

POLICY DOCUMENTS

Policy Document I

STATE OF LOUISIANA EMPLOYEE SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE POLICY

On September 7, 1990, President Ray Authement approved an Alcohol/Drug Policy for UL Lafayette. This is in compliance with the federal Drug Free Schools and Communities Act and the Drug Free Workplace Act. The purpose of this policy is to clarify and inform students, faculty, and staff of UL Lafayette's stand on alcohol/drug related issues and the procedure when policy is violated. It is also the intent of UL Lafayette to offer education, short term treatment, and/or referrals to those who may be affected. To help achieve this goal the Office of Drug and Alcohol Education and Prevention has been created. Questions may be addressed to the Counseling and Testing Center in Olivier Hall (482-6480).

Introduction

The University of Louisiana at Lafayette recognizes its responsibility for developing, promulgating, and enforcing policy regarding alcohol and drug use among students and employees. The University recognizes that drug and alcohol use can adversely impact its most important concerns: Academic excellence, student development, employee job performance, and the health and safety of the campus community at large.

This policy represents the development of a comprehensive program that applies to all levels of the university's community, including students, faculty, administrators, and all other staff. Its success depends upon the belief that each person has a role in responding to this issue. More importantly, however, is the belief that substance abuse is a solvable problem which must be addressed systematically, fairly, and with due process of law.

This policy describes the university's response to the substance abuse problem from three broad perspectives: Education, Prevention and Sanctions. The assignment of administrative responsibility for this effort will be accomplished through the creation of the Office of Drug and Alcohol Education and Prevention and the appointment of a coordinator. Sanctions for students described herein will be under the purview of the Office of the Vice President for Student Affairs and the Code of Student Conduct. Those sanctions applying to faculty and staff will fall under university personnel policies and procedures and the direction of the president or his designee.

Philosophy

Each student deserves the best possible opportunity to achieve academic excellence and a quality campus environment within which to develop and mature. Moreover, the safety and welfare of all members of the campus community must be assured. The University of Louisiana at Lafayette wants to promote a safe and healthy environment, it wants to maximize the potential of all to make significant contributions in life, and it wants to promote the concept of individual responsibility for substance use with all members of its community.

The university recognizes that substance abuse poses specific and serious threats to its mission as an institution of higher education. The appropriate and legal use of drugs or alcohol is a right and privilege, but the inappropriate or illegal use of drugs or alcohol is not.

Purpose

The purpose of this policy is to provide a vehicle for accomplishing the following:

1. Promote a healthy environment for students, faculty, and staff.

2. Maximize the opportunities for academic excellence and student development.
3. Define university expectations regarding appropriate use of alcohol at sanctioned events.
4. Discourage the illegal use of alcohol and drugs and to identify appropriate disciplinary procedures for those who engage in such activities.
5. Demonstrate the university's commitment to provide education and prevention programs and activities to the campus community.
6. Demonstrate the university's commitment to provide early intervention, counseling, and referral services to each member of the campus community.
7. Comply with the Drug-Free Schools and Communities Act Amendments of 1989; Public Law 101226 (Appendix A) and Executive Order 12564, Public Law 100-71 and subsequent regulations including the Drug-Free Workplace Act (Appendix B).

Definitions

Student: any individual enrolled either part time or full time in University courses.

Student-Athlete: any student who is a member of a university athletic team recognized and coming under the jurisdiction of the Department of Athletics and its Director.

Student-Employee: any student receiving remuneration for service to the university (e.g., student aids, student residence hall staff, student police officers, student bus drivers, etc.)

Faculty and Staff: non-students employed by the university either part or full-time on a temporary or permanent basis.

President or his designee: the university president or person or persons in committee with authority whom he designates as responsible for policy or action (e.g., Vice Presidents, Athletic Director, etc.)

Vice President or his designee: the vice president or person or persons in committee whom he designates as responsible for policy or action (e.g., Deans of Colleges, Students, etc.)

Supervisor: any employee having the authority to hire, direct, assign, promote, transfer, suspend, discipline, or remove other employees or to effectively recommend such action, if the exercise of such authority is not merely clerical in nature but requires consistent independent judgment (e.g., Department Head, Dean, Vice President, President).

Drug Testing Coordinator: the employee assigned by the president or his designee to administer the university's drug testing program in accordance with this policy.

Medical Review Officer: the employee appointed by the president or his designee responsible for receiving laboratory results generated from the University Drug Testing Program who has the appropriate medical training to record, interpret, and evaluate test results.

Testing Designated Positions: the employment positions of the university which have been designated for random testing by the president or his designee (see Appendix D, Presidential Option).

Random Testing: a system of drug testing imposed without individualized suspicion of drug use on employees in Testing Designated Positions and using some statistically random sampling technique.

Faculty/Staff Assistance Program (F/SAP): a program under the direction of the University Counseling and Testing Center that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health concerns.

Office of Drug and Alcohol Education and Prevention: office housed within the Counseling and Testing Center created to administer this policy.

Coordinator, Office of Drug and Alcohol Education and Prevention: employee assigned by the president or his designee to coordinate all activities of the office as provided by this policy.

Illegal Drugs: non-prescription controlled substances as defined by section 802(6) of Title 21 of the United States Code.

Substance Abuse: use of a substance which poses a threat to or interferes with healthy and productive living, including relationships and work.

Programs and Services Education, Prevention, and Treatment

The University of Louisiana at Lafayette recognizes its responsibility to educate the campus community about problems associated with drug and alcohol use. In a variety of settings, numerous prevention and education programs will be offered on a regularly scheduled basis. Current information about the effects of drug and alcohol use on physiological and psychological health will be made readily available. Students, faculty, and staff will be encouraged to participate in all activities which promote alcohol and drug-free experiences. Abstinence will be encouraged and seen as a legitimate and socially acceptable choice for any member of the university community.

Educational programs for campus leaders and other administrators and staff will address the development of skills required for identification of and early intervention with others who demonstrate problems with alcohol or drugs. Any member of the University community will have the opportunity to seek help for an abuse or addiction problem. Assessment, counseling, and referral services will be made available at no cost.

Establishment of the Office of Drug and Alcohol Education and Prevention

Administrative Unit. An office will be established and a budget assigned and maintained for the purpose of implementing and administering this policy on a yearly basis. It will be established within the administrative structure of the Division of Student Affairs and the Counseling and Testing Center. The Counseling and Testing Center mission is compatible with the requirements of this policy in that it includes the coordination and provision of proactive developmental programs campus-wide. The center's organizational structure as a treatment center accommodates the confidentiality needs of important sections of this policy as well.

Responsibility. One person will be appointed as Coordinator of this office. He/she will report directly to the director of the Counseling and Testing Center and/or the Dean of Students and assume responsibility for the implementation and maintenance of all programs and services outlined in this policy.

Services and Activities. Under the direction of the coordinator, this office will provide the following services and activities:

1. **Information.** The office will maintain a supply of resource materials as an informational library regarding alcohol and drugs. Resources will include books, pamphlets, and audio-visual materials. Use will be encouraged by all members of the campus community through advertisements and notices.
2. **Education.** A yearly schedule of educational programs will be developed and implemented. Lectures, presentations, and discussions will be planned for the classroom, organization meetings, departmental meetings and other campus events. Topics will range from health risks to behavior problems and include education about this policy. These activities will be accomplished through the enlistment of campus resources and thus benefit from the direction, guidance, and involvement from faculty and staff in the areas of Health Education, Psychology, Home Economics, Counseling and Testing, and the University Health Clinic.
3. **Prevention.** A yearly schedule of prevention activities and programming will be developed and implemented. The involvement of all colleges, schools, and departments will be enlisted in the provision of regular prevention activities. Promotional activities as a part of National Collegiate Alcohol Awareness Week, anti-drunk driving programs, and early intervention training for campus leaders are examples of this important effort.

4. BACCHUS. "Boost Alcohol Consciousness Concerning the Health of College Students" is a university organization whose primary purpose is to help alleviate alcohol abuse on campus by promoting responsible drinking and educating the campus community. It will continue to be maintained through the Office.
5. Assessment, Counseling, and Referral. Assessment, counseling, and referral services will be made available through the Faculty/Staff and Student Assistance Programs of the Counseling and Testing Center. Students, faculty, and staff interested in personal counseling regarding their own possible substance abuse are encouraged to seek help through this service. Concerns regarding someone with whom one is involved are also appropriately brought here.
This service will also be provided to those who are referred through action related to the imposed sanctions of this policy. Services will be provided under the supervision of the director of counseling and testing and include assessment, counseling of up to six (6) sessions, and referral to support groups or inpatient/outpatient treatment as deemed necessary. Monitoring progress and follow-up are also functions of this service. All services are confidential as governed by the ethical principles set forth by the American Psychological Association and the American Association for Counseling and Development.
6. Research. The University recognizes its responsibility to scientifically assess the extent of the current problem and evaluate the effectiveness of this policy and its programs. To that end, a comprehensive research program will be developed and supervised by the coordinator. Such research will follow a regular schedule and represent the best possible effort at needs assessment and policy/program evaluation.

ALCOHOL POLICY

This policy governs the possession and consumption of alcohol by students, faculty, and staff on the University of Louisiana at Lafayette campus, in or at any university owned or managed facility, or at any university sponsored or registered event, either on or off campus. Throughout this policy alcohol is used to describe beer, wine, and distilled spirits. This policy is based on a concern for the welfare of all members of the University community and is in keeping with the laws of the city and parish of Lafayette and the state of Louisiana. As members of the university community, students, faculty, and staff are expected to comply with and abide by this policy as well as local and state laws.

The purpose of this section is to designate areas on campus where an individual of legal age may consume alcohol and to designate under what conditions group events may involve alcohol. The position here is that while members of this community who are under the legal drinking age may socialize where alcohol is present, only those who are of legal drinking age may consume, serve, transfer, or possess alcohol.

The University of Louisiana at Lafayette prohibits the purchase or public possession of alcohol by those 18 years of age or older and under the age of 21 as defined by Louisiana Law (R.S. 14:93.10 through 14.93.14). As provided by law, this policy recognizes that public possession does not include possession or consumption under certain conditions defined by 14.93.10.2.

Campus police and other university officials will enforce all laws governing alcohol use and abuse whenever necessary. This policy is subject to change in order to comply with new local, state, and federal laws pertaining to the possession, and consumption of alcohol.

Sale, Possession, and Consumption

All individuals (both of and below legal drinking age) are prohibited from selling, possessing, or consuming alcoholic beverages in any form on university or university-related premises except

in those areas authorized by the President or his designee and then only in accordance with state and local laws.

All events where alcohol is to be present must be registered with the Office of Dean of Students except as indicated below. Leaders responsible for such an event must attend a one-hour workshop provided by the Office of Drug and Alcohol Education and Prevention. Workshops shall be held at least twice yearly and will include but not be limited to education about University policy and procedures for a responsibly held event.

Student Union

1. Alcoholic beverages shall be served only by licensed food personnel. There are no exceptions to this rule.
2. No unopened containers of alcoholic beverages shall be sold. Beverages sold must be consumed in the area in which they were sold.
3. All local, parish, and state ordinances/laws regarding the sale, possession, consumption, and related behavior (e.g., public intoxication or disorderly conduct) shall apply.
4. Any person who purchases, possesses, or consumes alcoholic beverages in the Student Union must be at least 21 years of age. Proof of age may be required at any time during such process by authorized university and/or law enforcement officials. Only members of the sponsoring, registered organization and their guests will be admitted to events where alcoholic beverages are sold.
5. University police officers will be in attendance at all such events according to the discretion of police officials and as otherwise deemed necessary by the Vice President for Student Affairs or his designee. The purpose of such assignment shall include but not be limited to insuring a) that only authorized persons are admitted to a registered event where alcohol is sold, b) that beverages are not brought into or removed from the premises by patrons, and c) that discipline and order are maintained.
6. The sale or serving of alcoholic beverages will end no later than one half-hour prior to the scheduled end of the event and shall not extend beyond 2 a.m.
7. Alcoholic beverages may be sold on Sundays, but only in accordance with local and state laws.
8. Non-alcoholic beverages must be available at the same time and place as alcoholic beverages. Their availability must be obvious. Water is not an acceptable alternative beverage in this case.

