

# 1. Policies Pertaining to the University as a Workplace

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## Policies Pertaining to the University as a Workplace

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## **CHAPTER 1: POLICIES PERTAINING TO THE UNIVERSITY AS A WORKPLACE**

The policies cited below that pertain to Equal Employment Opportunity, Harassment, Employment of Individuals with a Disability, and Drug-Free Campus and Workplace are responsive to University commitments and provisions of state and federal statutes. Changes in federal law in areas covered by these policies take precedence over the policies cited here.

Auburn University has an Affirmative Action Plan, approved by the U.S. Department of Labor. A copy is on file in the Ralph B. Draughon Library and is available for inspection upon request in the Special Collections Department. The Equal Opportunity Policy and the Harassment Policy printed below are part of this plan.

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### **1. EQUAL EMPLOYMENT OPPORTUNITY**

Auburn University recognizes its moral and legal obligation to provide a work environment in which employment opportunities are open to all qualified individuals without discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, disability, or disabled veteran/ Vietnam era

veteran status. The University affirms its commitment to this principle and to an affirmative action program which not only establishes the goal of achieving equal opportunity in employment, but which also detects and eliminates any elements of discrimination in employment which may be found to exist within the institution. The University also commits itself to maintaining on a nondiscriminatory basis the conditions for continuing employment and for individual advancement within the job structure of the University.

Auburn University is committed to the following principles and procedures:

1. Recruiting, hiring, training, retaining, and promoting individuals in all job classifications, without regard to race, color, religion, sex, sexual orientation, age, national origin, disability, or disabled veteran/Vietnam era veteran status, except where sex, sexual orientation, age, national origin, or disability are *bona fide* occupational qualifications;
2. Making employment decisions so as to further the principle of equal employment opportunity;
3. Insuring that promotion decisions are in accordance with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities;
4. Insuring that all personnel actions, such as compensation, benefits, transfers, and leave policies, are administered without regard to race, color, religion, sex, sexual orientation, age, national origin, disability, or disabled veteran/Vietnam era veteran status; and
5. Insuring that harassment of employees by other employees or nonemployees is not tolerated. This refers to any form of harassment related to an employee's race, color, sex, sexual orientation, religion, national origin, age, physical or mental disability, or veteran status.

Auburn University is a government contractor subject to Section 503 of the Rehabilitation Act of 1973 and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 which require government contractors to take affirmative action to employ and to advance in employment qualified individuals with disabilities, qualified disabled veterans and qualified veterans of the Vietnam era.

An individual with a disability or a veteran covered by this program who desires to be considered under the Affirmative Action Program should contact the Affirmative Action Office between the hours of 7:45 a.m. and 4:45 p.m., Monday through Friday. Submission of this information is voluntary and refusal to provide it will not subject the interested individual to discharge, discipline or any other discriminatory treatment. Information obtained shall be kept confidential, except that supervisors and managers may be informed regarding restrictions on the individual's work or duties and necessary accommodations; safety personnel (First Aid) may be informed to the extent appropriate if the condition might require emergency treatment. Government officials investigating compliance with the Act shall also be informed.

The Executive Director of Affirmative Action/Equal Employment Opportunity for Auburn University is responsible for supervision of the University's equal opportunity program and for monitoring its effectiveness.

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## **2. HARASSMENT**

Auburn University is committed to providing a working and academic environment free from discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all its members.

Auburn University prohibits harassment of its employees or students. Any form of harassment related to an employee's race, color, sex, religion, national origin, age, disability, veteran status, or sexual orientation is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term "harassment" includes, but is not necessarily limited to:

Slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, age, disability, veteran status or sexual orientation. Prohibited harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature.

Sexual harassment in academic settings and in the employment arena where students are involved is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature when:

1. Submission to such conduct may be explicitly or implicitly a term or condition of a student's academic success or employment; or
2. Submission to or rejection of such conduct may be used as the basis for employment or academic decisions affecting the student and the student's total educational and/or work experience; or
3. Such conduct has the purpose or effect of substantially interfering with a student's employment or academic performance or creates an intimidating, hostile or offensive work or educational environment.

Violation of this policy by an employee shall subject that employee to disciplinary action, up to and including discharge.

It is a violation of this policy to take an adverse employment action against any employee because he/she opposed any practices they reasonably believed to be discriminatory, or filed an internal or external complaint/grievance/charge, or participated in any investigation or proceeding, in accordance with this policy.

