

3.0

HUMAN RESOURCES POLICIES

3.1 GENERAL - HUMAN RESOURCES POLICIES

3.1.1 Definition of Employee Groups

3.1.1.1. Employee Groups

The University has the following five groups of employees as defined below.

- Group I. Faculty.** This group comprises those who hold positions of formal academic rank and other related positions that may be designated by the president. Its members are normally employed on an academic year basis, and their duties consist principally of teaching, advising, and counseling students, engaging in research and scholarly pursuits, and participating in the normal operations and functions of the academic community. They are eligible for all fringe benefits.
- Group II. Administrative Staff.** This group includes the vice presidents, administrative and academic deans, and directors. They are normally employed on a twelve-month basis, and their duties consist principally of planning, managing, and directing the execution, application, and conduct of the various objective functions and activities of the University. They are eligible for all fringe benefits.
- Group III. Professional and Supervisory Staff.** This group includes associates, assistants, supervisors, coordinators, managers, and administrative assistants, etc. They are normally hired on a twelve-month basis, and their duties consist principally of providing specialized assistance to the administrative staff and/or performing responsible supervisory and managerial functions in the operation of a department or section. They are eligible for all fringe benefits.
- Group IV. General Staff.** This group includes those employees who implement and carry out the operating functions of a department or section as determined and assigned by the administrative and supervisory staff. These employees are secretaries, clerks, cashiers, technicians, operating and maintenance personnel. They are hired at an hourly rate of compensation based upon job classification and wage scale. Eligibility for fringe benefits is defined in Section 3.4.1.

Group V. Temporary Appointees. This group includes part time instructors, visiting faculty, temporary faculty, research associates, and all other temporary appointees. It also includes those appointees whose appointments at Clarkson are other than their primary occupation, and all appointees who are employed only for a specific period of time to perform specific assignments. Appointees of this group are generally eligible only for fringe benefits required by federal and state law. For exceptions regarding fringe benefits see Sections 3.4.1.4 for staff, Section 8.2.2 for faculty, and Section 8.2.3 for research associates.

3.1.1.2. Research Appointments

Employees who are supported by external funds (usually research grants and contracts) may be appointed to any of the employee groups listed in Section 3.1.1.1. The external funds must fully pay the cost of the fringe benefits to which employees with such research appointments are entitled by their employee groups. The policies listed in the Operations Manual apply to such research appointments. In addition to these general policies, Section 5.8 states definitions and policies for Research Faculty and Research Associates.

As part of the appointment process for research employees, the Division of Research shall certify the availability of sufficient funds.

August 1973
Editorial Revision February 1976, July 1977, December 1986, July 1987, January 2004
Revised January 2007

3.1.2 Exempt and Non-Exempt Employee Categories

The Fair Labor Standards Act Amendments of 1966 and further amendments of 2004 extended the coverage of the act generally to employees of institutions of higher education. This is interpreted to mean that the minimum wage, overtime, and equal pay provisions of the act would apply to all workers categorized as non-exempt employees, but not to those workers defined as exempt employees.

I. Exempt Employees

- A. Bona fide executive, administrative, and professional employees may be exempt from the minimum wage and overtime requirements if they meet certain tests.
- B. These tests generally relate to the individual's duties, responsibilities, and salary, but the principal requirement for exemption is the exercise of discretion and independent judgment.
- C. Exempt employees at Clarkson University are compensated on a salary basis. Salaries are paid on a bi-weekly basis over 26 pay periods, including any fiscal year that has 53 weeks. Their salaries take into consideration the possibility of extra hours that the employees may need to work to fulfill requirements of the position. No extra compensation over normal salary is payable to exempt employees for such additional hours worked in fulfillment of their job description.

The following positions are considered exempt in light of the tests that were briefly outlined in item (B) above:

Faculty Members	Associate Directors
Department Heads	Assistant Directors
Deans	
Associate Deans	
Assistant Deans	
Directors	
Supervisors	

II. Non-Exempt Employees

- A. These employees have an unusual variation in the degree of education, skill, and experience needed to perform their job, but their work is generally of a set, routine nature not requiring sufficient exercise of discretion and judgment to warrant exemption.

- B. A non-exempt employee at Clarkson University is compensated on an hourly basis paid biweekly over 26 pay periods, including any fiscal year that has 53 weeks.

The following are examples of non-exempt positions at Clarkson University under the provisions of the Fair Labor Standards Act:

Secretaries	Maintenance Mechanics	Campus Safety Officer
Custodians	Payroll Assistant	Students
Grounds	Accounting Assistant	Cashiers
Technicians		

Human Resources will determine the category (exempt or non-exempt) of a position. Classification will be based on the review of a definitive job description prepared by the department head or administrator concerned, and a study of how the assigned responsibilities relate to the definitions of executive, administrative and professional of the Fair Labor Standards Act.

July 1987
Revised July 1989
Revised July 1996
Revised May 2004
Revised April 2008

3.1.3 Affirmative Action, Equal Employment Opportunity, and Search and Selection Procedure

The following statement reaffirms the position of the Board of Trustees that Clarkson University is nondiscriminatory and constitutes the Equal Employment Opportunity Policy as recommended by the Faculty Senate and the Administrative Council and endorsed by the president.

This policy adheres to the requirements of Title VII, the Civil Rights Act of 1964, and Federal Executive Orders 11246 and 11375, and seeks to implement the objectives and methods set forth in the Department of Labor Revised Order No. 4 and the Equal Employment Opportunity Act of 1972. It also includes the Veterans' Employment and Assistance Act of 1974, amended in 1976. The Veterans Employment Opportunities Act (VEOA) 1998 and Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act.

- I. **Policy.** Clarkson University policy is to recruit, hire, train, and promote people in all job categories primarily on the basis of their individual capacities to perform work assignments, and secondarily on the basis of their ability to contribute to the welfare of the institution. Such factors as ability, experience, education, character, and personality naturally come into consideration. Gender, sexual orientation, race, age, ethnic origins, or religious preference should be disregarded in recruiting, hiring, training, and promoting, except when those rare cases in which gender may be a legitimate and necessary consideration relative to qualification for job performance.

All decisions on employment should further the principle of equal opportunity. Promotions should be based only on valid requirements. All personnel policies and actions regarding compensation, benefits, transfers, layoffs, training programs, and social and recreational programs should be administered fairly and equally and without regard to gender, race, age, ethnic origins, religious preferences and sexual orientation.

To implement this policy effectively it is essential that all staff share the responsibility of making equal employment opportunity a reality at Clarkson, taking care to see that all affirmative action requirements are fully met and completely documented.

- II. **The Affirmative Action Program.** The program provides equal employment on the basis of merit and without discrimination as stated above. It affords prompt, fair, and impartial consideration of any complaint concerning employment discrimination at Clarkson University, as detailed in Section 3.1.11 of the *Operations Manual*.

Notices of nondiscrimination are posted at conspicuous places throughout the University campus within the view of all students, employees, applicants, and visitors. Appointments to University faculty and staff positions are monitored to ensure that the University is continually moving toward the goal of appropriate employment levels of women and members of minority groups.