Other Areas

Events held in other area of the university shall be governed by the above policies and all other regulations deemed appropriate by the President or his designee.

Off-Campus Events. Although the University of Louisiana at Lafayette attempts to ensure that a safe, healthy, and productive environment exists, its efforts can not extend beyond the campus environment. The university cannot take responsibility for monitoring the off-campus environment. The university does, however, expect that all members of its campus community involved in off-campus events where alcohol is present take it upon themselves to use this policy as a guide in planning and conducting their events.

Non-Student Sponsored Events. The sponsorship of activities on campus and in university facilities by non-students, including faculty, staff and/or others where alcohol is present will be subject to all registration requirements whether or not students are in attendance.

Prohibited Areas. On-campus consumption of alcohol by individuals or groups is prohibited at university owned or controlled facilities and grounds that include but are not limited to:

1. All residence halls, either in a room, apartment, public hall or lounge area.
2. All academic facilities, either in a faculty/staff office, hallway or classroom.
3. Exceptions require the expressed and specific permission of the President or his designee.

Responsibility. It shall be the responsibility of each individual member of the campus community who is engaged in activities where alcohol is involved to be familiar with this policy as well as state and local laws regarding the sale, possession, and consumption of alcohol.

Sanctions

Students, faculty, staff, and their organizations who violate university policy or federal, state or local laws regarding the use of alcohol will be subject to sanctions delivered by the university disciplinary system and may be referred to civil and criminal court system. The University of Louisiana at Lafayette is not a sanctuary that relieves students, faculty, and staff of their responsibilities as citizens. Violations of Louisiana Law regarding alcohol constitute misdemeanors and are punishable by fines up to \$300.00 and imprisonment up to ten (10) days.

Residence Halls. Sanctions for the sale, transfer, possession, or consumption of alcohol at or in the residence halls are delivered by the office of the Vice President for Student Affairs or his designee. Those may include but are not limited to:

1st Offense: Mandatory attendance at the next scheduled alcohol and education class held by the Office of Drug and Alcohol Education and Prevention and Campus Community Service to be determined by the Vice President for Student Affairs or his designee. Non-attendance of any activity will result in immediate referral to Vice President for Student Affairs or his designee for disciplinary action.

2nd Offense: Referral to the Vice President for Student Affairs or his designee for disciplinary action to include immediate removal from the residence hall for the semester, and a mandatory individual session at the Office of Drug and Alcohol Education and Prevention for assessment and referral to appropriate education and or treatment.

3rd Offense: Immediate referral for disciplinary action which may include immediate and permanent removal from the residence hall.

Registered Events. Any student organization that provides alcohol without going through the proper procedure, or any organization that uses the name of the University of Louisiana at Lafayette and serves alcohol without going through the proper procedure will be referred to the Vice President for Student Affairs or his designee for disciplinary action that may include suspension of activities for up to a year.

Non-compliance with this policy or state and local laws regarding alcohol use at student or non-student sponsored events will result in the delivery of the following sanctions to individual violators and the organization's leadership and/or the person or persons responsible for event registration. Organizations holding events where repeated violations take place will be subject to disciplinary action suspending privileges to hold events where alcohol is permitted.

1st Offense: Mandatory attendance at the next scheduled alcohol education class held by the Office of Drug and Alcohol Education and Prevention and Campus Community Service to be determined by the Vice President for Student Affairs or his designee. Nonattendance at any activity will result in immediate referral to the Vice President or his designee for disciplinary action.

2nd Offense: Referral for disciplinary action to include but not be limited to an immediate ban from university activities where alcohol is present for the current and following semester.

3rd Offense: Referral for disciplinary action to include but not be limited to immediate and permanent ban from all university activities where alcohol is present.

Faculty and Staff. It is the position of the University of Louisiana at Lafayette that every faculty and staff member has a special responsibility as an employee of a state institution of higher education to model mature and responsible behavior regarding alcohol use. Violations of this policy by faculty and staff will result in review by authorized departmental, school, and/or college officials and possible referral to the president or his designee for disciplinary action in accordance with existing personnel policies and procedures.

DRUG POLICY

Manufacture, Distribution, Possession, and Use

Zero Tolerance. The University of Louisiana at Lafayette prohibits the unlawful manufacture, distribution, possession, or use of illegal drugs or controlled substances by University students, faculty, and staff on University owned or controlled property or at University events as set forth by this policy, the Code of Student Conduct, current personnel policies and procedures, and Louisiana Law.

This policy also prohibits the possession of drug paraphernalia (such as roach clips, bongs, water pipes, cocaine spoons, etc.) as set forth and defined by Louisiana Law. The university also prohibits the non-prescribed use of anabolic steroids as set forth and defined by Louisiana Law. Law as it applies to this section of the policy refers to Louisiana R.S. 40:961 through R.S. 40:1034. The range of penalties for violations of Louisiana Law cited above is fines from \$500.00 to \$15,000 and up to life imprisonment without parole depending on the drug involved and nature of the violation.

Sanctions, Students

Legal Aspects and Consequences. As citizens, students have the responsibility for knowing of and complying with the laws of the community and state referenced in this policy. Any student who violates these laws is subject to prosecution and punishment by civil authorities as well as disciplinary action by the university. The university may proceed against and sanction a person for the same conduct being handled by civil authorities.

Disciplinary Process. The University of Louisiana at Lafayette considers any violation of this drug policy a serious offense. The continued enrollment of students not immediately suspended for violations will be dependent on conditions which may include but not be limited to participation in assessment, counseling, and other treatment programs prescribed and directed by the Counseling and Testing Center.

Sanctions will be imposed by the university in accordance with disciplinary procedures set forth by the Code of Student Conduct. The sanctions imposed by the University may include but are not limited to suspension held in abeyance with conditions, summary suspension, removal from university housing, and permanent suspension from the University. The severity of the sanctions imposed will correspond with the severity and/or the frequency of violations as well as the individual's willingness to receive treatment and recommit to participation in a drug-free living and learning environment.

Trafficking in Illegal Drugs. Because the distribution of illegal drugs is a threat and danger to the health and safety of the community, when reasonable cause exists as determined by authorized officials, the university will immediately suspend alleged offenders prior to a hearing, and in accordance with the Code of Student Conduct (Summary Suspension).

1st Offense: Students found in violation of illegal distribution of drugs or controlled substances may be dismissed from school and banned from campus in accordance with disciplinary procedures of the Code of Student Conduct (Section 14.14).

Possession of Illegal Drugs. For students found in possession or use of illegal drugs, the sanctions shall be the following:

1st Offense: Sanctions will range from suspension held in abeyance with conditions to dismissal from school in accordance with the Code of Student Conduct (Section 14.14). Residents of university housing or housing controlled by the university alleged by authorized officials to be in violation of this policy will be subject to immediate removal in keeping with University housing policies and agreements.

2nd Offense: Sanctions will range from suspension of enrollment for a period of at least one semester to dismissal in accordance with the Code of Student Conduct (Section 14.14).

3rd Offense: Sanction will be dismissal from school and ban from campus.

Possession of Drug Paraphernalia. Sanctions will be determined on a case basis in accordance with this policy and the Code of Student Conduct.

Eligibility for Financial Aid. As a condition of certain types of financial aid (e.g., Pell Grant) students must certify that they "... will not engage in the unlawful manufacture, distribution, dispensation, or use of a controlled substance..." during the period of the grant. Any student found in violation of this drug policy jeopardizes their ability to receive financial aid for which they might otherwise be eligible.

Drug Policy of the Department of Athletics

The University of Louisiana at Lafayette Department of Athletics recognizes important distinctions between the student athletes and other members of the student body. Among these distinctions are provisions set forth by policies of the National Collegiate Athletic Association (NCAA) addressing special responsibilities and expectations of student athletes. The University's Department of Athletics Drug Use Policy complies with NCAA policy and comes under the direct supervision of the Athletic Director and the President of the university. It appears below in its entirety as written and adopted by the athletic department.

In our present society, some student-athletes are of the opinion that it is necessary to use drugs, either for recreation or to improve their performance. We at the University of Louisiana at Lafayette do not agree with this line of reasoning. We will not condone the use of drugs for any purpose other than for medical reasons.

The UL Lafayette Athletic Department has a comprehensive drug testing program. The purpose of this program is to evaluate, educate and rehabilitate our student-athletes. Drugs are a serious problem because the use of drugs is 1) a violation of the law, and 2) is harmful to your health. The purpose of this program is to discourage the use of drugs.

The policy concerning drug testing will be as follows:

1. All student-athletes will be subject to random testing during the academic school year.
2. If a test proves positive, the student-athlete's urine will be tested for confirmation. If the confirmation test is positive the student-athlete will be referred to a drug counselor for evaluation.
3. For marijuana and its derivatives: During and after drug counseling, the student-athlete will be suspended indefinitely from his/her squad and removed from the athletic training table and relocated away from his/her team's dormitory. On a third confirmed test, the student-athlete will be dismissed from his/her squad for the remainder of the academic year.
4. For drugs except marijuana: If a student-athlete tests positive, he/she will be suspended from participation indefinitely. If a student-athlete has a second positive test, he/she is dismissed from his/her squad for the academic year and is removed from the Athletic Training Table and relocated away from his/her team dormitory.

Drug-Free Workplace Policy Faculty, Staff, and Student Employees

The Federal Drug-Free Workplace Act of 1988 prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and student employees, permanent or temporary, who violate this policy. Any employee who violates this Drug-Free Workplace policy is subject to disciplinary actions by the president or his designee which may include referral to civil authorities for prosecution and punishment and termination of employment.

Education and Prevention

The University of Louisiana at Lafayette recognizes that a successful drug-free school and workplace program depends, in part, on how well it assists those who are drug users. Equally

important, however, is the assurance to employees that personal dignity and privacy of each individual will be upheld in accomplishing the purpose. To these ends the University has provided in this policy procedures for 1) employee assistance, 2) supervisor training, 3) employee education, and 4) identification of illegal drug use through drug testing on a carefully controlled and monitored basis.

Faculty/Staff Assistance Program (F/SAP). The F/SAP plays an important role toward preventing and resolving employee drug use by: demonstrating the university's commitment to eliminating illegal drug use, providing employees an opportunity to discontinue their drug use with professional assistance, providing educational materials to supervisors and employees on drug use issues, assisting supervisors in confronting employees who have performance and/ or conduct problems and making appropriate referrals for treatment, and providing follow-up with individuals during rehabilitation. The director of the university Counseling and Testing Center shall be responsible for F/SAP services in cooperation with the coordinator of the Office of Drug and Alcohol Education and Prevention. The F/SAP shall ensure the confidentiality of all contacts with the individual and his/her related treatment but not be involved in the process of drug testing.

Supervisory Training. Supervisors have a key role in establishing and monitoring a drug-free workplace. Therefore, the university shall provide training to assist supervisors and managers in recognizing and addressing illegal drug use by employees. The Office of Drug and Alcohol Education and Prevention shall be responsible for implementing supervisory training. The purpose of such training is to communicate the following:

1. University policies relevant to work performance problems drug use, and the F/SAP.
2. How to recognize performance and behavioral changes related to drug use.
3. The roles of key individuals in the programs outlined by this policy.
4. The process of reintegrating employees into the work force.