If an employee feels that he or she is being harassed by any other employee because of race, color, sex, religion, national origin, age, disability, veteran status or sexual orientation, the employee should at once make this known to his or her immediate supervisor. The supervisor will promptly notify the Office of Affirmative Action/Equal Employment Opportunity (AA/EEO), whose responsibility it is to see that the matter is investigated, and that, where appropriate, disciplinary action is taken. If the employee does not feel the matter can be discussed with the supervisor, the employee should arrange for a conference with the Office of Affirmative Action/Equal Employment Opportunity to discuss the complaint.

Harassment of University employees in connection with their work by non-employees may also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee should report such harassment to his or her supervisor or to the Office of Affirmative Action/Equal Employment Opportunity, who is responsible for investigating such incidents. Appropriate action shall be taken against non-employee violators of this policy.

*If a student is involved in an alleged harassment case, the procedure outlined in the Tiger Cub must be followed.*

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### **3. EMPLOYMENT OF INDIVIDUALS WITH A DISABILITY**

It is the policy of Auburn University, at all levels of employment, to take affirmative action to employ, to advance in employment and otherwise to treat qualified employees and applicants with a disability without discrimination based on physical or mental disability. Positive action shall be taken to ensure the fulfillment of this policy. This policy covers:

1. Hiring, placing, upgrading, transferring, and demoting employees;
2. Recruiting, advertising, and soliciting applicants for employment;
3. Treatment of employees during employment;
4. Rates of pay and all forms of compensation and employment benefits;
5. Selection for training or promotion;
6. Layoff and termination;
7. Facilities; and
8. Other terms, conditions, and privileges of employment.

The University's policy is consistent with the requirements and objectives set forth by Section 503 and 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 793 and the Americans With Disabilities Act of 1990, 42 U.S.C. § 1201 et seq.

The University's objective is to employ individuals qualified for or trainable for positions based upon job related standards involving education, training, experience, and personal qualifications.

Responsibility for supervising compliance and continued implementation of this policy on employing, advancing in employment, and otherwise treating fairly qualified individuals with disabilities is assigned to the Executive Director of Affirmative Action/Equal Employment Opportunity.

Employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing a complaint of discrimination because of physical or mental disability.

### **INTERNAL COMPLAINT REVIEW PROCEDURE FOR EMPLOYEES**

1. Any employee with a disability who feels he or she has been discriminated against because of the disability should first discuss the complaint with his or her immediate supervisor. In the event the complaint is not resolved to the satisfaction of the complainant, then the complainant should request to see the department head.
2. The department head will set aside time for an interview with the complainant. After the interview, the department head will investigate the circumstances concerning the complaint. In the event the department head is unable to resolve the complaint to the satisfaction of the complainant, then the Executive Director of Affirmative Action/Equal Opportunity shall be notified.
3. The Executive Director of Affirmative Action will interview the complainant. The complaint will be thoroughly investigated. After making a determination, the Executive Director of Affirmative Action will give his or her decision to the complainant. The Executive Director of Affirmative Action will also take any action necessary to implement the decision.

All written records will be maintained for a period of three years.

### **INTERNAL COMPLAINT REVIEW PROCEDURE FOR APPLICANTS WITH DISABILITIES**

1. Any applicant with a disability who feels he or she has been discriminated against because of the disability should first discuss the complaint with the person responsible for the processing of his or her application. In the event the complaint is not resolved to the satisfaction of the complainant, then the complainant should request to see the department head.
2. The department head will set aside time for an interview with the complainant. After the interview, the department head will investigate the circumstances concerning the complaint. In the event the department head is unable to resolve the complaint to the satisfaction of the complainant, the Executive Director of Affirmative Action will be notified.
3. The Executive Director of Affirmative Action will interview the complainant. The complaint will be thoroughly investigated. After making a determination, the Executive Director of Affirmative Action will give his or her decision to the complainant. The Executive Director of Affirmative Action will also take any action necessary to implement the decision.

All written records will maintained for a period of three years.

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### **4. EMPLOYMENT OF VETERANS**

It is the policy of Auburn University, at all levels of employment, to take affirmative action to employ, to advance in employment and otherwise to treat qualified disabled veterans and veterans of the Vietnam era without discrimination based on disability or Vietnam era veteran status. Positive action shall be taken to ensure the fulfillment of this policy. This policy covers:

1. Hiring, placing, upgrading, transferring and demoting employees;
2. Recruiting, advertising and soliciting for applicants;
3. Treatment of employees during employment;
4. Rates of pay and all forms of compensation or employment benefits;
5. Selection for training;
6. Layoff and termination; and
7. Facilities.

