

## **POLICY DOCUMENTS**

### **Policy Document I**

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

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

#### **Introduction**

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

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

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

#### **Philosophy**

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

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

#### **Purpose**

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

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

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

## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Programs and Services Education, Prevention, and Treatment**

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

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

### **Establishment of the Office of Drug and Alcohol Education and Prevention**

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

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

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

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

4. BACCHUS. "Boost Alcohol Consciousness Concerning the Health of College Students" is a university organization whose primary purpose is to help alleviate alcohol abuse on campus by promoting responsible drinking and educating the campus community. It will continue to be maintained through the Office.
5. Assessment, Counseling, and Referral. Assessment, counseling, and referral services will be made available through the Faculty/Staff and Student Assistance Programs of the Counseling and Testing Center. Students, faculty, and staff interested in personal counseling regarding their own possible substance abuse are encouraged to seek help through this service. Concerns regarding someone with whom one is involved are also appropriately brought here.

This service will also be provided to those who are referred through action related to the imposed sanctions of this policy. Services will be provided under the supervision of the director of counseling and testing and include assessment, counseling of up to six (6) sessions, and referral to support groups or inpatient/outpatient treatment as deemed necessary. Monitoring progress and follow-up are also functions of this service. All services are confidential as governed by the ethical principles set forth by the American Psychological Association and the American Association for Counseling and Development.
6. Research. The University recognizes its responsibility to scientifically assess the extent of the current problem and evaluate the effectiveness of this policy and its programs. To that end, a comprehensive research program will be developed and supervised by the coordinator. Such research will follow a regular schedule and represent the best possible effort at needs assessment and policy/program evaluation.

## **ALCOHOL POLICY**

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

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

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

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

### **Sale, Possession, and Consumption**

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

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

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

#### **Student Union**

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

#### **Other Areas**

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

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

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

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

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

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

### **Sanctions**

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

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

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

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

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

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

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

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

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

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

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

## **DRUG POLICY**

### **Manufacture, Distribution, Possession, and Use**

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

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

### **Sanctions, Students**

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

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

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

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

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

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

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

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

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

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

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

### **Drug Policy of the Department of Athletics**

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

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

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

The policy concerning drug testing will be as follows:

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

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

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

### **Education and Prevention**

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

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

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

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

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

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

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

## **Drug Testing**

See Addendum at the end of this section.

## **Sanctions**

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

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

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

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

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

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

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

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

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

**University of Louisiana at Lafayette  
Employee Drug Testing Policy  
Revised 7/03**

**Purpose**

The employees working within the University of Louisiana at Lafayette believe that the workplace should be free from the risks associated with the use of alcohol and drugs. The University has a legitimate interest in promoting reasonable working conditions and is committed to providing a safe and healthy environment for employees and the public.

According to Louisiana Revised Statute 49:1001-1021, the University is authorized to proceed with drug testing of employees. The context of this policy will be pursuant to this Statute and to the Drug-Free Schools and Communities Act of 1986, the federal Drug-Free Workplace Act of 1988, the Drug-Free Public Housing Act of 1988, the Louisiana Drug Testing Act of 1990, the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration procedures, Title 49CFR part 40 and part 382 et al., Louisiana Revised Statutes 23:1081 and 1601, 30:2173(2), 32:1502(5), and Executive Order MJF 98-38 (see Appendix B)

**Applicability/Scope**

This drug testing policy shall be implemented January 1, 1999 following notice and publication to all employees of the University of Louisiana at Lafayette.

Louisiana R.S. 49:1001 defines an employee as any person, paid or unpaid, in the service of an employer. More specifically, the person may be classified, unclassified, probationary (rehabilitation), temporary or non-temporary in a safety-sensitive and/or security-sensitive position.

Following an employment offer and prior to starting work, prospective employees applying for positions that are safety-sensitive and/or security-sensitive (see Appendix B), or whose position will involve driving a commercial motor vehicle, will be required to be tested for drugs. The individual must test free of drugs as a condition of employment.

More specific clarification of definitions follow as to positions covered by the policy that are defined under federal and state law. Certain employees could be subjected to testing under both federal and state laws.

**Positions Defined Under Federal Law**

- All current W-2 employees whose jobs require them to drive commercial motor vehicles as defined by the Drug-Free Workplace Policy (see Appendix A). The policy also applies to all persons who have made written application for positions that will require them to drive commercial motor vehicles. This group of employees and applicants is subject to drug testing pursuant to federal law (Department of Transportation/Federal Highway Administration Alcohol and Drug Testing Regulations – CFR 49).

- Conditions when employers must test employees for alcohol and/or controlled substances under federal law:

Pre-employment for Safety-Sensitive Positions: Prior to the first time an employee performs a safety-sensitive function, the individual must undergo testing for controlled substances. The employee shall not be permitted to perform safety-sensitive functions unless the driver has received a controlled substances test result indicating a verified negative test result (see Appendix A).