Employee Education. The F/SAP shall offer drug education to all University employees. Drug education and training to all levels of the University shall include information on types of drugs, symptoms of drug use, and the effects on performance and conduct. The scheduling of drug education activities shall be the responsibility of the coordinator of drug education and prevention reflecting a regular plan for each semester. These activities may include distribution of written materials, videotape showings, lunchtime employee forums, and/or employee drug awareness days.

Identification of Illegal Drug Use. This policy provides for the identification of illegal drug users through supervisor training as explained above. It also provides, as a Presidential Option, for drug testing of university employees in testing designated positions on a carefully controlled and monitored basis (Appendix D). The drug testing coordinator appointed by the president or his designee shall be responsible for the drug testing program.

Drug Testing

See Addendum at the end of this section.

Sanctions

Determination. Sanctions shall be imposed on any employee who is found to violate this policy on the basis of appropriate evidence including but not limited to direct observation, evidence obtained from an arrest or criminal conviction, a verified test result, or an employee's voluntary admission.

Mandatory Administrative Action. The university shall refer an employee found to use drugs to the F/SAP. If the employee occupies a sensitive position (e.g., public health, safety, or

law enforcement or operates machinery or vehicles) he/she may be immediately removed from that position and alternative duties assigned as determined by the president or his designee.

Range of Consequences. Disciplinary action taken against an employee found to use illegal drugs may include the full range of disciplinary actions, including termination of employment. Such disciplinary action may include any of the following consistent with the requirements of any governing collective bargaining agreement and the state Civil Service Act and other statutes, and University personnel procedures and policies, but some action must be taken:

1. Reprimanding the employee in writing;
2. Placing the employee on enforced leave status;
3. Suspending the employee for 14 days or less without pay;
4. Suspending the employee for 15 days or more without pay;
5. Suspending the employee until the employee successfully completes and F/SAP or the president or his designee determines that action other than suspension is more appropriate;
6. Removing the employee from employment.

Refusal to Take a Drug Test. An employee who refuses to take a drug test when required will be subject to the full range of disciplinary action, including termination of employment. No applicant for Testing Designated Positions who refuse to be tested will be offered employment.

Mandatory Dismissal. Any employee found to use drugs who refuses to obtain counseling or rehabilitation through the F/SAP shall be subject to immediate dismissal from employment. Likewise, immediate termination of employment will result after not retraining from drug use after a first finding and disciplinary action.

Voluntary Referral. Under Executive Order 12564, the university is required to initiate action to discipline any employee found to use illegal drugs in every circumstance except those in which the employee voluntarily admits his/her drug use, completes counseling or F/SAP, and there after refrains from drug use. A fundamental purpose of the university's drug-free workplace plan is to assist employees who themselves are seeking treatment for drug use. Because of this, and the fact that the order permits an agency to create a "safe harbor" for an employee who meets all three of these conditions, the university will not initiate disciplinary action against employees who satisfy the provisions of this section.

**ADDENDUM TO
EMPLOYEE SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE POLICY**

**University of Louisiana at Lafayette
Employee Drug Testing Policy
Revised May 2010**

UL Lafayette has an Environmental Health and Safety program that addresses drug and alcohol abuse as they pertain to occupational and public safety on campus. This program is supported with an Environmental Health and Safety Policy, which can be viewed online at: www.louisiana.edu/ehs/. For more information concerning drug and alcohol abuse contact:

Joseph “Joey” Pons, Director
Environmental Health and Safety
(337) 482-5357
(337) 482-5830 (FAX)
jvp6188@louisiana.edu

Policy Document II

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY

UL Lafayette firmly supports the national policy of Affirmative Action/Equal Employment Opportunity as set forth in the University Affirmative Action Plan. The University policy in the area of equal employment opportunity shall be administered without regard to race, color, religion, sex, sexual orientation, age, national origin, disabilities, or a person's status as a disabled veteran or veteran of the Vietnam Era. The University policy also prohibits sexual harassment in accordance with state and federal laws and regulations. Additionally, the University policy allows for sick leave use for maternity reasons and treats such requests in a manner similar to leave requests for any other temporary disability. Execution of this policy requires vigorous efforts to identify and attract women and minority group applicants (where underrepresented) who meet the University's qualification standards and, where necessary, to maintain on file their applications in order to consider them with others as openings develop.

University policy fully embraces equality of opportunity for all employees by affirming that the University will take affirmative action to ensure that all applicants receive fair consideration for employment and the employees are treated fairly during the period of employment. Christine Brasher, Director of Operational Review and EEO Officer has been assigned responsibility for continuing development, implementation, and monitoring of the Affirmative Action Program. Christine Brasher is also responsible for designing and implementing audit and reporting systems that will:

1. Measure effectiveness of the University's Affirmative Action Program.
2. Provide indications of need for remedial action.
3. Determine the degree to which the University's goals and objectives have been attained.

Policy on Nondiscrimination

The University of Louisiana at Lafayette does not discriminate on the basis of race, color, national origin, age, religion, sex, sexual orientation, or disability in admission to, access to, treatment in or employment in its programs and activities as required by Title VI and Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Age Discrimination Act of 1975, the Equal Pay Act of 1963, Title IX of the Education Amendments of 1972, Executive Order 11246, Section 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and the 1990 Americans With Disabilities Act. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Director of Operational Review and EEO Officer
P.O. Box 41006
University of Louisiana at Lafayette
Lafayette, LA 70504
(337) 482-1394 Martin Hall Room 315

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Civil Rights Director, Office for Civil Rights, Dallas Office, U.S. Department of Education, 1999 Bryan Street, Suite 2600, Dallas, Texas, 75201; (214) 880-2459; Fax (214) 880-3082; TDD (214) 880-2456; Email: OCR.Dallas@ed.gov

Full cooperation and assistance is expected. The University's plan is available for review during regular office hours in either the Director of Personnel's office located in Room 175 of Martin Hall or Room 230 Martin Hall. Anyone having questions regarding the University's Affirmative Action/EEO Policy or its implementation should discuss the matter with the EEO officer by calling (337) 482-6306, 7:30 a.m. to 5:00 p.m. Monday-Thursday and 7:30 a.m. to 12:30 p.m. on Friday.

Policy Document III

UNIVERSITY POLICY REGARDING SEXUAL BEHAVIOR AND SEXUAL HARASSMENT

A. General Principles

The University of Louisiana at Lafayette is committed to creating and maintaining a campus environment where all individuals are treated with respect and dignity and where all are free to participate in a lively exchange of ideas. Each student has the right to learn and each employee has the right to work in an environment free of sexual harassment and one in which ideas may be freely expressed.

At the University of Louisiana at Lafayette, sexual harassment, whether verbal, physical, written, or visual, is unacceptable and will not be tolerated. Harassment is unlawful and hurts all members of the educational community. Each incident of harassment contributes to a general atmosphere in which the entire community suffers the consequences and in which all students and employees may feel that their safety and equality are compromised. Harassment has no legitimate educational purpose. Any employee or student, male or female, who engages in conduct prohibited by this policy shall be disciplined as provided by law, university policies, and applicable employment agreements.

UL Lafayette will not tolerate any sexual harassment of any person affiliated with UL Lafayette by any person affiliated with UL Lafayette (including non-employees, such as vendors and independent consultants), and will not tolerate academic or employment retaliation, including but not limited to, termination of anyone reporting harassment or providing information related to such a complaint.

B. Academic Freedom

The University of Louisiana at Lafayette recognizes the tension between protecting all members of the University community from sexual harassment and protecting academic freedom and freedom of expression. It is the policy of the institution that no member of the community may harass another. Conduct that reasonably serves a legitimate educational purpose, including pedagogical techniques, does not constitute harassment. In the educational setting within the University, wide latitude for professional judgment in determining the appropriate content and presentation of academic material is required. Although those participating in the educational setting bear a responsibility to balance their rights of free expression with a consideration of the reasonable sensitivities of other participants, this policy against harassment shall be applied in a manner that protects academic freedom and freedom of expression, including but not limited to the expression of ideas, however controversial, in the classroom setting, academic environment, university-recognized activities, or on the campus.

Nothing contained in this policy shall be construed to limit the legitimate exercise of free speech, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve legitimate educational or artistic purposes nor shall this policy be construed to infringe upon the academic or artistic freedom of any member of the University.

Artistic expression in the classroom, studio, gallery and theater merits the same protection of academic freedom that is accorded to other scholarly and teaching activities.

C. Coverage

All faculty, administrators, staff, students, and individuals affiliated with the University of Louisiana at Lafayette by contract (including non-employees, such as vendors and independent contractors) are bound by this policy. This policy protects men and women equally from sexual harassment, including same-sex harassment, and protects students from harassment by other students.

D. University Policy Regarding Prohibited Sexual Behavior

Sexual behavior, whether consensual or not, involving individuals where, by virtue of roles or position in the university, one individual is in a position of direct academic or supervisory authority with respect to the other are prohibited.

These roles include, but are not limited to, the following examples: a faculty member and any student in his or her class; a faculty member and any undergraduate major in his or her department; a faculty member and any graduate student in a departmental program; a graduate assistant who has teaching or other classroom duties and all students in the class or classes that he or she teaches or assists; a departmental, college, or university administrator and any member of the faculty in his or her chain of command; a laboratory supervisor and those using or working in his or her lab; or a supervisor of civil service employees and his or her employee.

In this category, both consensual and nonconsensual sexual behavior are proscribed, because of the university's presumption that individuals not in a position of authority (or of lesser authority) cannot willingly and freely say no to any sexual touching or advances from a person in a position of authority.

E. University Policy Regarding Sexual Harassment

1. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome behavior of a sexual nature by faculty, administrators, staff, students, and other individuals covered by this policy.

Thus, sexual harassment consists of offers of "quid pro quo" behavior or of the creation of a hostile work or learning environment including unwelcome advances, or requests for sexual favors. This includes any verbal, written, physical or other conduct of a sexual nature when such conduct would be objectively regarded by a reasonable person as substantially interfering with an individual's ability to learn or work or participate in University programs or activities by creating an intimidating, hostile, or offensive school or work environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive. The conduct must be sufficiently severe, persistent, or pervasive that it creates a hostile or abusive learning or working environment. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.

This definition of sexual harassment is essentially the standard of federal non-discrimination statutes.

a. “Quid Pro Quo” Offers

- (i.) Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct or
- (ii.) threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected.

b. Creation of a Hostile Work or Learning Environment

Creation of a hostile work or learning environment includes (but is not limited to)

- (i.) Physical conduct such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body, if such conduct would be regarded by a reasonable and objective person, in light of all relevant circumstances, as sexual in nature.
- (ii.) Making sexual references to a person's body parts, gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience directed at or made in the presence of any individual.
- (iii.) Unwelcome sexual advances, including requests for a romantic or sexual relationship to an individual who indicates or has indicated that such conduct is unwelcome.

2. Retaliation

No member of the UL Lafayette community will be disciplined for refusing sexual advances, objecting to sexual harassment, or making a good faith report of harassment.

Retaliatory or intimidating conduct against any individual who has made a good faith harassment complaint or who has testified or assisted in any manner in an investigation is specifically prohibited and shall provide grounds for a separate complaint. Examples of such retaliatory or intimidating conduct include disciplining, changing working or educational conditions, providing inaccurate information to or about, or refusing to cooperate or discuss work- or school-related matters with any individual because that individual has complained about or resisted sexual harassment. The initiation of a good faith complaint of harassment by a student will not reflect negatively on that student nor will it affect the student's academic standing, rights, or privileges. Likewise, the initiation of a good faith complaint by an employee will not reflect negatively on that employee nor will it affect the employee's working conditions, rights, or privileges.