Auburn University's policy is consistent with the requirements and objectives set forth by Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, 38 U.S.C. § 2012.

Auburn University's objective is to employ individuals qualified for or trainable for positions based upon job-related standards involving education, training, experience and personal qualifications.

Responsibility for supervising compliance and continued implementation of this policy on employing, advancing in employment, and otherwise treating disabled veterans and veterans of the Vietnam era fairly is assigned to the Executive Director of Affirmative Action/Equal Employment Opportunity.

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## **5. DRUG-FREE CAMPUS AND WORKPLACE POLICY**

Auburn University and Auburn University at Montgomery (hereinafter referred to as the "University") have the policy of providing students and employees a drug-free campus environment. Drug abuse affects all aspects of American life: it threatens the student's educational development and the workplace, as well as the community. In order to promote a safe and efficient educational and work environment, this policy has been adopted to supplement existing University policies, practices, and procedures. Implementation of this policy is subject to restrictions contained in all local, state, and federal laws.

"Workplace" means any office, building, classroom, or property (including parking lots) owned or operated by the University, or any other site at which an employee is to perform work for the employer. An "employee" of the University is any faculty, staff, or student receiving remuneration for services rendered. "Student" means any person registered at the University for any type of academic credit, except for continuing education units, regardless of the length of the student's program of study. "Possess" means to be contained either on a student's or employee's person, or in a student's or employee's motor vehicle, tools, briefcases, bookbags, or areas entrusted to the control of the student or employee. "Impaired" means under the influence of an illicit drug or alcohol such that the student or employee is unable to perform his or her assigned tasks properly.

Drug abuse creates problems for the entire University. It decreases the student's capacity to learn, thereby inhibiting one's educational development. It interferes with an employee's efficient and safe performance of work responsibilities and reduces the employee's dependability. Drug abuse can adversely affect health, safety, and productivity while destroying public confidence and trust. Therefore, it is the policy of University that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs or alcohol by students or employees is prohibited at any time on any University property or at any University activity. No employee will report for work or will work or be present in the workplace who is impaired by an illegal drug or by alcohol. No student will attend classes or any University activity who is impaired by illegal drugs or alcohol. Employees or students who are so impaired or who unlawfully possess, use, manufacture, dispense, or distribute illicit drugs or alcohol in the workplace, on any University property or at any University activity are subject to the disciplinary procedures of the University, which may include dismissal, expulsion, and/or referral for prosecution.

All students and employees shall be provided a copy of the Drug-Free Campus and Workplace Policy for the University. As a condition of enrollment or employment, the student and employee will abide by the terms of this policy. It is the responsibility of University Personnel Services, the Office of the Provost, and the Office of the Vice President for Student Affairs to distribute this written policy statement to students and employees under their jurisdiction. It will be the responsibility of counterpart officers on the Auburn University at Montgomery (AUM) campus to assure like distribution.

Any employee receiving a criminal drug statute conviction for a violation occurring in the workplace shall notify University Personnel Services, the Office of Provost, or the Office of Vice President for Student Affairs of such conviction not later than five days after such conviction, and such offices will immediately report this information to the Office of Associate Provost and Vice President for Research. If the employee reporting such a conviction is employed under a contract or grant, Auburn University, through the Office of Associate Provost and Vice President for Research, will notify the appropriate granting or contracting agencies within ten days after receiving such notice of a criminal drug statute conviction. The same procedure will be

followed at AUM, with reporting to counterpart offices on the Montgomery campus.

University Personnel Services on behalf of Auburn University has established the drug-free awareness program, now held semesterly, to inform employees about the danger of drug abuse in the workplace. University Personnel Services, through Human Resource Development and the Employee Assistance Program, shall offer drug abuse training and treatment referral in appropriate circumstances. Information and assistance concerning alcohol and drug abuse may be obtained from a variety of sources, some of which are detailed in Section 6 (Drug Education and Treatment Programs) below. For the AUM campus, information and assistance is provided by the Office of Personnel Services, the Office of Student Affairs, and the Student Counseling Center.