Post-accident: A post-accident test will be conducted for any employee driver in an accident involving a loss of human life and may be done where the driver receives a moving traffic violation. A collision or occurrence meets the definition of an “accident” when the incident involves a motor vehicle operating on a public road, which results in a death or bodily injury to a person who immediately receives medical treatment away from the accident; or one or more vehicles is disabled and must be towed from the scene.

Random: Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection (see Appendix A).

Reasonable Suspicion: A supervisor’s belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible. When applicable, a reasonable cause checklist will be used with appropriate consent forms (see Appendix B).

Return-to-duty: An employee who has violated a prohibition on alcohol or controlled substance use must have a negative alcohol or controlled test before returning to duty.

Follow-up Substance Testing: A safety-sensitive employee who has been identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use is subject to follow-up testing.

Alcohol testing may be required in all of the above conditions except pre-employment as specified in 49:CFR part 40. Following a determination that an employee has misused alcohol, the employee will be removed from safety-related functions.

### **Positions Defined Under State Law (LA. R.S. 49:1015)**

- All current W-2 employees in safety-sensitive or security-sensitive positions, both classified and unclassified. The policy also applies to all persons who have made written application for positions designated as safety-sensitive and security-sensitive. Safety-sensitive or security-sensitive functions include positions involving the transport of hazardous waste, access to drugs, and use of a firearm (see Appendix A).
- Conditions when employers may test an employee for drugs under state law:
  - Pre-employment post-hire: The prospective employees hired for a safety-sensitive position must undergo controlled substance drug testing prior to being placed in the position (see Appendix A).
  - Post-accident: An employee shall be tested following an accident during the course and scope of employment if there is reasonable suspicion of an employee’s drug use or if the accident results in:
    - a. serious injury or fatality
    - b. damage at or above \$100,000, and/or
    - c. the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials defined in R.S. 32:1502(5)

Random: Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection (see Appendix A).

Reasonable Suspicion: A supervisor's belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible. When applicable, a reasonable cause checklist will be used with appropriate consent forms (see Appendix B).

- All current W-2 employees, both classified and unclassified; including applicable student workers, will be subject to drug testing under the following conditions: reasonable suspicion, post-accident, and testing as part of a monitoring program established to assure compliance with the terms of a rehabilitation agreement.

A public employer shall require samples to test for the presence of drugs, as a condition of hiring, from prospective employees whose principal responsibilities of employment include operating a public vehicle, performing maintenance on a public vehicle, or supervising any public employee who operates or maintains a public vehicle pursuant to R.S. 49:1015(F)

### **Substances Tested**

Pursuant to LA R.S. 49:1001(20b), drug testing is performed for any or all of the following classes of drugs: amphetamines, cocaine, marijuana, opiates, and phencyclidine. Urine will be analyzed for the testing of drugs using the five and nine panel drug screen and blood analyzed for the testing of alcohol. The Federal Department of Transportation requires testing for alcohol.

### **Procedures, Conditions and Consequences of Drug Testing**

Pursuant to LA R.S. 49:1005(B), drug testing shall be performed in compliance with NIDA guidelines or by statutory or regulatory authority under R.S. 23:1081 et seq. and R.S. 23:1601 et seq. The cut off limits for drug testing shall be in accordance with NIDA guidelines with the exception of initial testing for marijuana, which shall be no less than fifty nanograms/ML and no more than one hundred nanograms/ML as specified by the employer or the testing entity.

Pursuant to CFR 392.4, the FHWA prohibits the use of controlled substances by drivers except as prescribed by a physician. The doctor must also advise the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Pursuant to LA R.S. 49:1015, employers are prohibited from permitting a driver who uses drugs to perform safety-sensitive functions. A driver who tests positive for drugs with a 0.04 or greater BAC is prohibited from driving. The prohibition remains in effect until the driver complies with requirements of Section 382.605, including evaluation by a SAP. A driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty. For controlled substance testing, urine specimen collection, and testing by a certified lab is required.

Following a determination that an employee has tested 0.04 BAC or greater for controlled substances, the employee must be removed from safety-related functions and cannot return to such functions until at a minimum:

- a. the employee undergoes evaluation, and where necessary, rehabilitation,

- b. a substance abuse professional determines that the employee has successfully complied with any required rehabilitation, and
- c. the employee takes a return-to-duty test with a verified negative test result.

Pursuant to LA R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening shall have the employment offer rescinded. Refusal to submit to a pre-employment post-hire job offer test will result in the individual not being hired. Any employee who refuses to submit to a return-to-duty test will not be allowed to return to duty. A second test confirmed positive would result in termination of employment.