F. University Policy Regarding Faculty Consensual Relationships with Other Faculty Members.

1. Permitted Consensual Sex Bounded by Procedural Protections

The nature of the collegial relationship of faculty may lead to the development of consensual romantic or sexual relationships. This has the potential for putting all faculty members at risk when colleagues judge other faculty members for merit raises, promotion, tenure and other issues. Therefore, this policy does not prohibit romantic or sexual behavior between faculty members, but provides procedures to handle potential conflicts of interest.

2. Recusal

Any member of the faculty or administration shall recuse himself or herself from tenure and promotion decisions, faculty awards such as sabbatical and research grants or any other personnel matter in cases where a history of past or current relationships or sexual behavior might affect impartial decision making. In such cases, the recusal should be accepted without question or penalty by all members of the faculty. Where such recusal does not voluntarily occur, the affected member of the university community should write a letter to the head of the relevant department requesting that the other faculty member recuse himself or herself. Should the other faculty member refuse to do so, the head of the department should make the request for recusal known to the members of the relevant committee.

G. Problematic Aspects of Consensual Sex within the University Community

Any consensual sexual relations between faculty members, administrators, academic staff members and students otherwise allowed by this policy are unwise, problematic, and fraught with risk. Even when both parties have consented to the relationship, there may be perceptions of conflicts of interest or unfair treatment of others. Such perceptions undermine the atmosphere of trust essential to the educational process or the employment relationship.

A teacher's role includes providing intellectual guidance and academic and professional support and advice for students other than majors and graduate students in his or her department, and the trust that is essential to these roles can be undermined by a sexual relationship between a student and a faculty member, administrator, or member of the academic staff.

Other students who are aware of a sexual relationship between a student and a faculty member, administrator, or member of the academic staff often believe that the student is being favored academically, and this can undermine trust among the students with regard to whether or not they are being treated fairly.

A student may be flattered by romantic or sexual attention from a relatively powerful, prestigious, and perhaps considerably older faculty member, administrator, or member of the academic staff. The faculty member, administrator, or member of the academic staff may wish to ponder whether or not he or she wishes to take advantage of his or her position.

Freshmen are especially vulnerable, engaged in a major life transition, attempting to adjust to the new demands of learning at the college level, in need of focusing on developing solid study habits, and perhaps not yet having developed clear goals or peer friendships, and can

have their academic aspirations interrupted or ended by the distractions and emotional turmoil of a sexual relationship with a faculty member, administrator, or member of the academic staff.

Problems commonly emerge when a sexual relationship breaks up. Students often later reveal that they worried about the possible adverse impact on their academic and eventual professional lives of offending a faculty member by breaking off a relationship and, in many cases, delayed doing so for that reason. The emotional turmoil of a failed or failing relationship leads some faculty members to lash out in ways that do harm to the student's reputation or opportunities.

A student may voluntarily enter into a sexual relationship with a faculty member, administrator, or member of the academic staff not in a direct supervisory position with the intent to affect favorably his or her academic success and career. This motive may not be immediately evident to the faculty member, administrator, or member of the academic staff. Extreme caution on the part of the faculty member, administrator, or member of the academic staff may be appropriate, in order to protect the integrity of the academic process.

Young people have often been socialized to deflect rather than rebuff unwanted romantic or sexual advances and to be respectful to those in authority or who are considerably older than they are. As a result, a faculty member, administrator, or member of the academic staff who asks a student for a date, or in some other manner intimates an interest in dating, might wish to exercise extreme caution to ascertain with certainty the extent to which the student has given consent for the next step or may be conflicted or fearful or simply kind.

A student may hesitate to rebuff the first advance by a faculty member, administrator, or member of the academic staff for fear of possible retaliation by such a person of influence. If the student does directly rebuff such an advance, he or she may have residual uneasiness about whether that person may use his or her position to adversely affect the student's academic and professional life.

It is almost impossible to predict whether or not a student who is not at the present time in one's class or a major or graduate student in one's department may move into a category where all sexual relationships are prohibited by this policy. If there is a continuing relationship, the student may be deterred from making a change of academic direction that would ultimately benefit him or her, because he or she does not want to end the relationship. If the relationship has ended on poor terms, the student may fear or actually experience academic harm by the person who will then have power over him or her. If the relationship ended on good terms, the faculty member will be in a position to (perhaps inadvertently) favor the student.

It is almost impossible to predict whether or not a student who is not in one's class or a major or graduate student in a departmental program may at some time in the future benefit from a letter of recommendation written by a faculty member, administrator, or member of the academic staff. A letter of recommendation, favorable or unfavorable, can have a powerful impact on a student's academic and professional future.

It is almost impossible to predict whether or not a student who is not in one's class or a major or graduate student in one's department may at some time in the future benefit or be harmed because the faculty member, administrator, or member of the academic staff serves on a university committee that awards a scholarship, fellowship, internship, assistantship, prize, or other benefit.

It is almost impossible to predict whether or not a graduate student who is not in one's class or a graduate student not in one's department may become active in an interdisciplinary center or cooperative program between departments which would bring him or her into a position where the faculty member will be in a position of power, or may cause the graduate student to not pursue an intellectual direction in order to avoid the power relationship.

For these reasons, faculty members, administrators, and academic staff members should enter such relationships, if at all, only after very careful consideration.

H. Confidentiality

Confidentiality will be maintained throughout the entire investigatory process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved. The persons charged with investigating the complaint must discuss the complaint or the underlying behavior only with persons involved in the case who have a need to know the information, which will include at least the complainant and the accused harasser.

The University is required by law to investigate any complaint of sexual harassment and will strive to protect, to the greatest extent possible, the confidentiality of persons reporting or accused of harassment. However, the University cannot guarantee complete confidentiality where it would conflict with the University's obligation to investigate cases of sexual harassment.

I. False Accusations Forbidden

While the university community encourages all members to report suspected claims of sexual harassment, false accusations of sexual harassment can have a serious effect on innocent people. If an investigation results in a finding of malicious or reckless accusations of sexual harassment, the accuser will be disciplined appropriately.

J. Penalties

Appropriate sanctions, ranging from a warning to dismissal, will be determined based on the severity of the conduct and in accordance with the provisions of applicable statutes, employment contracts, university policies, and disciplinary procedures.

K. Applicable Procedures

Any individuals who believe that they have been harassed may bring a complaint or file a grievance. Complaints will be handled informally while grievances will involve a formal investigation and may result in hearings.

1. Bringing a Complaint

- a. Any member of the university community who believes that he/she has been the victim of sexual harassment (the complainant) may bring the matter to the attention of the Associate Dean of Students, Room 211, Martin Hall (482-6272); the Title IX Coordinator, Room 230, Martin Hall (482-6306); or one of the professional counselors in the Counseling Center, Olivier Hall (482-6480).
- b. The complainant should present the complaint as promptly as possible after the alleged harassment occurs. One consequence of failure to present a complaint

promptly is that it may preclude recourse to legal procedures should the complainant decide to pursue them at a later date.

- c. The initial discussion between the complainant and the university officer will be kept confidential with no written records. In many cases a satisfactory resolution of the complaint can be worked out at this point and no further action is required. If a resolution satisfactory to the complainant is reached, the complainant will sign a statement indicating that fact, and the statement will be kept in a confidential file by the University's grievance officer.

2. Filing a Grievance

- a. If a satisfactory solution to the complaint cannot be reached and the individual filing the complaint (grievant) decides to proceed, a written statement describing the alleged harassment should be submitted to the grievance officer designated by the President. Cases involving sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to the case should be limited in order that the privacy of all individuals involved is safeguarded as fully as possible.
- b. The grievance officer shall inform the alleged offender of the allegation and the identity of the grievant. The written statement of the complaint shall be given to the alleged offender. Every effort shall be made to protect the grievant from retaliatory action by those named in the grievance.
- c. Promptly after the grievance is submitted, the grievance officer should initiate appropriate steps to effect an informal resolution of the grievance acceptable to both parties.
- d. If the grievance officer fails to effect an informal resolution, the grievance officer shall investigate the complaint further.
- e. The grievant, if unsatisfied with a proposed informal resolution and with the grievance officer's investigative findings, shall, upon prompt submission of a written request, have access to the formal grievance procedures of the University.

3. The Grievance Review

Review of the grievance against a faculty and/or staff member is conducted by a committee of peers, as follows.

- a. If the alleged offender is a faculty member, the preliminary peer-committee inquiry and possible subsequent formal ad hoc committee hearing are delineated beginning in Section 3 of the *Procedures for Dismissal for Cause and Imposition of Major Sanctions*, published in the *Faculty Handbook*.
- b. If the alleged offender is a staff member, the formal grievance procedures are those delineated in *Procedures Governing Hearings by the Discrimination and Sexual Harassment Appeals Committee*, published in the *Faculty Handbook* and in the *Staff Handbook*.

- c. If the grievant and the alleged offender are both students, the grievance will be heard by the University Discipline Committee.

Policy Document IV

UNIVERSITY OF LOUISIANA AT LAFAYETTE VIOLENCE-FREE WORKPLACE POLICY

1.0 INTRODUCTION

- 1.1 Employees and students are the University's most valuable resource and their safety and security are essential to carry out their responsibilities. Every employee and student has a reasonable expectation to perform his/her assigned duties in an atmosphere free of threats and assaults.
- 1.2 Recognizing the increasing incidence of violence in the workplace, the Governor of the State of Louisiana issued an executive order committing the Governor and the State of Louisiana to work toward a violence-free workplace for state employees.
- 1.3 The University of Louisiana at Lafayette fully supports this effort, is committed to a violence-free workplace, and is a Firearms Free Campus.

2.0 DEFINITIONS

- 2.1 Assault - Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery. (Example: I may have a stick raised and know that I have no intention of striking you, but, based on the circumstances, you have a reasonable apprehension that I plan to strike you.)
- 2.2 Battery - Battery is the intentional use of force or violence upon another; or the intentional administration of a poison or other noxious liquid or substance to another.
- 2.3 Credible Threat - A credible threat is a statement or action that would cause a reasonable person to fear for the safety of him/herself or that of another person and does, in fact, cause such fear.
- 2.4 Intentional - Intentional refers to conduct when the circumstances indicate that the offender, in the ordinary course of human experience, must have considered the criminal consequences as reasonably certain to result from his act or failure to act.
- 2.5 Violence - Violence is the commission of an assault or battery or the making of a credible threat; creating a hostile environment.
- 2.6 Workplace - The workplace is any site where an employee is placed for the purpose of completing job assignments.
- 2.7 Hostile Environment – Abusive behavior that creates an unsafe or threatening environment through actions or words by another individual or group.

3.0 MANAGEMENT RESPONSIBILITIES

The University of Louisiana at Lafayette shall comply with federal and state statutes, rules, regulations and or guidelines in making reasonable efforts to:

- 3.1 hire, train, supervise and discipline employees;
- 3.2 intervene in situations of harassment in the workplace where the employer is aware of the harassment;
- 3.3 ensure employees and/or independent contractors are fit for duty, and do not pose unnecessary risks to others;
- 3.4 provide security precautions and other measures to minimize the risk of foreseeable criminal intrusion based upon prior experience or location in a dangerous area;
- 3.5 maintain an adequate level of security;
- 3.6 establish and implement a written policy and plan dealing with violence in the workplace;
- 3.7 provide employee training on the agency plan, warning signs of potential for violent behavior, and precautions, which may enhance the personal safety of the employee at work;
- 3.8 warn an employee of a credible threat made by another to do harm to that employee;
- 3.9 support the application of sanctions and/or prosecution of offenders, as appropriate;
- 3.10 accommodate, after appropriate evaluation, employees who require special assistance following incident(s) of workplace violence;
- 3.11 cooperate with law enforcement agencies;
- 3.12 establish a uniform violence reporting system with regular review of submitted reports;
- 3.13 initiate procedures to protect from retaliation employees who report credible threats; and
- 3.14 keep up-to-date records to evaluate the effectiveness of administrative work practice changes initiated to prevent workplace violence.

