilities. The AVP and Director will define terms and conditions for weapons use at the time of approval.
3. Washington State Fully Commissioned Law Enforcement Officer - This policy does not apply to Washington State fully commissioned law enforcement officers conducting official business on University property.

### E. Assistance and Resources

Human Resources is available to assist employees and supervisors to help prevent workplace violence. This assistance includes opportunities for training to identify situations likely to result in violence, anger management classes, and referrals to the Employee Assistance Program and other resources. Training is also available regarding the handling and reporting of specific volatile situations.