- III. **The Affirmative Action Officer.** The president has appointed an Affirmative Action Officer to assume responsibility for the implementation of an affirmative action program. The Officer is also responsible for the design and implementation of an employment reporting and auditing system. He or she regularly receives information concerning the recruiting of women, ~~and~~ members of minority groups, people with disabilities and veterans. He or she also submits to the president an annual progress report on Affirmative Action. He or she handles all complaints related to Affirmative Action policies.
- IV. **Positions Requiring a Search.** Affirmative Action search and review procedures apply to:
- A. Full-time academic tenure track positions;
 - B. Temporary academic positions for longer than one semester;
 - C. Full-time exempt positions for longer than three months;
 - D. Temporary exempt positions for longer than three months;
 - E. Full-time nonexempt positions for longer than three months;
 - F. Temporary nonexempt positions for longer than three months; and
 - G. Research associate positions for longer than three months; exceptions are available when appointed individuals enter the country on a temporary visa for one year or less.
- V. **Affirmative Action Search Procedure.** Specific procedures have been developed for each of these three categories of employees: faculty, administration, and supervisory and nonexempt.

In each case the search must be initiated by completion of the appropriate Request-to-Fill a Position Form available through the Affirmative Action Officer. The originator will be sent a packet of information describing the search procedures to be followed for the position requested. The Affirmative Action Officer will meet with the Chair of the Search Committee to go over the search process.

It is important to be aware that Affirmative Action guidelines will require a well-structured distribution of the Position Announcement. Due to the deadlines of many publications this can require six to eight weeks before the resume review procedure may begin.

After the search has been completed and a candidate is selected and approved by the appropriate administrator, forms required to document the search and selection procedure are forwarded to the Affirmative Action Office for review and approval before an offer is made. If approved, the required forms are forwarded to either the Office of the President or the Human Resources Office (depending upon the level of the position) for final approval and notification that an offer can be extended to the candidate.

VI. Record Retention

A. Faculty and Administration

1. Applications and resumes with a summary of action taken on all applicants must be kept for three years. Faculty resumes are kept by the area responsible for the search. Administrative resumes are kept in the Affirmative Action search file in the Office of Affirmative Action.

B. Professional, Supervisory, and Staff

1. Applications and resumes of all candidates together with a summary of the action taken on each submission must be kept for three years by the Office of Affirmative Action.

July 1987
January 2007
Revised April 2008

3.1.4 Nepotism - Employment of Relatives

The University, in its need for qualified applicants, is pleased to have employees refer their friends and relatives to the Human Resources Office for possible employment. Relatives will not be employed in the same department where there will be a supervisory relationship between them.

Relative is defined as follows:

1. Husband or wife;
2. Son or daughter (including legally adopted children), grandchild, stepson, stepdaughter, son-in-law, or daughter-in-law;
3. Father, mother, brother, sister, brother-in-law, sister-in-law, grandparent, stepfather, stepmother, father-in-law, or mother-in-law; and
4. Uncle, aunt, nephew, niece.

July 1987
Editorial Revision July 1989, 1998
Revised January 2007

3.1.5 Sexual Misconduct Policy

I. Policy Statement

Clarkson University is committed to a safe and healthy environment and as such will not tolerate sexual assault and sexual harassment in any form. Sexual assault is a crime; sexual harassment is a violation of federal and state laws; and both are violations of individual rights and dignity. Sexual assault and sexual harassment are not only acts of disrespect, violence, aggression or coercion against an individual, but also are attacks on our University community.

Sexual harassment and sexual assault committed by faculty, administration, staff, and students, whether on or off campus, is prohibited and will not be tolerated. This applies, but is not limited to, prohibited conduct which occurs in academic, educational, extra-curricular, athletic, residential, and/or other University programs.

Clarkson University encourages victims to report sexual assault and harassment incidents to appropriate University authorities. Perpetrators of sexual assault or harassment will be subject to strict disciplinary action by the University, up to and including suspension, expulsion, discipline, or termination of employment. Retaliation against an individual who brings a complaint, participates in an investigation of sexual assault or harassment, or pursues legal action is prohibited and will not be tolerated.

Consensual Relations

Students, faculty, and staff members should understand that even apparently "consensual sexual relationships," particularly those among persons of unequal status, may not in fact be consensual.

For example, anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned.

II. Definitions

Complainant

The person filing a complaint with the University under the Sexual Assault and Sexual Harassment policy.

Consent

Consent is words or conduct indicating a freely given present agreement to perform a particular sexual act with the actor.

Consent can only be given or implied by someone who: acts freely, voluntarily, and with knowledge of the nature of the act involved.

Consent cannot be given if someone:

- is incapacitated by drugs or alcohol
- is coerced into submission
- is not conscious
- is physically incapacitated
- is mentally incapacitated
- is a minor

Consent cannot be inferred from:

- permission for one particular act
- a prior sexual, romantic or marital relationship
- an existing sexual, romantic or marital relationship

Respondent

The person named as the perpetrator in a complaint.

Sexual Assault

Sexual Assault under this policy is any sexual contact with another person who does not or cannot give consent. This may or may not include force. The use of alcohol or drugs does not diminish a person's responsibility for assaulting someone. Sexual Assault includes, but is not limited to:

- Unwanted sex by acquaintance or stranger
- Unwanted touching, fondling, grabbing
- Use of coercion to cause submission

Sexual Harassment

Sexual harassment is a form of sex discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, displays of sexual material, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made a requirement, either explicitly or implicitly, of an individual's employment or education,
2. submission to, or rejection of, such conduct by an individual is used as a basis for employment or educational decisions affecting such individual, or
3. such conduct has the purpose or effect of interfering unreasonably with an individual's employment or academic performance and/or creating an intimidating, hostile or offensive employment, educational or living environment.

Prohibited conduct includes, but is not limited to, repeated offensive sexual flirtations, advances or propositions; verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual, his or her appearance or gender; display of sexually suggestive objects or pictures; or any offensive or abusive physical contact.

Sexual harassment is a form of misconduct which undermines the integrity of both employee and student relationships.

Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcomed, which is both personally and objectively offensive, which debilitates morale, and which therefore interferes with the studies and work effectiveness of its victims or peers.

Sexual harassment, whether committed by administrators, faculty, staff, students, or visitors, is prohibited and will be subject to strict disciplinary action by the University, up to and including suspension, expulsion, discipline, or termination of employment.

Vice presidents, deans, directors, and department heads should take appropriate steps to disseminate this policy statement and to inform students and employees of procedures for lodging complaints.

Behavior may violate this policy when it does not rise to the level described in the above definition, but if repeated or continued, could do so.

Sexual harassment may include, but is not limited to:

- Unwelcome or repeated sexual advances
- Offensive, disparaging remarks about one's gender, marital status, sexual orientation, or appearance
- Jokes about gender-specific traits
- Remarks about one's physical appearance that imply sexual interest
- Subtle pressure for sexual activity, including sexual propositions
- Unnecessary brushes or touches, including pinching, patting, or grabbing
- Displayed offensive sexual graffiti, gestures, cartoons, or pornography
- Sexual innuendoes or obscene gestures
- Communications (oral, written or pictorial) with sexual overtones. This includes hardcopy, email, and internet.
- Sexually offensive remarks disguised as humor
- Unwanted gifts, staring, leering, or unwanted attention.

Sexual harassment can involve:

- Student and student;
- Teacher and student;
- Teacher and teacher;

- Supervisor and employee;
- Co-workers who are equal in status;
- Co-workers when one of the individuals is in a position of professional judgment over another;
- A University employee or student and a contractor, consultant, vendor, visitor, or third party who deals with the employee or student in connection with University business or activities.

Sexual harassment can be committed by current or former friends and/or acquaintances and can be committed by a male or female against a person of the same or opposite sex.