4.0 MANAGEMENT COMMITMENT

- 4.1 At the University of Louisiana at Lafayette management commitment, including the endorsement and visible involvement of top levels of supervision, provides the motivation and resources to deal effectively with workplace violence, and includes:

- 4.1.1 assigned responsibility for various aspects of the workplace violence prevention program to ensure that all supervisors and employees understand their roles and responsibilities;
- 4.1.2 treatment of workplace violence, incidents, complaints and concerns with seriousness, keeping confidential all reports and the identification of parties, except to those who have a legitimate need to know and to the extent required by law.

5.0 EMPLOYEE RESPONSIBILITIES

At the University of Louisiana at Lafayette:

- 5.1 Any member of the University community who believes that he/she has been the victim of workplace violence shall report this incident to the Director of Personnel Services at 482-6242.
- 5.2 Any member of the University community should report any incidents that create a fear of safety for himself/herself or that of another person to University Police at 482-6447.

6.0 WORKPLACE ANALYSIS

- 6.1 The process of workplace analysis involves a step-by-step, common-sense look at the workplace to find existing or potential hazards for the occurrence of workplace violence. The workplace analysis entails reviewing specific procedures or operations that contribute to hazards and specific locales where hazards may develop. The workplace analysis program includes, but is not limited to:
 - 6.1.1 analyzing and tracking records;
 - 6.1.2 monitoring trends;
 - 6.1.3 analyzing incidents; and
 - 6.1.4 analyzing workplace security.
- 6.2 At the University of Louisiana at Lafayette the responsibility for conducting and maintaining workplace analysis is assigned to the Violence in the Workplace Committee.
- 6.3 The initial workplace analysis for the University of Louisiana at Lafayette shall be performed by designated site coordinator(s) within 45 days of the publication of this policy.

7.0 INCIDENT RESPONSE AND EVALUATION

- 7.1 The Director of Personnel Services may direct the complainant to one of the following individuals:
 - 7.1.1 The Associate Dean of Students, if the complainant is a student
 - 7.1.2 The grievance officer charged by the University President with investigating such complaints, if the complainant is an employee

8.0 RECORDS

- 8.1 Complaint records associated with violence in the workplace shall remain confidential to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved.

9.0 EVALUATION

- 9.1 Regular evaluation of this policy shall be conducted as needed by the Violence in the Workplace Committee.

10.0 TRAINING AND EDUCATION

- 10.1 At the University of Louisiana at Lafayette,
 - 10.1.1 All employees, shall have training and instruction on general, job-specific, and work site-specific safety and security practices;
 - 10.1.2 Training and instruction shall be provided within one year of policy implementation and regularly thereafter; and
 - 10.1.3 Training shall begin with orientation of new employees during their regularly scheduled orientation session and regularly thereafter.
- 10.2 UL Lafayette shall provide regular correspondence to all employees on violence in the workplace through safety meeting documentation and other information whenever possible.

Revised: April 2004

Policy Document V

GRIEVANCE PROCEDURES POLICY AND POLICY FORM FOR CLASSIFIED PERSONNEL



UNIVERSITY
OF
LOUISIANA
L a f a y e t t e

Office of Personnel Services

P.O. Box 40196
Lafayette, LA 70504-0196
337-482-6242

July 12, 2001

Universitè des Acadèmics

TO: ALL CIVIL SERVICE EMPLOYEES

FROM: ELWOOD J. BROUSSARD, DIRECTOR OF PERSONNEL SERVICES

The University has established a grievance policy and procedure to deal with the misunderstandings and problems that may arise but are not of the nature that would require action by the Department of Civil Service.

In brief, the grievance procedure consists of four steps:

1. The employee, within ten days of any incident, should present his/her complaint to his immediate supervisor and it should be settled at that level through discussion. The supervisor should render an oral decision within three days.
2. If not satisfied with the decision in the first step, the employee, within seven days, may present his grievance in writing to his department head. After giving the employee an opportunity to present his viewpoint, the department head should submit a written decision within five working days.
3. If the employee is not satisfied with the decision of the department head, he/she shall within five (5) working days submit the written and signed grievance to the department head's supervisor. The department's immediate supervisor shall respond within three (3) working days of receipt of grievance and forward to his/her immediate supervisor until it reaches the Vice Presidential level.
4. If still not satisfied, the employee, within five working days, is required to submit his written and signed grievance to the Appointing Authority of the University.

Copies of the grievance form and procedures are available from the Personnel Office, Room 175-Martin Hall.

Please note that the filing of a grievance at the University will not and does not extend the 30 day timely filing requirement (Civil Service Rule 13.12) of an appeal with the LA Civil Service Commission.

A Member of the University of Louisiana System



FIRST STEP

This form is to be used if the Grievant is not satisfied with the decision of his/her immediate supervisor at the First Step of the grievance procedure. The form will be complete at each subsequent step at which the appeal is made. (Please print or type).

Name of Grievant _____ Job Classification _____
Immediate Supervisor _____ Work Location _____

Grievance Statement:

Relief Sought:

Decision of Immediate Supervisor: _____ Grievant's Signature _____ Date _____

Supervisor's Signature _____ Date _____

SECOND STEP

Decision of Department:

Department Head's Signature _____ Date _____

After completing 2nd Step return Grievance Form to Grievant.
Grievant's response (Circle a or b)
a. I am satisfied with the answer to my grievance
b. I am not satisfied with the answer to my grievance and wish to have it referred to the next step.

Grievant's Signature _____ Date _____

THIRD STEP

The decision of the Department Head's Supervisor must be reviewed by all levels of authority above him/her up and through the Vice President responsible for that area. If the action taken by the Department Head is not in concurrence with any authority above him/her, a letter of explanation must be attached to this document.

I concur do not concur with the Department Head's decision

Signature _____ Title _____ Date _____

I concur do not concur with the Department Head's decision.

FOURTH STEP

Decision of Appointing Authority or Designated Representative:

Signature Date

After completing fourth step return Grievance Form to Grievant.

Grievant's response (Circle a or b)

- a. I am satisfied with the answer to my grievance.
- b. I am not satisfied with the decision of the Appointing Authority and I request a hearing before a Grievance Committee.

Grievant's Signature Date

Recommendation(s) of Grievance Committee:

Signature of Committee Members:

_____ Member	_____ Member	_____ Member	_____ Date
-----------------	-----------------	-----------------	---------------

Final Decision of Appointing Authority:

Appointing Authority's Signature Date

Timetable of Events in the Grievance Procedure:

- 1. All grievances should be presented within ten (10) calendar days from the date the Grievant first became aware of, or should have become aware of, the cause of such grievance to his/her immediate supervisor.
- 2. Immediate Supervisor should render a decision within three (3) calendar days to Grievant.
- 3. If the grievance has not been settled, it shall be presented in writing by the Grievant to the Department Head within seven (7) working days after the Supervisor's response.
- 4. The Department Head shall respond and return to Grievant within five (5) working days.
- 5. If the Grievant is not satisfied with the decision of the Department Head, he/she shall within five (5) working days, beginning with the first working day after receiving the decision, submit the written and signed grievance to the Department Head's Supervisor-the Department's Immediate Supervisor shall respond within three (3) working days of receipt of Grievant and forward to his/her Immediate Supervisor until it reaches the Vice Presidential Level.
- 6. The Vice President shall respond to the Grievant within three (3) working days of receipt.
- 7. If the Grievant is not satisfied with the decision in the Third Step, he/she shall within five (5) days, beginning with the first working day after receiving the decision, submit the written and signed grievance to the Appointing Authority of the University.

Policy Document VI

GRIEVANCE PROCEDURE FOR NON-FACULTY UNCLASSIFIED PERSONNEL

The “Grievance Procedure for Non-Faculty Unclassified Personnel” provides a mechanism for a non-faculty unclassified employee to protest University decisions which the grievant believes have adversely affected his/her terms and/or conditions of employment. Non-faculty unclassified employees are defined as administrative officers, professional staff, and other persons holding positions specifically exempt from classified service.

The procedure outlined here is designed to resolve personnel complaints quickly, fairly, and equitably. It is to be used for any work-related grievance not related to discrimination or sexual harassment; grievances based on claims of discrimination and sexual harassment are described in separate policy documents. A staff member who files a grievance under the terms of this policy will not be penalized or suffer retaliation at the hands of a supervisor.

I. Introduction

- 1.1 The Grievance Procedure is not intended to create and will not be construed to constitute a contract, express or implied, between UL Lafayette and an employee. Specifically, the Grievance Procedure does not constitute an employment contract for a fixed term and it does not affect the terminable-at-will status of any unclassified employee. An unclassified employee whose employment has been terminated cannot file a grievance over the termination.
- 1.2 Throughout this document the non-faculty unclassified staff member who files a complaint or grievance is referred to as the “**Grievant**,” and the person whose action or decision is the subject of the grievance is referred to as the “**Decision-Maker**.”
- 1.3 The Grievant must initiate each of the first three steps of the Grievance Procedure. If the Grievant fails to initiate a step in the process according to the established timeline of the grievance process, the grievance is considered abandoned.
- 1.4 At any step of the Grievance Procedure, the Grievant may be accompanied by a person of his/her choosing whose role is limited to that of advisor and does not include presentation or open advocacy.

2 Step One: Informal Resolution

- 2.1 Before filing a formal grievance, the Grievant must confer informally with the Decision-Maker in an attempt to resolve the problem.
- 2.2 If the grievance is not resolved through a discussion between the Grievant and the Decision-Maker, or if the identity of the Decision-Maker is unclear, the Grievant should attempt informal resolution with his/her immediate supervisor. If the immediate supervisor is the Decision-Maker, the Grievant should seek informal resolution through that person’s supervisor.
- 2.3 The informal discussion should commence no later than ten (10) business days from the date the Grievant discovers the action or decision about which he/she wishes to complain.
- 2.4 If the Grievant’s supervisor is not able to effect a resolution through this informal discussion process within ten (10) business days after being informed of the

complaint, the supervisor should so inform the Grievant, who may pursue the matter further by filing a written grievance, as described in Step Two below.

3 Step Two: Written Grievance

- 3.1** The Grievant may submit a written explanation of the grievance to his/her immediate supervisor or, if the immediate supervisor is the Decision-Maker, to the next person in the chain of authority. The explanation should be accompanied by any supporting documentation that the Grievant believes substantiates the complaint. The formal written grievance should be delivered to the appropriate supervisor within five (5) business days after the conclusion of Step One.
- 3.2** The supervisor will investigate the matter by consulting the Grievant and the Decision-Maker and, within ten (10) days from the submission of the written grievance, will send a written decision in the matter to the Grievant; the Decision-Maker; and the Vice President of the Grievant's administrative unit.

4 Step Three: Hearing Request

- 4.1** If the Grievant is not satisfied with the disposition of his written grievance, the Grievant may submit a hearing request to the President of the University.
- 4.2** The hearing request must be filed within ten (10) business days from the receipt of the supervisor's decision on the written grievance.
- 4.3** The grievance will be heard by a Grievance Committee at the discretion of the President.
- 4.4** The Committee will consist of five unclassified employees selected as follows:
 - 4.4.1** Two selected from a list of four nominees submitted by the Grievant to the President.
 - 4.4.2** Two selected from a list of four nominees submitted by the Decision-Maker to the President
 - 4.4.3** One appointed by the President of the University who will serve as chair of the committee.