A committee, appointed by the President, will promote and further develop the University's drug prevention program. This committee will establish procedures to ensure an annual distribution, in writing, to each student and employee: a) a description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol; b) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol; and c) a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students. The committee will evaluate the University's drug prevention program biennially to determine its effectiveness and report to the President. The committee's report will include recommendations for changes that are needed in the program and identify any evidence that disciplinary sanctions are not consistently enforced for violations of this policy.

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## **6. DRUG EDUCATION AND TREATMENT PROGRAMS**

*A full range of education and treatment programs is available to students and employees of Auburn University. Programs fall generally into three categories: A) Information/Education/ Referral, B) Self-Help, and C) Professional Treatment.*

*Employee Assistance Program (EAP). Auburn University's EAP provides information and referral to employees about a wide variety of topics, including alcohol and drugs. Location: Langdon Hall; Phone: 844-4145. Services: A*

*Student Counseling Services. Auburn University provides educational programs related to drug and alcohol problems, as well as individual and group counseling sessions and referrals. Location: 118 Foy Union; Phone 844-5123. Services: A,B,C*

*East Alabama Mental Health-Mental Retardation Center: Among the services available are individual and group counseling at the center's several clinic sites, and inpatient treatment in the Brief Intensive Treatment facility. Location: Main Center, 2500 Lambert Rd., Opelika; Phone 742-2700. Services: A,B,C.*

*Alabama Department of Mental Health and Mental Retardation. A network of community mental health centers operated by regional mental health boards offers services in every county of the state. Programs and services related to alcohol and drugs are available through these centers, and may be located by consulting a telephone directory (Yellow Pages) or by calling a statewide toll-free number that is answered 24 hours a day, seven days a week. Programs operated throughout the state are available to Auburn University employees whose work sites are distant from the campus. In addition, students may prefer to seek service in locations near their homes. Locations: Statewide Phone: 1-800-SOBER-90. Services: A,B,C.*

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## **7. SMOKING POLICY**

It is the policy of Auburn University to prohibit the smoking of tobacco within the interior of any building or facility except under the conditions described below:

Residential units owned by the University and occupied by individuals or families are subject to the smoking preferences of the occupants.

Residence hall rooms inhabited by two or more individuals will be considered to be no smoking areas if one of the occupants is a non-smoker. Every effort will be made to avoid the involuntary placement of smokers and non-smokers together in the same room.

Smoking at University sponsored public events at Beard-Eaves Memorial Coliseum and intercollegiate athletic facilities will be regulated by the management of those facilities in conjunction with the local fire authority.

In keeping with the University's concern for the well being of its employees and students, smoking cessation classes are provided by Human Resources Development and Auburn Medical Center.

Failure to comply with this policy will constitute a violation of University policy and may be dealt with accordingly through established, formal disciplinary procedures.

Requests for assistance and questions regarding this policy can be addressed to the University Safety Officer, the Office of Risk Management and Safety, at (334) 844-4870.

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## **8. WEAPONS POLICY**

Auburn University prohibits possession, use, and transportation of any dangerous or potentially dangerous weapons described below on all University properties.

1. Fixed blade knives concealed on the person or in vehicle (e.g., Bowie knife, knife, or instrument of like kind or description)
2. Shotgun or rifle or other shoulder gun
3. Pistol or revolver
4. Air gun (e.g., air or gas powered rifle or pistol)

5. Bow and arrow (e.g., archery equipment)
6. Slingshots (including throwing weapons)
7. Swords
8. Crossbows
9. Brass knuckles
10. Fireworks or explosive devices

This policy shall apply to all faculty, staff, students of Auburn University, and to all visitors to the campus or University properties.

This policy shall not apply to duly authorized law enforcement officials in the lawful discharge of their duties.

Temporary exclusions may be granted by written permit only by the Chief of Police or his authorized designee for job related, educational, or demonstration purposes.

Where applicable concerning these instruments, department heads and respective instructors may be granted a blanket authorization for organized activities by the Chiefs of the Auburn University and AUM Police. These organizations must guarantee qualified instruction, safety, and security for such activities.

Where applicable, all federal, state, and local laws and ordinances will be strictly enforced by Auburn University Police Department and respective mutual aid agencies and shall be separate from this administrative policy.

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## **9. INTIMATE RELATIONS**

Auburn University prohibits all faculty, administrators and supervisors, including graduate teaching assistants, from pursuing or engaging in romantic or sexual relationships with students, both graduate and undergraduate, whom they are currently supervising or teaching. Violations should be promptly reported to the University's Affirmative Action Office. Violations of this policy will be addressed through appropriate disciplinary action.

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