III. Support Services and Victims' Rights

The following rights shall be accorded to the complainant and respondent:

- **Complainant and Respondent must have the same opportunity to have others present at a hearing process.**
- **Both parties shall be informed of the outcome of any disciplinary proceeding.**
- **Survivors/Complainant shall be informed of their options to notify law enforcement.**
- **Survivors/Complainant shall be notified of counseling services.**
- **Survivors/Complainant shall be notified of options for changing academic and living situations.**

Employees who feel they have been the victim of any form of sexual misconduct may wish to seek confidential counseling or support from the following resources. If you are unsure as to where to go or what to do first, contact the Counseling Center on campus at 268-2327 or Citizens Against Violent Acts (CAVA) at 315-386-3777 if you prefer to go off campus.

On Campus Confidential Resources

- Counseling Center <http://www.clarkson.edu/counseling>; 315-268-2327

On Campus Resources (Non-Confidential)

- Director of Human Resources
- Affirmative Action Officer
- University Privacy Officer (designated to be the Vice President for University Outreach and Student Affairs)
- Campus Safety and Security; 268-6666

Off Campus in Potsdam Community Confidential Resources

- Canton Potsdam Hospital; 315-265-3000
- Citizens Against Violent Acts (CAVA); 315-386-3777

Confidential resources will not file a report for investigation. Other resources are required to follow up if the identity of the alleged assailant is known or can be determined, but will do so with respect for the privacy of those allegedly involved in the incident.

IV. Complaint Process for Complaints of Sexual Assault or Sexual Harassment

Any University employee who would like to initiate a formal complaint under this Policy should notify his or her immediate supervisor, the Affirmative Action Officer, or the Director of Human Resources. In the event of a complaint against another employee of the University, the procedures set forth in Section 3.1.14 of the University Operations Manual will be followed. In the event of a complaint against a student, the procedures in the Clarkson Regulations Section VIII-F Discrimination Grievance Proceedings (for cases involving sexual discrimination or harassment) or Section VI Disciplinary Proceedings (for cases of sexual assault) will be followed. If the complaint is against someone other than a member of the University community, it will be handled by Human Resources with possible referral to the Potsdam Police Department.

Any University student who would like to initiate a formal complaint under this Policy should notify either the Vice President for University Outreach and Student Affairs, the Dean of Students, or the Associate Vice President for Institutional Diversity Initiatives and Pipeline Programs. In the event of a complaint against a student, the procedures set forth in the Clarkson Regulations Section VIII-F Discrimination Grievance Proceedings (for cases involving sexual discrimination or harassment) or Section VI Disciplinary Proceedings (for cases of sexual assault) will be followed. In the event of a complaint against an employee of the University, the procedures set forth in Section 3.1.14 of the University Operations Manual will be followed. If a complaint is against someone other than a member of the University community, it will be handled by the Dean of Students Office with possible referral to the Potsdam Police Department.

In all cases, further information may be obtained from the University's Affirmative Action Officer, the Director of Human Resources, or the Vice President for University Outreach and Student Affairs or the Dean of Students Office.

Clarkson University will protect the confidentiality of any harassment complaint to the extent it reasonably can under the circumstances. No person will be subject to discipline or any other adverse treatment because he or she has made a complaint of discrimination or harassment in good faith.

If a complaint is made to anyone else, the complainant risks the possibility that it will not come to the attention of the proper University officials and may, therefore, not be acted upon. **Again, confidential resources are members of the Counseling Center and Student Health Services. All other Clarkson University employees are not confidential resources.**

Complaints of sexual assault or sexual harassment committed by a student, faculty member staff member, visitor or someone having business with the University against any student, faculty member or staff will be investigated promptly. In general, investigations will be done by a designee from the Dean of Students' office if the respondent is a student, and by a representative of Human Resources if the respondent is a faculty member or staff member.

If the respondent is a student, the investigation generally shall include, at a minimum, separate interviews of the complainant and the respondent. The complainant and respondent will be permitted to be assisted/advised in his or her interview and/or defense by an advocate of his or her choice. The adviser may be present but may not participate as an advocate in the proceedings.

If the respondent is an employee, the matter will be handled in a manner consistent with the University Operations Manual.

A complaint of sexual assault or sexual harassment will be resolved by:

- A. a determination that the policy has been violated and imposition of appropriate disciplinary or other action; or
- B. a determination that there was no violation of the policy or that a violation cannot be determined and dismissal of the complaint.

In all cases where there is a finding of a violation of policy, the University will take prompt and appropriate action. Complainants and respondents in matters alleging sexual assault by a student will be notified as to the outcome of their Complaint.

In the case of a finding of harassment or assault by a student, disciplinary action may include, for example; suspension, expulsion, warning, reassignment to another residence hall, restriction from residence halls, and/or no contact with the complainant.

In the case of a staff member or a faculty member, the action(s) may include, but not be limited to, counseling, a warning, suspension, reassignment, demotion, or termination of employment.

July 1987
Revised January 2006
Revised February 2010

3.1.6 Employment of Minors

The New York State Labor Law concerning the employment of minors has certain restrictions and regulations that the University must follow. As a guideline, some of the provisions and rules governing this subject are outlined below. The Human Resources Office will process the necessary forms and keep the required records. The employing department should refer the individual to the Human Resources Office for this purpose.

1. Each minor between the ages of sixteen and eighteen must present a **Student General Employment Certificate**, Form AT-19, to his or her prospective employers.
2. The minor should be required to identify him or herself by signing the certificate, entering his or her name, address, and date employment is to begin.
3. The employer must return to the issuing office the **Statement of Employer** that is attached to the bottom of the **Student General Employment Certificate Form**.
4. The **Student General Employment Certificate Form** must be kept on file in the Human Resources Office.
5. Upon termination of the minor's employment, the employer should enter the termination date and return the employment certificate to the minor or mail it to the issuing officer.

Other regulations and restrictions pertaining to working hours and types of employment include the following:

Children sixteen years and seventeen years of age enrolled in a day school (other than a part-time or continuation school) may be employed as follows:

1. When school is in session: not more than six days in any week, four hours on any school day, eight hours on non-school days for a maximum of twenty-eight hours in any week;
2. When school is not in session and during vacation periods: not more than eight hours a day, or six days a week for a maximum of forty-eight hours in any week.

Minors sixteen and seventeen years of age enrolled in a day school may not be employed:

1. May not work between midnight and 6 a.m. when school is not in session (vacation). They may work after 10 p.m. up to midnight during the school year only with the written consent of a parent and a certificate of good academic standing from their school. **Parental Consent Forms may be obtained from the Division of Labor Standards Office. The school the minor attends issues the Certificate of Satisfactory Academic Standing.**
2. Generally: more than six days in any week, eight hours on any day for a maximum of forty-eight hours per week.

Minors sixteen and seventeen years of age may not be employed in certain hazardous occupations such as construction work, the operation of various kinds of power-driven machinery, including motor vehicles, and others as listed in Section 133 of the Labor Law.

The attention of all employing department heads and supervisors is called to the fact that there are penalties and fines if convicted for violating this law.

July 1987
Revised April 2008

3.1.7 Drug Abuse in the Workplace

The Drug-Free Workplace Act of 1988 requires recipients of federally funded grants to advise employees of penalties or employment sanctions that may be imposed on employees convicted of drug-related violations in the workplace.

Employment Sanctions Relating to Drug Abuse in the Workplace

The use, consumption, possession, distribution, or sale of controlled substances (illegal drugs) and/or unauthorized alcohol in University workplaces is prohibited. Use of alcohol or illegal drugs prior to reporting for work that results in unsafe work performance or erratic conduct in the workplace is also prohibited.

Employees convicted of drug related criminal statute violations in Clarkson workplaces are subject to employment sanctions that may range from reprimand to dismissal as recommended by the departmental supervisor to the Human Resources Office.