5 Step Four: Conduct of Hearing

- 5.1** The hearing will commence within twenty (20) business days of the hearing request.
- 5.2** The Grievance Committee chair will notify the Grievant and the Decision-Maker of the hearing at least ten (10) days prior to its commencement. The notice will: (1) specify the time and place of the hearing; (2) inform the Grievant that he/she may be accompanied by an individual of his/her choice whose role is limited to that of advisor and does not include presentation or open advocacy; and (3) advise both parties that they may inspect university documents and other items pertinent to the grievance which are not confidential under State and Federal law.
- 5.3** The University recognizes that it is difficult to formulate a set of procedures which can anticipate and accommodate all possible circumstances. Therefore, the Chair of the Grievance Committee is empowered to rule on all questions of procedure. When it is deemed necessary, the Chair may call a

recess at any time and ask the Committee for a private discussion of and assistance in a ruling.

- 5.4 At the beginning of the proceeding, both parties to the grievance may offer statements regarding the events and issues that led to the grievance.
- 5.5 Both the Grievant and the Decision-Maker may produce witnesses who shall be subject to questioning. Testimony of all witnesses will be under oath and may be recorded at the request of any participant. Witnesses other than the one testifying shall be excluded from the hearing room.
- 5.6 Any officer or employee required to testify shall not be penalized in any way because of his/her appearance as a witness.
- 5.7 The participants may offer evidence in support of their arguments and will provide any evidence deemed necessary by the Grievance Committee.
- 5.8 After the testimony of all parties is completed, the Grievance Committee will deliberate the matter in closed session. Each member of the Grievance Committee, including the Chair, will have one vote. All votes will be by secret ballot. A simple majority of votes is required for a recommendation to be made by the Grievance Committee to the President.

6 Step Five: Post-Hearing Recommendations

- 6.1 It is the responsibility of the Chair to communicate in writing the Grievance Committee's recommendation regarding the merits of the grievance, as well as the reasons underlying the Committee's recommendation. The written communication must be sent to the Grievant, the Decision-Maker, and the President within ten (10) business days after the hearing.
- 6.2 The final decision regarding the grievance rests with the President, who will communicate his/her final decision in writing to the Grievant, the Decision-Maker, and the Vice President of the Grievant's administrative unit. The President's communication will be sent within twenty (20) business days of the receipt of the Grievance Committee's written recommendation.
- 6.3 The President is not bound by the recommendation of the Grievance Committee. The President's decision in the case is final.

Policy Document VI

UNIVERSITY OF LOUISIANA AT LAFAYETTE

**GRIEVANCE FORM
FOR UNCLASSIFIED EMPLOYEES**

This Grievance Form is to be used if the Grievant is not satisfied with the decision of the Decision-Maker (the person who made the decision complained of, or in the case of doubt; the immediate supervisor). The Form shall be completed at each subsequent step.

NAME OF GRIEVANT: _____

DEPARTMENT, DIVISION OR UNIT: _____

JOB CLASSIFICATION: _____

DATE: _____

GRIEVANCE STATEMENT:

RELIEF SOUGHT:

Policy Document VII

UNIVERSITY OF LOUISIANA AT LAFAYETTE

Compensatory Leave Policy for Unclassified Professional Staff

Effective July 1, 1999

- Compensatory leave may be granted for overtime hours worked outside the regularly assigned 40-hour work week, or when the employee has not worked in excess of 40 hours due to holidays observed or leave taken. Earning of compensatory leave must have prior approval of the immediate supervisor and the appropriate Vice President, or the President.
- Compensatory leave shall not be earned by the following: President, Vice Presidents, Deans, Athletic Director, athletic coaches and employees who set their own work schedule. Exceptions may be made to permit these employees to be exempted from having to take leave when the university is officially closed.
- Compensatory leave may be used with the approval of the immediate supervisor and the appropriate Vice President or President. Not more than 240 hours (30 days) of accrued unused compensatory leave shall be carried forward into any fiscal year.
- Any appointing authority may require employees to use their earned compensatory leave at any time.
- Employees will not be paid the value of their accrued compensatory leave upon separation from their unclassified position.
- In the event that an employee transfers without a break in service to another position with the State service, compensatory leave may be credited to the employee at the discretion of the new appointing authority. Compensatory leave shall be terminated when an employee separates from State service.
- Compensatory leave should not be confused with a flexible time policy. Employees cannot arbitrarily determine their own work schedules. In addition, work undertaken while at home does not constitute the earning of compensatory time.
- For proper administration of this policy, the following procedure will apply.
 - A prior approval form for earning compensatory leave must be signed by the immediate supervisor, department head, the appropriate Vice President or the President. This form must be attached to the monthly leave report which is submitted to the Business Office.
 - An official Application for Leave form, which is currently in use, must be signed by the appropriate officials listed in

Item (C) when compensatory leave is to be taken. This form also must be submitted with the monthly leave report to the Business Office.

- While on official travel on a regular University work day, an employee can earn a maximum of five (5) hours of compensatory leave for hours worked after 4:30 p.m. During weekend official travel, an employee can earn a maximum of eight (8) hours per day.
- Employees will not earn compensatory leave while on “on call” status unless specifically approved by the President of the University.
- Compensatory leave will automatically be charged for designated University closings. Employees who do not have enough compensatory leave earned will be charged annual leave in lieu of compensatory leave. Employees whose compensatory and/or annual leave are not sufficient will be docked for the number of deficit days.

Employees who work on any designated school closing should indicate this on the monthly leave form so that their records can be adjusted.

Policy Document VIII

THE UNIVERSITY OF LOUISIANA AT LAFAYETTE *Textbook Orders: Policies and Procedures* September 2002

The University of Louisiana at Lafayette has adopted the following policies and procedures regarding the selection and ordering of texts and other materials for classes offered by the University. The objective of these procedures is to ensure that textbook orders are accurate and complete, that all available vendors have access to the textbook list if they so request, and that the appropriate textbooks are available to students at the inception of each semester.

Departmental Book Ordering Process

1. *Departmental Textbook Liaison.* Each academic department must identify a single person who will serve as the textbook liaison for courses offered by that department. The Dean of the Department's College should be notified of the name of the liaison. The Departmental Textbook Liaison is responsible for generating a complete and accurate list of texts required for all sections of all courses to be offered by the department in a given semester. The Departmental Textbook Liaison must submit the entire order to the Textbook List Manager in Dupré Library by the deadline announced in the University calendar.

2. *Departmental Textbook Order.* Each Department's textbook order must include the following information for each text:
 - semester and year
 - department
 - course and section number
 - textbook title and author
 - publisher
 - ISBN number
 - edition and year of publication
 - whether it is an optional text for students (the assumption being that a text is required unless otherwise noted)
 - estimated enrollment
 - any special features of a given text (e.g., its being shrink-wrapped with an accompanying CD or other supplemental materials)
 - notes for students or vendors regarding the text (e.g., an order cancellation, change in ISBN number, notice that the department will discontinue the adoption after this semester, etc.)Prices should not be included in the order.

3. *Timeline for Textbook Orders.* The Departmental Textbook Liaison must submit the department's order, in electronic form using the template set up by the List Manager (see www.louisiana.edu/InfoTech/Library/Textbook), in accordance with the following deadlines:

- for Fall semester classes, submit the order before the last Friday in March;
- for Spring semester classes, submit the order before the first Friday in October;
- for Summer term classes, submit the order before the last Friday in February.

If a Department provides a written copy of the order to the University Bookstore or to any other vendor, then all vendors who request a written copy must receive one as well.

Departments will be notified of the receipt of the book order by the library staff, if they so request.

4. *Changes to the Departmental Book Order.* Changes to a Department's book order are occasionally inevitable, perhaps because a given text is out of print, for instance, or a faculty member's teaching schedule changes, or a faculty member leaves the University. However, changing the textbook order is a practice that should be avoided whenever possible. If a change must be made, it should be submitted as soon as possible, in electronic form, to the Textbook List Manager in Dupre Library. The date of the change should be noted on the submission form, and all information about a given text (as itemized in # 2 above) must be provided. The Departmental Liaison should not whether the new text is an addition to or a replacement of the original order.

University Textbook Clearinghouse

1. The University will maintain a master list or "textbook clearinghouse" of all textbooks needed for all courses in each semester. The list will be posted on the University's web site at www.louisiana.edu/InfoTech/Library/Textbook, where it will be accessible by students, faculty, and book vendors alike. The initial list for a given semester will be posted within two to three weeks after the deadline for departmental submission of the order (see Departmental Book Ordering Process above).
2. The University will appoint Textbook List Manager in Dupre Library to oversee the operation of the university textbook list and to respond to queries regarding the list. The List Manager can be reached by e-mail at textbooks@louisiana.edu.
3. Changes to the textbook master list will be entered as received, and the date of entry will be noted so that vendors and students know which texts have been changed after the submission of the original list.

Adopted 9/11/02

Policy Document IX

EEO POLICY AND COMPLIANCE EFFORTS

This notice is being disseminated as part of UL Lafayette's voluntary compliance effort. The University will comply with applicable federal law and will not retaliate against individuals who engage in a protected activity. A protected activity consists of filing a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding or hearing under Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. If you have engaged in a protected activity, and believe that you have been retaliated against, you may contact Christine Brasher, Room 315 Martin Hall, or by phone, 482-1394.

Policy Document X

CLEARY ACT

The University of Louisiana at Lafayette’s annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by the University of Louisiana at Lafayette (such as the Campus South area – Cajun Field, Athletic Complex, Print Shop, etc.); and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and, other matters. You can obtain a copy of this report by contacting the University of Louisiana at Lafayette Police Department by mail at P.O. Box 40794, Lafayette, LA 70504; by telephone at (337)-482-6449; or by accessing the following website: www.louisiana.edu/student/police/ and “click” on the CLERY ACT icon.

Policy Document XI

FMLA (The Family and Medical Leave Act)



Office of Personnel Services

P.O. Box 40196
Lafayette, LA 70504-0196
337-482-6242

THE FAMILY AND MEDICAL LEAVE ACT

The US Family and Medical Leave Act of 1993 (FMLA) allows employees to claim job-protected unpaid leave up to 12 weeks in a year under these circumstances:

1. To care for the employee's child after birth
2. The placement, the adoption or the foster care of a child
3. To care for the employee's spouse, son, or daughter, or parent, who has a serious health condition
4. For a serious health condition of the employee that makes the employee unable to perform the functions of his/her position

An employee must have been employed for twelve (12) months by the University and for at least 1250 hours during the twelve (12) months preceding the start of FMLA leave. The employee must have actually worked the 1250 hours, leave time is excluded.

An employee is entitled to twelve weeks of FMLA leave in a "year". This twelve (12) month period begins with an employee's first usage of FMLA leave. The employee must give thirty (30) days written notice of the need for FMLA leave, or if not practicable, as much leave as is practicable. The employee must request FMLA leave using the USL "Request for Family and Medical Leave" form with the proper justification. This request must be sent through the Department to the appropriate Vice President, then to this office prior to the commencement of the leave. The employee is required to indicate the FMLA leave on the Application for Leave form and the Time Sheets.

If the leave is taken for the birth or placement of a child, the leave must be taken within one year of that birth or placement. The Act is gender-neutral, and both male and female employees are entitled to leave for the birth or placement of a child. If both the father and mother of a child are employed by the University, however, the total leave to be taken by both parents is limited to twelve (12) weeks.

The term "parent" is defined with respect to the employee to include anyone who stands "in loco parentis" – anyone who had provided parental-type care for the employee during childhood, whether that person is the biological or adoptive parent or not. All information known of the medical condition of an employee, child, spouse or parent must be treated as confidential.

For the duration of FMLA leave, the employee's health coverage will continue provided the employee continues to pay his/her share of the monthly premiums.

The employee is required to report periodically to his/her Supervisor on the status and intention of returning to work.

Upon the employee's return to work from FMLA leave, he/she will be restored to their original or equivalent position with equivalent pay and benefits and will not lose any employment benefits that accrued prior to the start of the leave. However, if the employee fails to return to work by the end of the twelve (12) week period, he/she will be subject to termination.