The FHWA will disqualify drivers for one year, pursuant to CFR 49:386, if the driver refuses to submit to a post-accident test after a fatal accident.

When a required test has not been administered within a reasonable time frame following an accident for which a test is required, the following actions shall be taken:

- 2 hours elapsed: Driver has not submitted to an alcohol test, employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.
- 8 hours elapsed: Cease attempts to administer alcohol test, and prepare and maintain records as described above.
- 32 hours elapsed: If driver has not submitted to a controlled substance test at this time, cease attempts to administer the test, and prepare and maintain the record described above.

A driver subject to post-accident testing must remain available, or the employer may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

### **Confidentiality**

LA R.S. 1012

All information, interviews, reports, statements, memoranda, and/or test results received by the University of Louisiana at Lafayette through its drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.

CFR 382.107

Qualitative information regarding results, such as the identification of a substance, will be provided only to the designated Medical Review Officer pursuant to current law who will report final results to the appropriate official. Results of the test will be released to appropriate licensing agencies on a need-to-know basis. All drug test results will be maintained in separate health files with restricted access in accordance with Section 382.405.

### **Violation Policy**

Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, and the general public.

**Appendix A**  
**Safety-Sensitive and Security-Sensitive Positions**

Bus Drivers

Director of University Police  
Police Captain  
Police Sergeant  
Police Corporal  
Police Lieutenant  
Police Officers (All)  
Student Police Officers

Safety Officer

RN Supervisor/Student Health Services  
Registered Nurse  
RN/Nurse Practitioner  
Practical Nurse  
Nursing Assistant  
Physician/Student Health Services

Horticultural Attendant Leader  
Horticultural Attendant Superintendent

Locksmith Master

Maintenance Foreman  
Maintenance Repairer, 1,2 and Master  
Mobile Equipment Operator  
Mobile Equipment Operator Light  
Mobile Equipment Maintenance Mechanic  
Mobile Equipment Master Mechanic  
Mobile Equipment Shop Foreman  
Mobile Equipment Overhaul Mechanic

Research Farm Assistant  
Research Farm Specialist

Safety Sensitive/Security Sensitive Positions Cont.

NIRC:  
Director  
Head, Research Resources  
Head, Behavioral Sciences  
Head, Animal Resources  
Head, Veterinary Sciences  
Senior Clinical Veterinarian  
Clinical Veterinarian  
Veterinary Technological Associate  
Research Associate

Coordinator  
Coordinator, Primate Breeder Programs  
Coordinator, Primate (African Green) Breeder Program  
Laboratory Animal Assistant Technician  
Laboratory Animal Technician  
Laboratory Animal Technologist

Purchasing Tech I  
Procurement Specialist II

Stock Clerk II

**Appendix B**  
**Reasonable Suspicion Checklist**  
**(Strictly Confidential)**

Employee Name: \_\_\_\_\_

Date/Time of Evaluation: \_\_\_\_\_

This checklist is intended to assist a supervisor in referring a person for drug testing under reasonable suspicion.

**\*\*Note: The employee must exhibit at least one of the following behaviors in Part A to be tested under reasonable suspicion.**

.....

**A. Specific Observations Concerning Appearance**

Yes    No

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Smell of Alcohol and/or Marijuana on employee's breath or person                  |
| _____ | _____ | 2. Bloodshot eyes or tired eyelids   |
| _____ | _____ | 3. Excessively constricted or dilated pupils   |
| _____ | _____ | 4. Increasingly irritable; displays excess amounts of physical emotion, crying, etc. |
| _____ | _____ | 5. Has trouble maintaining balance and composure (stumbles)                          |
| _____ | _____ | 6. Persistent runny nose and/or nosebleeds   |
| _____ | _____ | 7. The appearance of hypodermic needle marks on employee                             |
| _____ | _____ | 8. Other (please describe) _____   |

\*\*If you checked **yes** to any statements in Part A; please read and check all that apply for Parts B, C & D

.....

**B. Quality and Quantity of Work**

Yes    No

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Clear refusal to do assigned tasks             |
| _____ | _____ | 2. Repeated errors in spite of increased guidance |
| _____ | _____ | 3. Reduced quantity of work                       |
| _____ | _____ | 4. Behavior that disrupts workflow                |
| _____ | _____ | 5. More than usual supervision necessary          |
| _____ | _____ | 6. Other (please specify) _____                   |

**C. Interpersonal Work Relationships**

Yes    No

- \_\_\_    \_\_\_    1. Significant change in relations with co-workers, supervisors
- \_\_\_    \_\_\_    2. Frequent or intense arguments
- \_\_\_    \_\_\_    3. Physical abusiveness
- \_\_\_    \_\_\_    4. Intentional avoidance of supervisor
- \_\_\_    \_\_\_    5. Complaints by co-workers or subordinates (temper tantrums/angry outbursts, etc.)
- \_\_\_    \_\_\_    6. Demanding, rigid, inflexible

.....