Employees convicted of drug related criminal statute violations in Clarkson workplaces may, as an alternative to or in conjunction with employment sanctions, be requested to participate in a drug/alcohol rehabilitation program as deemed appropriate under the circumstances. This option will usually be reserved for first-time offenders only. Refusal to participate in a drug/alcohol rehabilitation program will necessitate the immediate imposition of the appropriate employment sanction.

Testing

In compliance with The Department of Transportation (DOT) alcohol testing rules, Clarkson University requires employees who hold safety sensitive positions to be tested for drugs and alcohol upon hiring (all offers of employment are conditional on passing a drug or alcohol test). Employees holding safety sensitive positions will be randomly tested quarterly. Any positive drug or alcohol test is a violation of the University's drug and alcohol policy.

July 1989
Revised July 1996

3.1.8 Orientation

The Human Resources Office will conduct an orientation session with each new employee employed on an active full-time or active part-time basis. The department head or supervisor shall allow the new employee time off to attend this session.

The following topics will be covered:

1. The organization of the University and its administrative officers and department heads;
2. Personnel policies and practices;
3. The benefits offered by the University and other social, athletic, and cultural opportunities;
4. General University operating procedures;
5. Safety regulations and awareness, to include *Employee Hazard Communication/Right-to-Know Information* and *Drugs in the Workplace*;
6. Fringe Benefit Forms; and
7. Other information of value and interest.

Continued orientation and job training on a day-to-day basis is the responsibility of the department head or supervisor concerned.

July 1987
Revised July 1989

3.1.9 Change in Status

Any change in an employee's status will be reported to the Human Resources Office promptly to ensure that employment records are kept accurately and up to date, and that employees can be informed about possible benefit changes or obligations on their part.

- I. The department head or supervisor will initiate a Payroll Authorization. All copies should be sent to the Human Resources Office marked "confidential," for such changes as:
 - A. Change in rate of pay;
 - B. Change in scheduled hours of work;
 - C. Change from temporary to regular employment;
 - D. Transfer or promotion;
 - E. Interruption of service (leaves with or without pay); and
 - F. Layoffs.

- II. It is the employee's responsibility to notify the Human Resources Office about such personal changes as follows, but it is always helpful if the department head or supervisor reminds the employee that certain insurance coverage or benefits might be overlooked or lost if the Human Resources Office is not made aware of the change. These include:
 - A. Change in name by marriage or court ruling;
 - B. Change in marital status;
 - C. Change in the number of dependents;
 - D. Changes concerning beneficiary designation; and
 - E. Address change.

July 1987
Editorial Revision July 1989
Revised January 2004

3.1.10 Smoking Policy

Purpose. Clarkson University is committed to providing its students, faculty, staff, visitors and the general public with a smoke-free environment to protect the health, welfare and comfort for those desiring such an environment to the maximum extent possible and in full compliance with the New York Clean Air Act, Article 13E of the New York Public Health Law.

1. Smoking is prohibited in **all** indoor locations including but not limited to:
 - Classrooms, lecture halls, auditoriums and libraries;
 - Laboratories, shops, computer rooms and studios;
 - Offices, meeting rooms, board rooms, and dining halls
 - Lobbies, foyers and waiting rooms;
 - Hallways, stairwells and elevators;
 - Maintenance areas, mechanical and storage rooms;
 - Arenas, gyms and recreation centers;
 - Lounges, lodges;
 - Reception and supply areas and central locations for records, files or copying.
2. Smoking is prohibited in all enclosed areas including but not limited to:
 - Building entrances and covered walkways;
 - Loading docks, courtyards and patios.
3. Smoking is prohibited in the following outdoor locations:
 - Any outdoor event with seating;
 - Any area where combustible fumes can collect such as in garage and storage areas. Areas where chemicals are used and other designated areas where an occupational safety or health hazard may exist.
4. Smoking is prohibited in all University vehicles including buses, (leased or university owned) vans, cars and trucks.
5. Smoking is prohibited in University Housing as stipulated in 1 – 3 of this policy and in all common areas including:
 - Laundry rooms, cooking areas and bathrooms;
 - Recreation, study and lounge areas.
6. Smoking is prohibited no closer than **30 feet** of any building entrance or ventilation system.

DEFINITIONS:

Smoke-Free: The establishment of any environment that is free of smoke through the prohibition of smoking.

Smoking: The burning of a lighted cigar, cigarette, pipe or any other tobacco product.

ENFORCEMENT:

It is the responsibility of all administrators, faculty, staff and students to enforce this smoking policy.

Employees or students who repeatedly violate the requirements of this policy may be disciplined.

Any person who fails to comply with the requirements of this policy may be in violation of Article 13E of the New York State Public Health Law. Violations may be subject to the imposition of a civil fine in addition to University disciplinary action.

July 1989
Revised January 1990, 2003
Revised September 2004

3.1.11 Nondiscrimination Policy

Clarkson University does not discriminate on the basis of race, gender, color, creed, religion, national origin, age, disability, sexual orientation, veteran, or marital status in provision of educational opportunity or employment opportunities. This policy prohibiting discrimination on the basis of sexual orientation does not apply to the University's relationship with outside organizations, including the federal government, the military, ROTC, and private employers. Clarkson University does not discriminate on the basis of sex or disability in its educational programs and activities, pursuant to the requirements of Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the American Disabilities Act of 1990 respectively. This policy extends to employment by an admission to the University. **Inquiries** concerning Section 504 and the American with Disabilities Act of 1990 should be directed to Dean of Student Life, 504/ADA Coordinator, Price Hall, Clarkson University, P.O. Box 5635, Potsdam, New York 13699-5635; or telephone (315) 268-7105. **Inquiries** concerning Title IX, the Age Discrimination Act, or other discrimination concerns should be directed to the Director of Human Resources and/or Affirmative Action, the Title IX Coordinator, Office of Affirmative Action, Room 124 Snell Hall, Clarkson University, P.O. Box 5542, Potsdam, New York, 13699-5542; or telephone (315) 268-2362. Information on the procession of grievances and charges relating to the above policies can be obtained from the Office of Affirmative Action.

Clarkson University is making a special effort to identify for employment opportunities and participation in its educational programs a broad spectrum of candidates including women, minorities, and people with disabilities.

November 1995

Revised and Approved by the Board of Trustees May 1996

3.1.12 Cultural Diversity Policy

This policy reaffirms Clarkson University's position on nondiscrimination. It provides for the development of a climate of tolerance and pluralism; it condemns all forms of intolerance. Through ongoing education, the University seeks to ensure that the entire campus community will have a heightened sensitivity to the value of diversity and the dangers of intolerance and racism.

The Clarkson University community consists of a wide variety of people who come from diverse backgrounds. Clarkson subscribes to the belief that higher education is best served when members of the community have opportunities to interact with individuals who come to the campus with a variety of beliefs and past experiences. In such a pluralistic environment, different values and ideas can interact, be examined and be evaluated. The University can promote pluralism by fostering an environment that encourages the acceptance of individual differences and is characterized by the fair and equitable treatment of all.

The University will not tolerate harassing or abusive behavior directed at any individual or group because of their race, ethnicity, ancestry, national origin, religion, sexual orientation, age, gender, or physical or mental disability. Individuals who engage in activities that are threatening, harassing, or which foster intolerance, or exhibit behavior which is inconsistent with the mission of Clarkson University may face removal from the University. This policy prohibiting discrimination on the basis of sexual orientation does not apply to the University's relationship with outside organizations, including the federal government, the military, ROTC, and private employers.