The Supervisor is required to give written notice to this office of the date the employee has returned to work.

Policy Document XII

INSTITUTIONAL POLICY ON THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

The Family Educational Rights and Privacy Act of 1974 is a Federal law which states that a written institutional policy must be established and that a statement of adopted procedures covering the privacy rights of students be made available. The law provides that the institution will maintain the confidentiality of student education records.

University of Louisiana at Lafayette accords all the rights under the law to students who are declared independent of their parents. No one outside the institution shall have access to nor will the institution disclose any information from students' education records without the written consent of students except to some personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, to persons in an emergency in order to protect the health and safety of students or other persons, and to parents who present sufficient evidence that the student is dependent upon them for their financial support (e.g. Income Tax Form 1040, etc.). All these exceptions are permitted under the Act.

Within the University of Louisiana at Lafayette community, only those members, individually or collectively, acting in the students' educational interest are allowed access to student education records. These members include personnel in the Office of the Registrar, Business Office, Financial Aid Office, the Office of Admissions, Academic Deans, academic department heads, academic advisors, and other academic personnel within the limitations of their need to know.

At its discretion the institution may provide Directory information in accordance with the provisions of the Act. Directory information at the University of Louisiana at Lafayette includes: student name, address(es), telephone number(s), date of birth, major field of study, dates of attendance, degrees received, academic awards and honors, the most recent previous education agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Directory information on currently enrolled students will generally be disclosed only by the Office of the Registrar and the Office of the Dean of Students. Directory information on students not currently enrolled will be disclosed in the Office of the Registrar. Directory information for students not currently enrolled consists of student name, home address, date of birth, dates of attendance, degrees received, and the most recent previous educational institutions attended. Students may withhold Directory information by filing an official request for non-disclosure form in writing within the first week of classes. Forms for this purpose may be obtained from the Office of the Registrar.

Requests for non-disclosure will be honored by the University. Authorization to withhold Directory information must be filed in the Office of the Registrar.

The law provides students with the right to inspect and review information contained in their education records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable. The following officials at the University of Louisiana at Lafayette have been designated to coordinate the inspection and review procedures for student education records: permanent academic records, the Registrar; admission records, the Director of Admissions; personnel records, the Dean of

Students; other academic records, the Academic Deans; and financial records, the Vice President for Administrative Services.

Students wishing to review their education records must make written requests to the respective department head or division head of the department listing the item or items of interest. Only records covered by the Act will be made available, as soon as possible but always within forty-five days of the request. If a student desires a copy of a record the student will pay the costs at prevailing rates.

Students may not inspect and review the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived in writing their rights to inspect and review; or education records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student. The University is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, provided those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected. Students may have copies made of their records with certain exceptions, (e.g., a copy of the academic record for which a financial "hold" exists, or a transcript of an original or source document which exists elsewhere). Permitted copies will be made at the students' expense.

Any student who believes that his/her education records contain information that is inaccurate or misleading, or are otherwise in violation of his/her privacy or other rights may discuss his/her problems informally with the respective Department or Division Head. If the decisions are in agreement with the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended and why. The student will then be informed of his/her right to appeal to the next higher authority (e.g., student advisor, to department head, to Dean). If the request is not resolved administratively the student may request a formal hearing. Student requests for a formal hearing must be made in writing to the individual designated, who will present the case to the appropriate University Committee. The hearing panels which will adjudicate such challenges will be the Committee on Academic Affairs and Standards, the Fee Committee, and the Discipline Committee.

Decisions of the hearing panels will be final, will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. If the decisions are in favor of the students, the education records will be corrected or amended in accordance with the decisions of the hearing panels. If the decisions are unsatisfactory to the students, the students may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be placed in the education records, maintained as part of the students' records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair, or not in keeping with the provisions of the Act may request in writing, assistance from the President of the University. Further, students who believe that their rights have been abridged, may file complaints with the Family Educational Rights and Privacy Act Office (FERPA), Department of Education, Washington, D. C. 20202, concerning the alleged failures of The University of Louisiana at Lafayette to comply with the Act.

Revisions and clarifications will be published as experience with the law and the University's policy warrants.

Policy Document XIII

UL LAFAYETTE COMPUTER & NETWORK POLICY

Purpose & Scope

This document sets forth the University's policy with regard to access to and use of computing and network resources by faculty, staff, or students. It is intended to apply to any computing or network resource owned, operated, or otherwise provided to users by the University of Louisiana at Lafayette. (It does not apply to the use of facilities owned and operated by commercial Internet service providers, even those who offer discounts to members of the UL Lafayette community, but some of the advice provided in this document may be appropriate on any facility.)

Computer and network users at UL Lafayette are responsible for knowing this information on the proper, ethical, and legal use of computing and network resources provided by the University.

This policy does not preclude enforcement under the laws and regulations of federal, state and local authorities.

The University reserves the right to change this policy in response to altered or unanticipated circumstances.

Any questions concerning computing or network policies at UL Lafayette which are not resolved by this document should be directed to the Vice President for Information and Media Networks.

Authorized Access

Only persons properly authorized may access UL Lafayette's network or computer facilities. Proper authorization is provided by authorized staff in the form of an "account" issued in the name of the authorized person. Accounts are only issued to individuals, not to organizations, departments, or other groups of people.

All faculty, staff, and students are eligible for e-mail accounts; however their data must be correctly entered into the administrative database before their account can be issued, as computer support staff depend upon the administrative database to verify initial eligibility for an account, to obtain a unique, permanent ID for a user, and to learn of any change of status which signals that an account should be removed.

Departments which desire to assure new or visiting faculty of e-mail accounts prior to the beginning of the semester should send appointment letters to Administrative Services with a note requesting early entry into the database so that e-mail accounts can be established. Individual faculty, staff, or students must take responsibility for verifying that they are correctly represented in the database and for obtaining any needed corrections through the appropriate administrative office.

Removal of a person from the administrative database will result in termination of the account. Typically such removals result from: employees who resign or are terminated; or students who fail to register for the fall or spring semesters.

Short term accounts may be authorized to meet particular needs. These normally require a faculty/staff sponsor to be responsible for use under the temporary account and require approval through the sponsor's vice president. Contact your system administrator in advance to discuss required procedures.

The University does not provide accounts to Alumni.

Policy on Computer Accounts and Access to Administrative Systems

ID Creation

Common Logon Identification (CLID) and associated passwords for the IBM mainframe are distributed to University personnel on a business need. There is currently no business need for students to directly use the IBM mainframe. The CLID is generated, revoked, and restricted based upon the presence of credentials occurring in the official University personnel file. A person who has credentials in the personnel file may obtain a CLID and password for the IBM mainframe by filling out an MVS ID request form and having it signed by his or her supervisor. The person may also need approval for access to data from the department responsible for the data. If a person transfers between budgetary departments the CLID will be restricted and he/she will have to prove need-to-know by filling out a new MVS ID request form with appropriate signed approvals.

ID Revocation

CLIDs are revoked for the IBM mainframe when the person no longer has current credentials in the personnel file (i.e. resigned, terminated, retired). Revocation means removal from all IBM accounts and privileges, i.e. login (TSO, IDMS, IDMS, IDMS), and access to screens (IDMS, IDMS, IDMS). Revocations are done on a weekly basis or immediately upon request.

Restriction

Restriction occurs when the person transfers from one budgetary department to a different budgetary department. Restriction implies that the person will retain limited access and privileges, i.e. login (IDMS) and inquiry access only to screens (IDMS). All add, change and delete access will be removed. Need-to-know access for the new department will have to be approved by submitting a new MVS ID request form with appropriate signed approvals.

Authorized Activities

UL Lafayette provides computing and network resources to faculty, staff, and students, at University expense, primarily for their use in administrative or academic pursuits and secondarily for any personal exploration and enrichment which does not conflict with the primary purpose of these resources or with any applicable law or policy.

Historically, available computational resources at UL Lafayette have not adequately handled all of the various needs. Thus, prudent utilization of available resources is a necessity. Policies described in this document seek to facilitate usage directly related to the academic and administrative missions of the University, limit optional use to times when no primary uses will be adversely affected, and eliminate illegal or abusive usage. In addition, policies are included to help maintain an ethical and amicable working environment for all computer and network users.

Usage that results in specific, substantiated complaints from another user will result in a re-evaluation of that activity.

By University policy, gaming is not authorized unless it is an official class assignment.

By State law, any personal for-profit activity or any activity which competes with local business is prohibited.

Use of UL Lafayette's computing facilities on behalf of any organization, even non-profit organizations or UL Lafayette-affiliated organizations, requires prior approval by the UL Lafayette administration.

If you are uncertain whether a specific activity is acceptable, discuss your concerns with a system administrator or with the Vice President for Information and Media Networks.

Other Usage Issues

Priority

Those computing or network applications which enable students, staff, and faculty to meet the recognized educational, research, and administrative goals of the University have priority.

No use should interfere with the use of UL Lafayette systems as a tool to accomplish academic or administrative work at the University. Secondary use of scarce resources should be minimized or deferred until times when they will not interfere with the primary functions of the resources. Examples of scarce resources are UCS Sun workstations during peak usage; or dialup ports at most times.

Other uses are proper only if the resources are not otherwise needed, and the use is not prohibited by other applicable policy, i.e. University, School, Department, or system administrators of the facilities you want to use. In determining whether your proposed activities will adversely affect other users consider network traffic and restrictions on simultaneous use of any resource (e.g., ports or licenses) as well as competition for the particular system(s) you want to use. If your non-primary use will inconvenience any user working on a primary mission (administrative or academic) application, whether by delayed response times or any other factor, then your use should be deferred until later.

Integrity

Users are presumed to be responsible for all use and any charges pertaining to their account. Do not allow anyone else to use your account. (If you need to share files, there are other ways to do so: contact your system administrator for assistance.)

Users who make deliberate attempts to hide their identities from other users or system administrators are in violation of University policy (e.g. sending e-mail with headers deliberately altered to hide the senders identity).

Users may be required to show UL Lafayette ID cards to obtain access to computing and network facilities or to pick up printouts. Printouts will only be given to the user whose UL Lafayette ID card matches the account information on the printout, unless other distribution arrangements have been approved by the system administrator.

Users who attempt to crash or subvert security or otherwise adversely affect operations on any system are in violation of University policy and possibly in violation of various laws.

Keep your password secret and change it from time to time. If you believe someone has guessed your password, you should change your password immediately and report this problem promptly to the system administrator. Failure to do so will make you accountable for any (mis)use of your account.

Conduct

Users may not harass or threaten other users, attempt to steal passwords, files, or other user/system information, attempt to crash, violate the integrity of, or adversely affect the activities of a computer system or network. Distasteful or offensive displays, messages and printouts are not permitted. Actions which adversely affect the working environment of other users are unacceptable. Music, playback of sound files, or loud conversations are not suitable in a shared lab environment. Physical abuse, mishandling and modification of terminals, printers and other hardware is not permitted.

Waste

When any process is consuming excessive system resources or objectionably degrading system response it may be terminated, or its priority may be altered, without notice. Unnecessary storage of disk files, careless execution of high resource consuming programs, or generation of excessive printed output is wasteful. Users should also be aware that hard copy output devices are expensive to operate and that wasteful usage of such devices may result in charges to the account that requested the output. Sending "chain letters" or unwanted e-mail to a large number recipients ("junk mail") is wasteful and inappropriate.

Storage Space

Users are responsible for managing their disk storage allocations. When users exceed their disk storage allocation, they are notified. Some systems notify users by electronic mail or direct message. If the storage allocation is exceeded for an extended period, the user account may automatically be disabled. Computer files not related to official missions of the University and which consume large amounts of space may be removed without warning by system administrators in those cases where they impact system operation.