Initial complaints concerning alleged violations of the University policy on cultural diversity should be brought to the attention of the Dean of Students in student-to-student incidents, to the Director of Human Resources in the event it involves a University employee, and may be oral in nature. It will be ascertained at that level, through a presidential appointed committee, whether, in fact, a violation of the cultural diversity policy has occurred. Depending upon the incident, the Preliminary Review Committee may recommend that a complaint be submitted in writing by the complainant, to be processed in either one of two ways: 1) through summary action (by the Dean of Students or the Director of Human Resources depending on the circumstance), 2a) through referral to the Disciplinary Hearing Committee (*Clarkson Regulations* Article V-E Disciplinary Proceedings) for student-related matters, or 2b) through disposition to a Hearing Committee (consisting of the Vice President for Business and Financial Affairs, a member of the faculty, and a member of the accused employee's constituent group) for University employee issues.

3.1.12(2)

In either case, if all parties are in agreement with the decision of the respective hearing committee, the matter is settled. If any party involved is not satisfied with the disposition, they may proceed to the Standing Review Committee as outlined in the *Clarkson Regulations* Article VII Grievance Procedure. If warranted, the Standing Review Committee for final action will convene a Formal Hearing Committee.

November 1995
Revised & Approved by Board of Trustees May 1996

3.1.13 General Grievance Procedures

I. Preamble

The objective of these grievance procedures is to provide employees with a fair and expeditious means of resolving complaints they have regarding their working relationships or employment conditions. This objective is pursued through the use of both informal discourse and, if necessary, a formal hearing process.

This grievance procedure is available to all regular employees. No employee shall be penalized because he/she has recourse to these grievance procedures.

II. Definition of a Grievance

A grievance exists when there is:

- a claimed violation, misinterpretation or inequitable application of existing rules, procedures or regulations,
- a claimed failure to apply existing rules, procedures, or regulations, or
- a claimed treatment that was transparently unfair, arbitrary or capricious and such action adversely impacts the employment relationship.

III. Procedures

- A. Any employee with a grievance may meet with a member of the Office of Human Resources for advice and counsel. If such a meeting transpires, the Office of Human Resources shall hold both the fact of the meeting and its substance in strict confidence.
- B. An employee with a grievance should promptly consult with the person by whom he or she feels aggrieved in an effort to resolve the matter informally. If the employee feels unable to undertake such a consultation alone, a representative of the Office of Human Resources may accompany the employee. An employee may also choose to pursue mediation with the person by whom he or she feels aggrieved. The University Mediation Service can assist in determining whether both parties are willing to participate, and if so, will assign a mediator. The mediation will be handled in confidence.
- C. If informal consultations or mediation fail to resolve the problem and the employee still wishes to pursue the grievance, or if the employee with the grievance elects not to seek an informal resolution, then the employee must prepare a written statement of the grievance. This statement should clearly delineate the grievance and the facts in support thereof; it may also contain a suggested remedy. This statement should.

be prepared within ten workdays of the last effort at finding an informal resolution, or if no informal consultations were attempted, within ten workdays of the incident that occasioned the grievance. Signed copies of this written statement should be submitted to the Office of Human Resources, to the person with whom the grievance is lodged, and to the immediate supervisor of the individual against whom the employee has a grievance (henceforth, simply the immediate supervisor or the supervisor).

- D. On receipt of the written and signed statement of the grievance, the immediate supervisor shall review this document to determine what, if any, remedial action is appropriate. The immediate supervisor shall prepare a memorandum describing his/her decision regarding the grievance. This memorandum shall be prepared within ten workdays of receipt of the written statement of the grievance. Copies of the memorandum shall be delivered to the Office of Human Resources and to the individual against whom the grievance was filed; the original of the memorandum shall be delivered to the grievant.
- E. If the employee filing the grievance thinks the supervisor's decision constitutes an insufficient response to his/her complaint, the employee may request that a formal hearing be scheduled to address the grievance. This written request must be submitted to the Office of Human Resources within five workdays of receipt of the immediate supervisor's decision memorandum. Upon review of that complaint, the Director or designee may either dismiss the complaint (either on its merits, because it does not properly fall within the scope of the procedure, or for timeliness) or may recommend it appropriate that the University take remedial action.
- F. The hearing of the grievance shall take place before a Formal Hearing Committee of six individuals drawn from the membership of the Employee Relations Grievance Committee, and shall be governed by the following:
 - 1. The Employee Relations Grievance Committee (ERGC) shall consist of employees appointed to staggered terms by the president. The appointees to the ERGC should reflect the composition of the University's faculty, staff, and administration.
 - 2. The Formal Hearing Committee (FHC) shall consist of six persons selected from among the available members of the ERGC. The Director of Human Resources and the employee filing the grievance shall each select three members from the ERGC for service on the FHC. The members of the FHC shall elect a chair to direct the hearing.
 - 3. The hearing shall be held within ten workdays of receipt of the request for a hearing. The hearing will consist of four parts: (a) opening

comments, (b) the presentation of any documentary evidence including, specifically, the grievant's written statement of the grievance and the supervisor's decision memorandum, (c) the hearing of any witnesses and (d) closing remarks. Both the grievant and the individual against whom the grievance has been filed will have an opportunity to be heard in each part of the hearing. Both will also have the opportunity to call and question witnesses. During the hearing, the grievant may be accompanied by any other employee of the university he/she selects for assistance. That said, it should be recognized that this hearing is an intramural device intended to secure a resolution of complaints; it is not a trial designed to apportion blame. As such, the technical rules of evidence and procedure that govern judicial proceedings shall not apply to FHC proceedings. FHC should be expressly empowered to deal with all procedural and other issues which may arise, provided not inconsistent with explicit provisions of the policy.

4. The decision of the FHC shall be reached within five working days of the close of the hearing. This decision shall be communicated, in writing by the FHC, to the grievant, to the individual against whom the grievance was filed, to the immediate supervisor, to the Director of Human Resources, and, for appropriate action, to the president.
 5. A stenographic or audio recording of the hearing shall be made. This recording along with copies of all documentary evidence presented at the hearing shall be retained in the confidential files of the Office of Human Resources for not less than two years: these items shall be available only to the grievant, to the individual against whom the grievance was filed, and to such other individuals as the president may designate.
 6. As far as practicable, the hearings and deliberations of the FHC shall be treated as confidential.
- G. Certain stipulations apply to the grievance process described herein.
1. The time limits specified are designed to ensure a timely response to the grievance. However, flexibility for the sake of securing a resolution should be allowed. For example, if the employee has failed to seek a review within ten days, the Director of Human Resources may, at his/her discretion, extend the time limit. Saturdays, Sundays, and university holidays shall not be counted in the tabulation of time limits, nor shall the normal days off of the employee filing the grievance or of the immediate supervisor charged with responding to it. If a delay in the process occurs, the employee filing the grievance should be given a written explanation for the delay and an indication of when the process will resume.

2. If at any point in the process, the employee feels that his/her grievance had been resolved, or submits a written and signed statement to the effect that he/she wished to pursue the matter no further, the grievance review or formal hearing shall be terminated.
3. An employee shall not lose pay for any time not on the job if their presence is required at any hearings or meetings provided by this procedure. However, an employee shall not be paid for any time present at a hearing or meeting that falls outside the employee's normal work hours. That said, meetings and hearings should be arranged so as to accommodate the schedules of all involved, especially those of the employee filing the grievance and the individual against whom the grievance has been lodged.

IV. Restrictions

- A. The university has a separate discrimination grievance process that applies to allegations of discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, age or handicap. If any employee in any status feels that they have experienced such discrimination, they should file their grievance with the Office of Affirmative Action. In such a case, the Discrimination Grievance Process shall be invoked, and it totally supplants the grievance procedures described here.
- B. Grievances bearing on the issue of academic tenure are not handled by these grievance procedures, but are dealt with exclusively by the tenure appeals processes set forth in the *Operations Manual*.
- C. New employees of the university in non-faculty positions do not have access to these procedures during their initial three-month, probationary period; however, they do enjoy full access to the Discrimination Grievance Procedures referenced in IV-A, above.
- D. Terminations do not constitute grounds for a grievance under the present procedures. However, grievances alleging discriminatory treatment may be filed under the Discrimination Grievance Procedures referenced in IV-A, above.

- E. The present grievance procedures are designed for the intramural resolution of differences. Use of these grievance procedures does not constitute a waiver of the employee's right to seek a resolution through external agencies, including courts of law. However, the employee should be aware that the filing of an internal grievance might not postpone the deadlines for filing complaints imposed by outside agencies or courts.
- F. Complaints regarding salary or the annual performance appraisal may not be addressed through these grievance procedures, but they can be handled through normal administrative channels.

June 1996
Revised January 2007

3.1.14 Discrimination Grievance Procedure (Including Cases of Sexual Misconduct)

I. Purpose

To systematically and appropriately examine complaints by faculty and staff (University Community) who contend that discrimination has occurred on the basis of race, sexual orientation, gender, including specifically claims of sexual misconduct (see Section 3.1.5), creed, color, religion, national origin, age, disability, veteran or marital status and to recommend to the President corrective measures if the evidence so indicates.

II. Procedures for Informal Intervention

When any member of the University Community feels unfairly treated because of race, sexual orientation, gender, color, religion, national origin, age, disability, sexual preference, veteran or marital status that person has a right to seek to correct the perceived offense. The following informal procedures are available:

- A. Persons having complaints often find it helpful to have someone with whom to discuss the issue prior to pursuing any further action. There are many persons available for such consultation, the Director of Campus Safety, Vice President for University Outreach and Student Affairs, Associate Vice President of Institutional Diversity Initiatives, Director of Human Resources, the Director of International Students and the Chair of the Gender Issues Committee are available to assist in such instances. These staff members can help in clarifying issues, making referrals, and advising about appropriate channels and procedures. However in all instances each of the above persons must report the matter to the Director of Affirmative Action.
- B. When situations cannot be resolved on the basis of direct discussion among the parties the next step is for the complainant to report the matter to the offending party's immediate supervisor or to the Vice President for Outreach and Student Affairs. The supervisor or Vice President for Outreach and Student Affairs should investigate and take appropriate action to resolve the conflict and report back to the complainant within ten (10) days (work/class). The supervisor and Vice President for Outreach and Student Affairs must report the matter to the Director of Affirmative Action.
- C. Alternatively, the complainant may request that the Director of Affirmative Action discuss the allegations informally with both the complainant and accused in an attempt to end the alleged discrimination or harassment and resolve the issue; or the complainant may request mediation. If mediation is requested, within ten (10) days (work/class) a third party mediator (from the campus panel of trained mediators and coordinated by the Director of

Affirmative Action) shall be named to help resolve a complaint on an informal basis. Such mediation activities shall continue for a period of no more than thirty (30) days (work/class) or until resolution is achieved, whichever, is shorter. This period may be extended if the participants and the mediator agree it would be useful to do so.

- D. In the event one or more of the above informal procedures is pursued and it is unsuccessful the complainant may initiate the formal grievance process described below. Alternatively, a complainant may bypass these informal procedures and may start by initiating the formal grievance process. While that choice is the complainant's careful consideration should be given to first utilizing one or more informal processes since these often prove very successful in resolving conflicts.

III. Procedure for Formal Hearing

Step 1: Filing of a formal Written Complaint

An individual (student or employee) who chooses to file a formal written complaint under these procedures must do so with the Director of Affirmative Action. Such a complaint may be filed immediately after an alleged act of discrimination has taken place or after any efforts that may have been undertaken to reach an informal settlement have proven unsuccessful.

A complainant will have 90 days following the alleged discrimination or harassment to file, a formal written complaint unless he or she has good reason (as determined by the Director of Affirmative Action) for having this period extended. Good reason may include active pursuit of the informal procedures outlined above.

A formal complaint must be filed on a standard form obtained from the Department of Human Resources and it must be filled out in full, detailing specific charges (including the specific acts forming the basis thereof). Where a pattern of discrimination is alleged to exist, the complainant shall provide incidents to support the charge. The charges shall be signed by the charging party and presented in sufficient detail to set forth clearly the charges that must be defended. Written notice (form) must be filed with the Director of Affirmative Action. If the charges are insufficiently explicit, it will be returned for clarification, thus delaying the process. The complainant may also indicate any remedy desired.

Step 2: Investigation

Once a written complaint is filed, the initial investigation (which can include notifying and providing the respondent with a copy of the complaint) and determination with

respect to that complaint shall be made by the Director of Affirmative Action or his/her designee. Upon review of that complaint, the Director or designee may either dismiss the complaint (either on its merits, because it does not properly fall within the scope of the procedure, or for timeliness) or may recommend appropriate the University take remedial action. The Director will conduct an investigation and make a determination within twenty (20) days (work/class) of the filing of a written complaint. The Director at his/her discretion may extend this time period when circumstances warrant.

In the event either the complainant or the accused is not satisfied with the Director or designee's recommendation, she or he may pursue their grievance before a Review Panel by notifying the Director or designee of her or his desire to do so in writing within five (5) work/class days of the Director/designee's recommendation.

Step 3: Review Panel

Upon receipt of a timely notice to pursue a grievance, within five (5) work/class days the Director or designee shall ask the President to convene a Review Panel to conduct a formal review. The review panel that conducts the review will be selected from the Grievance Committee.

Within five (5) work/class days of receiving a written request, the President/designee, on the recommendation of the Chair of the Grievance Committee, will name five members from the committee to constitute the Review Panel. The panel will consist of one faculty member, one student (or one other panel member), one administrator, and one member drawn from the complainant's and the respondent's respective constituencies (faculty, student, support, plant, supervisory). The Chair of the Grievance Committee will designate one member to serve as presiding officer. Within five (5) work/class days after the panel is appointed, each party will have the right to object to the appointment of any panel member on the grounds that the member's participation would jeopardize the party's right to a fair review. The panel members not challenged will decide upon the merits of a challenge within five (5) work/class days, and their decision will not be subject to appeal. When a challenge is granted/approved, the President/designee, on recommendation of the Chair of the Grievance Committee, will appoint a replacement from the same category as the original member. Replacements are not subject to challenge.

The Review Panel:

- a. shall meet within ten (10) working days after being appointed;
- b. once convened, shall act as a body and will not act as representatives or as advocates for either party. The function of the panel is to review the evidence, make findings of fact, and determine what corrective action, if any, should be taken to resolve the problem;

- c. will have the discretion to determine the most appropriate methods for considering the case: examination of written evidence, the hearing of oral testimony (which will be private and open only to the parties involved) or further investigation of relevant evidence;
- d. The panel will have fifteen (15) working days after convening to render recommendations.

Tape recordings of evidentiary proceedings will be taken and retained for two years in the Office of Affirmative Action.

Step 4: Final Decision

Within five (5) working days after the panel makes its findings and recommendations, the chair of the review panel will report the findings and recommendations directly to the President/designee with copies to the respondent, the complainant, and the Director of Affirmative Action. The respondent and complainant will have five (5) days after receiving the report to submit to the President a written response to the panel's report. This response is limited to five (5) typed pages.