Electronic Publication

Posting to an Internet discussion group or displaying personal web pages are a form of publication and because electronic publications can be created so easily, the checks and balances that help produce responsibility in print media may not operate until it is too late.

Users are responsible for the content and the consequences of their electronic publications. Various local, state, and federal laws (such as but not limited to: copyright, obscenity, libel) may apply, as may the laws of other jurisdictions and countries. What is acceptable may also depend on your intended audience, or whether your publication can be accessed by minors.

Because anything you place on the Internet from UL Lafayette can easily be determined to have originated on a computer connected to the UL Lafayette network, some of your readers may assume that your publication is somehow sponsored by the University. Unless you have such authority, you should include a disclaimer on your publication. This can be quite simple and informal, for example: "I speak for myself, not for UL Lafayette." (Such disclaimers are very common on the Internet and may be included in .signature files.) Do not use official UL Lafayette logos or seals unless you are specifically authorized to do so.

If you expect to publish something that will attract a great deal of attention from other people on the Internet, you should discuss it with your system administrator first. It is possible for the reactions from the net to overburden the system you use or the campus link to the Internet.

Licenses and Contracts

The University normally acquires hardware, software, and other services under educational agreements which often restrict the use of the item in some way. For example, some items may not be used to develop administrative applications or may be restricted to certain groups of users. Exclusion of any commercial use is typical. Other licenses may limit who can examine the source code or the documentation. Licenses also place limits on the number of simultaneous users or the number of or location of systems on which the software can be installed. Normally, it is legal to copy a software product only for backup purposes -- that is, for recovery from system or disk failure.

Unless you have a specific, written statement from the vendor with different provisions, assume that a single educational license can be used on only one University-owned CPU

at a time. Violating software licenses provisions can result in very substantial (\$100,000) personal liability.

Faculty or staff who foster innovative, co-operative agreements with any off-campus group should consult with system administrators for license or other restrictions.

Privacy

Although system administrators are co-owners of all user files, the University recognizes that faculty, staff, and students have a substantial interest in privacy with regard to their computing activities, even when those activities involve only University business.

Monitoring

The University will not monitor user transactions or the contents of user files as a routine matter. It will respond to legal process. It may inspect without notice the contents of files in the course of an investigation triggered by indications of impropriety or as necessary to resolve system problems or to locate substantive University-related information that is not available by some less intrusive means.

It is a violation of University policy for any employee, including system administrators and supervisors, to use the computing systems to satisfy idle curiosity about the affairs of others, with no substantial purpose for obtaining access to the files or communications of others.

Grounds for examination of user files

Circumstances which may require a system administrator to inspect the contents of files created or maintained by University faculty, staff, or students are:

- ❑ a search warrant or subpoena specifically pertaining to user files, served by law enforcement authorities;
- ❑ reasons to believe that the file is connected with violations of University policy or State or Federal law;
- ❑ investigation of a specific, substantiated complaint by another user, either at the University or at another site about activities originating from a UL Lafayette user's account;
- ❑ reasons to believe the file is directly related to system errors or malfunctions;
- ❑ an urgent need, by a supervisor or project administrator, to access critical University information which is maintained by one of his/her staff or project members and which cannot be obtained by less intrusive means.

Such circumstances are reviewed by the head of the department (or his/her designee) in which the computing system is located, prior to granting access.

Users should also be aware that system administrators may accidentally view the contents of a file during routine system operations. A common example is a system postmaster seeing a portion of an e-mail message while trying to route bounced mail to the appropriate destination.

Disclosure

System administrators who obtain access to personal computer files will disclose this information only for a legitimate business need of the University or to protect the interests of the University or as required by law. Any internal disclosure of message content shall be limited to those University employees who have some reasonable need for this information.

Anyone who stores both critical University-related material and personal information is encouraged to clearly differentiate these items (using descriptive names and separate storage areas, for example) and take steps to ensure University-related documents should be available to co-workers.

Handling Problems

Problem Reports

System administrators rely on users to report policy violations or other problems that they are aware of. System administrators will need specific details to be able to investigate and/or resolve most types of problems, so please provide all information that seems likely to be helpful, as well as a way to contact you, in case more details are needed.

Policy problems which cannot be resolved by a UL Lafayette system administrator may be referred to other appropriate University personnel, such as advisors, other department heads, deans, or campus security.

Penalties

Penalties may include loss of access, either temporary or permanent, to UL Lafayette computing systems and networks. This does not preclude enforcement under any applicable local, state, and federal laws.

Policy Document XIV

EQUIPMENT POLICIES

Custody

Each department head to whom equipment is entrusted shall be the custodian of such equipment and shall be responsible for all equipment within his/her department until relieved of this responsibility. He/She shall be relieved of this responsibility for a specific piece of equipment when that item has been properly transferred to some other department or otherwise disposed of (see section on TRANSFER OR DISPOSITION). While equipment is in his/her custody, he/she will insure its proper utilization and take precautions to prevent its loss, theft, damage, or destruction by vandalism.

Inventory

All equipment which is acquired, whether through purchase, donation, or transfer, shall become the property of the University (and of the State). If such equipment has a value of \$1,000 or more, it will be tagged with a State property control tag and all pertinent information about the item, including its description, location, acquisition date and cost, serial number and other useful information will be recorded for inventory purposes. The record will become a permanent part of the University's inventory file of equipment.

Usage

Equipment belonging to the University shall only be used for University-related purposes. At no time will it be used for personal reasons or to promote personal gain, nor may individuals not associated with the University use the equipment. Equipment usage for individuals or groups who "rent" University facilities will be determined by the terms of the contracted agreement.

When equipment is to be loaned to a University employee for use in a department other than the one to which the equipment is assigned, a custody receipt should be prepared in duplicate and signed by both the Department Head in charge of the equipment and the University employee borrowing the equipment. One copy should be retained within a control file in the department until the equipment is returned, and the other copy given to the University employee who borrowed the equipment. The borrower should produce his/her copy of the custody receipt when asked to do so by personnel of the University Police Department or other appropriate members of the University faculty and/or staff.

In the event that a University student or an officially approved University organization is to be allowed to borrow University equipment for University-related purposes, the transaction must have prior written approval by the Department Head responsible for the equipment, his/her Dean or Director, and the Vice President in charge of the area. The University-related usage must be clearly articulated on the custody receipt, and copies of the form should be distributed to all individuals involved and to the University Property Manager. The student or individual from the University organization who has possession

of the University equipment which has been borrowed must have a copy of the custody receipt in his/her possession at all times.

Equipment may be used by another State agency provided prior written approval is obtained from the University Council member in charge of the area lending the item(s) and from the State Property Control Director.

Removal from Campus

Equipment will not be removed from the department to which it is assigned without written approval of that Department Head. The University employee using the equipment away from its assigned location must be conducting "approved" University business and the equipment must be necessary for the successful conclusion of that business (e.g. audio-visual equipment used by High School Relations, University automobiles driven to meetings for which travel request has been executed and approved, etc.). In cases where University equipment is used regularly for University business off-campus, one-time approval through the normal administrative system to the appropriate Vice President may be obtained. Infrequent off-campus use of University equipment must be approved for each such use through normal administrative channels up to the appropriate Vice President. A copy of the custody receipt with these proper approvals should be carried at all times by the University employee who takes the equipment off-campus.

Transfer or disposition

All transfers of equipment between departments and **ALL** dispositions of equipment will be made **ONLY** with the prior written approval of the University Property Manager. Only in special instances where time constraints are such that written follow-up for transfers of equipment between departments can be utilized. No member of the faculty, staff or student body will TRASH, SCRAP, DISMANTLE, DONATE, TRADE-IN, TRANSFER, OR SELL University equipment WITHOUT PRIOR WRITTEN APPROVAL OF THE UNIVERSITY PROPERTY MANAGER.

Stolen Equipment

When equipment is stolen (or believed to be stolen) from a given department, it is the responsibility of the Department Head to, as soon as possible, report the theft to the University Police Department in writing. This theft notification must request a written police report concerning the theft. A copy of the Department Head's written request should be sent to the University Property Manager. The University Police Department is required to send the University Property Manager a copy of the completed police report. However, it is still ultimately the Department Head's responsibility to insure that a copy of the completed police report is sent to the University Property Manager. Once the report is received, it is attached to a BF-11 disposition form and sent to State Property Control in Baton Rouge requesting that the item be removed from the University's inventory. Thus, if a police report is not received for each stolen item, the item cannot be removed from the departmental inventory.

Livestock

All adjustments to livestock (acquisition, disposition, change in market value) must be reported to University Property Control Office within seven (7) days of the adjustment. Livestock acquired for breeding, dairy, and experimental purposes are classified as property and shall be included in the inventory.

Authority

The above policies are in conformance with Article 7, Section 14 of the Constitution of the State of Louisiana and the State Property Control Regulations.

Policy Document XV

GUIDELINES: DRIVING MOTOR VEHICLES ON UNIVERSITY BUSINESS

General Information

This document provides guidance to UL Lafayette faculty and staff on the use of motor vehicles for purposes related to university business. Additional information on this topic can be found in the university's Environmental Health and Safety Policy, section 18, which can be viewed at www.safety.louisiana.edu (Click on "policy").

Who Can Drive and Who Cannot Drive?

Provided they successfully complete the driver safety course (available online at <http://safety.louisiana.edu>), all employees, including graduate student workers and undergraduate student workers, may drive a motor vehicle whose use falls within the course and scope of their employment at the university. This applies to employees driving either university-owned vehicles or personally-owned vehicles, as long as the latter are insured with the State's minimum liability coverage.

Other than student workers described above, the university generally does not allow students to drive motor vehicles on university business. However, the university makes exceptions in some cases. Examples of these exceptions include driving for authorized university activities for student organizations, SGA business, academic competitions, and the like. Requests to allow a student to drive a motor vehicle must be made in writing to the Assistant Vice President for Administrative Services and must be attached to the travel request form for that trip. Such requests must attest to the student's having completed the driver safety course, must identify the nature or purpose of the trip, and must provide the name and ages of the student driver(s). The request must also include a copy of the student's driver's license and proof of insurance if the student is driving a personal vehicle.

What Constitutes a University Trip versus a Personal Trip?

For all employees, a university trip is defined as any travel that is done in the course and scope of the university's business. It is possible that university trips and personal trips can occur within the same "voyage." The following three-stage trip provides an example of a multi-purpose trip:

- University employee leaves home in the morning and stops at the donut shop (personal trip);
- University employee leaves the donut shop and heads to the store to pick up university supplies before heading to the office (university trip);
- University employee leaves the office store and heads to his campus office (university trip).

For students, all motor vehicle travel associated with a requirement for class work is considered a personal matter for the student. Examples of these are:

- Students driving their personal vehicles to a field trip or a conference, where attendance is required for all enrolled in a particular class;
- Students driving themselves to clinical laboratories and other health care facilities in order to attend activities for which they receive academic credit.

In this case, the university does not have to approve the travel, and in the event of an accident, the university is not liable for any damages because the trip is considered personal for the student.

When students attend events (field trips, conferences, extracurricular activities, performances, etc.) that are not required in conjunction with their courses but which are sponsored or authorized by the University, travel associated with such events is considered university travel. As stated above, approval for students to drive to these events must be granted in writing by the Assistant Vice President for Administrative Services, and the travel must be documented by an approved travel request. Travel to an event that is not authorized by the university is considered a personal trip for the driver.

Requirements for Authorized Drivers

All authorized drivers (as defined elsewhere in this document) must take the driver safety course offered by the Environmental Health and Safety Director. A CD-Rom version of this course is available. Alternatively, at least one “face-to-face” driver safety course is offered every month through the EHS office. A schedule of these courses is available at www.safety.louisiana.edu. The University is also required to check the driver record of all authorized drivers at least once yearly.