Within five (5) work/class days after receiving the Review Panel's finding and recommendations, the President/designee may accept, reject, or modify the recommendations of the Review Panel, or may remand the complaint for further consideration or clarification. Upon recommendation from the Review Panel, the President/designee will send a written decision, an explanation of the decision, and determination of any penalty and relief, including dates by which each is to be implemented, to the complainant, the respondent, the Review Panel and the Director of Affirmative Action. The President/designee will notify the appropriate VP of the decision and recommendation subject to the normal procedures for probation, demotion, suspension, or dismissal. Within **five (5)** days, the Vice President in turn will notify the President/designee of action taken.

Any retaliatory action of any kind taken by a member of the Clarkson University community against the complainant or any other party as a result of efforts to secure redress under this procedure, or to cooperate in any inquiry, or to participate in any activity governed by this procedure, is prohibited and shall be regarded as a separate and distinct grievance.

If, however, at the conclusion of its proceedings, the Review Panel determines that a complainant, respondent, or witness has knowingly given false or misleading information, the University may take appropriate action against that person.

April 1996
Editorial Revision January 2004
Revision February 2010

3.1.15 Clarkson University Exit Policy

The supervisor of an employee leaving the university permanently is responsible for completing the exit checklist. Academic deans are responsible for insuring compliance by faculty with university exit procedures and will notify the Human Resource Department when departing faculty have fulfilled the exit requirements.

A faculty member leaving the university under Policy 5.10.1 Sabbatical Fellowship or 5.10.2 Leave of Absence shall consult with their department chair and academic dean to insure that appropriate arrangements have been made regarding financial obligations and the use of university equipment and facilities. Recognizing that the purpose of the leave is to facilitate faculty development, the university will endeavor to support that development. Thus, it is anticipated that generally the faculty member will continue to have access to computer and telephone accounts, library materials, and that laboratory and office space will be maintained. Specific arrangements are at the discretion of the individual academic unit.

Approved Faculty Senate 1995
Approved Administrative Council 1996
Editorial Revision November 1997
Revised April 2008

3.2 HUMAN RESOURCES POLICY - FACULTY

3.2.1 Retirement Policy

The University's retirement policy is in compliance with the Age Discrimination in Employment Act of 1967 as amended and revised. Definitions of certain sections of this act as they apply to Clarkson's policy follow New York State law.

1. The normal retirement date is the employee's 65th birthday.
2. The retirement date for an employee who remains in active service beyond the normal retirement date shall be at the employee's option subject to the terms of any existing contracts.
3. Faculty who elect to retire as early as their 60th birthday may remain with the Clarkson Group Comprehensive Medical/Dental plan. Faculty hired after January 1, 1990, must also have completed ten years of continuous service immediately prior to retirement to remain in the Clarkson Group Comprehensive Medical/Dental Plan. Faculty reaching their 55th birthday who have completed fifteen years of continuous permanent service immediately prior to their retirement may retire and remain in the Clarkson Group Comprehensive Medical/Dental Plan.

For faculty hired on or after July 1, 2006, who retire on or after their 65th birthday all coverage will terminate on their retirement date. Coverage under COBRA will be offered. Survivor dependents of eligible employees hired on or after July 1, 2006 will remain eligible for coverage up to but not including their 65th birthday.

December 1978
Approved by Board of Trustees for enactment January 1979
Revised July 1987, July 1989, September 1993, August 1994
Revised July 2006

3.3 HUMAN RESOURCES POLICIES - ADMINISTRATIVE, SUPERVISORY, AND GENERAL STAFF

3.3.1 Job Posting

It is the policy of the University to promote internally, whenever appropriate, when job vacancies occur. To ensure that all employees are aware of job openings at the University, an announcement of each vacancy will be circulated to employee groups giving a brief description of the job, its location, salary level and the skills and/or experience an applicant should possess to qualify for the job.

The posting of jobs provides employees the opportunity to consider vacancies in the light of their present assignments and decide whether or not they wish to apply for the positions.

July 1987
Revised July 1989
Revised April 2008

3.3.2 Position Classification Procedures - Administrative, Supervisory, and General Staff

Position Classification Procedures are under the direction of the Director of Human Resources.

Procedures includes:

1. Classify job descriptions of all newly authorized positions and assign a salary grade level and title to each new position;
2. Evaluate jobs by objective criteria based on the duties and responsibilities assigned to the positions, and not on the incumbent's personal qualifications or ability.

July 1987
Revised July 1989
Revised July 1996
Revised January 2004
Revised April 2008

3.3.3 Disciplinary Procedure - Administrative, Supervisory, and General Staff

Supervisors in exercising their responsibility for the effective performance of the employees in their departments may have need to apply certain disciplinary measures from time to time. This policy does not apply to serious offenses that may require immediate suspension or discharge.

The formal procedure to follow to ensure fair and uniform treatment to each employee is:

- I. **Pre-disciplinary Corrective Procedures.** Supervisors should always take the time to help employees improve their performance by: providing the employee with feedback, providing on-the-job training, permitting employees to attend relevant workshops, or simply providing closer supervision than normal.
 - A. **Informal Counseling Session.** When a supervisor identifies an apparent performance problem with respect to an employee's behavior, the supervisor must conduct an informal counseling session. Although the supervisor may note on his or her calendar that such a meeting took place, no record is to be made in the employee's personnel file.
 - B. **Counseling Memorandum.** If the problem persists, the supervisor shall conduct an additional counseling session following which the supervisor will write a counseling memorandum to the employee. The memorandum will be placed in the individual's personnel file.
- II. **Disciplinary Penalties.** When steps IA and IB do not correct the problem, supervisors will impose the following penalties.
 - A. **Written Reprimand.** If the problem persists, the supervisor will give the employee a formal warning, informing the employee that the problem is serious and that written notation of the warning will be entered in the employee's personnel file. The written notation will be forwarded to the Human Resources Office, with a copy to the employee.

- B. Probation. If the problem still persists, the supervisor will have a second formal meeting at which the employee is placed on probation, and the supervisor will give the employee a written summary of the actual facts to let the employee know that the situation is serious and that the employee's actions will determine whether employment at the University will continue. A copy of the statement given to the employee, together with a written summary of the meeting will be provided for inclusion in the employee's personnel file.

- C. Discharge. If, after an employee has been placed on probation and performance continues to be unsatisfactory, the employee's discharge will be recommended. Both the Human Resources Office and the dean or director concerned are to be consulted before an employee is advised of discharge.

July 1987
Revised July 1989
Revised April 2008

3.3.4 Termination of Employment - Administrative, Supervisory, and General Staff

The following outlines the types of termination and procedure by which employment at Clarkson University may be terminated.

1. **Voluntary Termination.** Employees who intend to resign their positions will be expected to give adequate notice to their department heads or supervisors. In order to terminate in good standing, employees are required to give notice, normally one pay period (two weeks), in advance of the date they contemplate leaving the University.
2. **Involuntary Termination.** If an employee' performance of duty or personal conduct is unsatisfactory because of failure, neglect, or unwillingness to perform their assigned duties, appropriate action with regard to discipline or possible involuntary termination from the University will be taken (See Disciplinary Procedure Section 3.3.3). In cases of involuntary termination, the reasons for termination should be discussed between the department head and the director of Human Resources.

The department head involved and forwarded to the Human Resources Office should complete a Payroll Authorization Form designating a termination.

July 1987
Editorial Revision July 1989
Editorial Revision July 2003

3.3.5 Retirement Policy - Administrative and Supervisory Staff and General Staff

The University's retirement policy for administrative and supervisory staff and general staff is in compliance with the Federal Age Discrimination in Employment Act of 1967 as amended and revised and New York State law. Definitions of certain sections of these laws as they apply to Clarkson's Policy follow:

1. The normal retirement date is the employee's 65th birthday.
2. The retirement date for an employee who remains in active service beyond the normal retirement date shall be at the employee's option subject to the terms of any existing contract or letter of appointment.
3. Employees who elect to retire as early as their 60th birthday may remain in the Clarkson Group Comprehensive Medical/Dental plan. Employees hired after January 1, 1990, must also have completed ten years of continuous service immediately prior to retirement to remain on the Clarkson Group Comprehensive Medical/Dental plan. Employees reaching their 55th birthday who have completed fifteen years of continuous permanent service immediately prior to their retirement may retire and remain in the Clarkson Group Comprehensive Medical/Dental Plan.

For employees hired on or after July 1, 2006, who retire on or after their 65th birthday all coverage will terminate on their retirement date. Coverage under COBRA will be offered. Survivor dependents of eligible employees hired on or after July 1, 2006 will remain eligible for coverage up to but not including their 65th birthday.

Revised September 1986, July 1989, September 1993
August 1994
Editorial Revision, September 2001
Revised July 2006

3.4 HUMAN RESOURCES POLICIES - EMPLOYMENT AND WORKING CONDITIONS - GENERAL STAFF

3.4.1 The Four Types of Appointments

1. **Active Full-Time Employees.** These employees are appointed on a full-time, twelve-month service basis, engaged at a definite hourly rate, paid biweekly for the normal work week hours of thirty-seven and a half (secretarial, clerical and service), or forty (maintenance, campus safety, and service). Employees in this category are eligible for all fringe benefits.
2. **Active Part-Time Employees.** These employees are appointed on a part-time, twelve-month service basis, engaged at a definite hourly rate, paid biweekly. Part-time employees shall be hired on the basis of half-time (average of seventeen and a half to twenty hours per week), or three-quarter time (average of twenty-eight to thirty hours per week). Employees in this category are eligible for all fringe benefits except group long-term total-disability coverage. The following fringe benefits will be prorated based on half time or three-quarter-time status: vacations and sick leave.
3. **Seasonal Employees.** These employees are normally appointed for periods of ten months or less, either on a full-time or part-time basis, and are engaged at a definite hourly rate paid biweekly. Full-time seasonal employees are eligible for all fringe benefits. Part-time seasonal employees are eligible for all fringe benefits except group long-term total-disability coverage. All part-time seasonal employees shall be hired on the basis of one-half time or three-quarter time. The following fringe benefits will be prorated for all seasonal employees based on the one-half time or three-quarter time status: vacations and sick leave.
4. **Temporary Employees.** Any employee hired on the basis of working less than seventeen and a half hours per week is classified as temporary. Additionally, an employee hired to work for a specified time period of less than one academic year is also classified as a temporary employee. All temporary employees are eligible for statutory benefits as defined by state and federal law. Temporary employees who work on the average of at least seventeen and a half hours per week and are initially hired for a minimum of three months will be eligible for medical and dental benefits and group life insurance. No other fringe benefits shall apply to temporary employees.

July 1987

Revised July 1989, 1991, September 1993

Editorial Revision January 2004

3.4.2 Employment - Appointment of General Staff Personnel

Applicants for employment must apply to the Human Resources Office and complete official application forms to provide the University with the necessary information about their education, training, experience, and references.

No discrimination in recruiting or during employment will be made on the basis of race, color, creed, sex, sexual orientation, disability, religion, national origin, ancestry, or because of age.

When a position opening exists or a vacancy is anticipated a Request-to-Fill Position form must be submitted to the Human Resources Office.

A preliminary screening and testing (where practical) of applicants will be conducted by the Human Resources Office, and candidates meeting the minimum qualifications applications will be forwarded to the department.

An interview will be conducted by the department head or supervisor to determine which applicant is best suited to fill the position. At this time the applicant should be given a thorough understanding of the responsibilities of the position and the conditions of employment.

Final selection of the referred applicants is the responsibility of the department head or the search committee.

After candidate is selected, an Affirmative Action Report and Affirmative Action Log must be completed and forwarded to the Office of Affirmative Action for review and approval. Upon approval by that office, the offer can be made and if accepted by candidate, an Appointment Form, (Payroll Authorization) must be completed by the department head and forwarded to the Human Resources Office marked "confidential."

The accepted new employee must be referred to the Human Resources Office by the department head to complete forms for the University fringe benefit plans. New employees should also fill out appropriate forms at the Payroll Office.

Physical plant applicants for positions such as custodians, grounds workers, maintenance mechanics, etc., and applicants for positions such as technicians in the various laboratories and campus safety positions, may be required to pass a pre-employment physical examination and must pass a drug test and must have an approved drivers license. The University will pay the cost of the exam and test.

July 1987
Revised July 1989
Editorial Revision September 2001
Editorial Revision January 2004

3.4.3 Probationary Period - General Staff (Non-Bargaining)

A trial employment period of three months duration shall be required of all general staff (non-bargaining) personnel new to the University. It is the department head's or supervisor's responsibility to observe the new employee's work during this period and to assist them in every way possible to adjust quickly and efficiently to the work situation, and to correct any unsatisfactory areas of performance.

In the case of unsatisfactory performance the employee may be terminated.

It is recommended that at the successful end of the three-month probationary period, the department head take the opportunity to discuss with the employee, in a personal interview, their work progress and give any warranted commendations for work well done.

A general staff member (non-bargaining) serving the three-month probationary period is prohibited from bidding on other openings in the University.

July 1987
Editorial Revision July 1989
Revised November 1991
Revised September 2001

3.4.4 Working Hours - General Staff

The working hours at the University for full-time active employees fall into two groups.

I. Secretarial and Clerical

- A. The normal workweek for secretarial and clerical employees is thirty-seven and a half hours per week.
- B. The normal workday is seven and a half hours, from 8:00 a.m. to 4:30 p.m. with one hour off daily for lunch.
- C. Summer hours, which typically go into place the day after Commencement, run from 8:00 a.m. to 4:00 p.m. with one hour off daily for lunch. Morning and afternoon breaks are eliminated.

II. Technicians and Campus Safety Employees

- A. The normal workweek for technicians and campus safety employees is forty hours per week.
- B. The normal workday is eight hours not including lunch period.

Some units of the University vary the basic schedule to provide the necessary service demanded by their special function. This applies particularly to library positions and technicians. Their scheduling requires that beginning times or days of work must be staggered, rotated, or assigned to provide the required service. However, in the above cases the normal workweek of thirty-seven and a half or forty hours will be observed.

For payroll purposes the University's normal work week is the calendar week starting 12:01 a.m. Sunday through 12:00 midnight the following Saturday.

Revised March 1986
Editorial Revision July 1989

3.4.5 Rest Periods - General Staff

Rest periods or coffee breaks, not to exceed fifteen minutes, once during the morning and once during the afternoon, must be granted to all employees by their department heads. Such periods may not come at the beginning or the end of the work period, nor can they be accumulated as a prolonged time-off period.

Rest periods are eliminated during summer hours.

July 1987

3.4.6 Promotions and Transfers - General Staff

It is the policy of the University to attempt to fill openings, when appropriate, by promotions from within the organizational unit or by promoting qualified general staff members from other departments.

1. **Promotion.** A promotion is normally a reward for proven industry and capability. This practice of internal promotions is intended to provide motivation and incentive to employees. A promotion will be accompanied by a salary increase commensurate with the University pay scale.
2. **Transfer.** A transfer is a change from one department to another, to a position of the same level/salary grade or to a position of a lower salary level/ grade.

Promotion or transfer of an employee from one department to another also requires the transfer to the new department of accumulated vacation and sick leave allowances earned in the previous department.

July 1987
Revised April 2008