**D. General Job Performance**

Yes    No

- \_\_\_    \_\_\_    1. Excessive absences in last 12 months
- \_\_\_    \_\_\_    2. Frequent Monday/Friday absences or other patterns
- \_\_\_    \_\_\_    3. Experiences or causes job related accidents
- \_\_\_    \_\_\_    4. Major change in duty or responsibility
- \_\_\_    \_\_\_    5. Interferes with or ignores established procedures

.....

**Signatures**

I hereby certify that the information given above is true to the best of my knowledge.

\_\_\_\_\_  
Supervisor #1- Name and Telephone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness/Supervisor #2 – (if available)

\_\_\_\_\_  
Date

.....

REVISED JULY 2003

## **Policy Document II**

### **AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY**

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

University policy fully embraces equality of opportunity for all employees by affirming that the University will take affirmative action to ensure that all applicants receive fair consideration for employment and the employees are treated fairly during the period of employment. Della T. Bonnette, Vice President for Information Technology, has been assigned responsibility for continuing development, implementation, and monitoring of the Affirmative Action Program. Mrs. Bonnette is also responsible for designing and implementing audit and reporting systems that will:

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

### **Policy on Nondiscrimination**

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

EEO Compliance Officer  
P.O. Box 41690  
University of Louisiana at Lafayette  
Lafayette, LA 70504  
(337) 482-6306 Martin Hall Room 230

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

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

## **Policy Document III**

### **UNIVERSITY POLICY REGARDING SEXUAL BEHAVIOR AND SEXUAL HARASSMENT**

#### **A. General Principles**

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

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

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

#### **B. Academic Freedom**

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

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

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

### **C. Coverage**

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

### **D. University Policy Regarding Prohibited Sexual Behavior**

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

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

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

### **E. University Policy Regarding Sexual Harassment**

#### **1. Definition of Sexual Harassment**

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

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

consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.

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

a. “Quid Pro Quo” Offers

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

b. Creation of a Hostile Work or Learning Environment

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

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

2. Retaliation

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

Retaliatory or intimidating conduct against any individual who has made a good faith harassment complaint or who has testified or assisted in any manner in an investigation is specifically prohibited and shall provide grounds for a separate complaint. Examples of such retaliatory or intimidating conduct include disciplining, changing working or educational conditions, providing inaccurate information to or about, or refusing to cooperate or discuss work- or school-related matters with any individual because that

individual has complained about or resisted sexual harassment. The initiation of a good faith complaint of harassment by a student will not reflect negatively on that student nor will it affect the student's academic standing, rights, or privileges. Likewise, the initiation of a good faith complaint by an employee will not reflect negatively on that employee nor will it affect the employee's working conditions, rights, or privileges.

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

##### **1. Permitted Consensual Sex Bounded by Procedural Protections**

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

##### **2. Recusal**

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

#### **G. Problematic Aspects of Consensual Sex within the University Community**

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

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

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

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

Freshmen are especially vulnerable, engaged in a major life transition, attempting to adjust to the new demands of learning at the college level, in need of focusing on developing solid study habits, and perhaps not yet having developed clear goals or peer friendships, and can have their academic aspirations interrupted or ended by the distractions and emotional turmoil of a sexual relationship with a faculty member, administrator, or member of the academic staff.

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

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

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

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

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

It is almost impossible to predict whether or not a student who is not in one's class or a major or graduate student in a departmental program may at some time in the future benefit from a

letter of recommendation written by a faculty member, administrator, or member of the academic staff. A letter of recommendation, favorable or unfavorable, can have a powerful impact on a student's academic and professional future.

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

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

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

## **H. Confidentiality**

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

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

## **I Penalties**

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

## **J. Applicable Procedures**

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

### **1. Bringing a Complaint**

- a. Any member of the university community who believes that he/she has been the victim of sexual harassment (the complainant) may bring the matter to the attention of the Associate Dean of Students, Room 211, Martin Hall (482-6272); the Title IX Coordinator, Room 230, Martin Hall (482-6306); or one of the professional counselors in the Counseling Center, Olivier Hall (482-6480).

- b. The complainant should present the complaint as promptly as possible after the alleged harassment occurs. One consequence of failure to present a complaint promptly is that it may preclude recourse to legal procedures should the complainant decide to pursue them at a later date.
  - c. The initial discussion between the complainant and the university officer will be kept confidential with no written records. In many cases a satisfactory resolution of the complaint can be worked out at this point and no further action is required. If a resolution satisfactory to the complainant is reached, the complainant will sign a statement indicating that fact, and the statement will be kept in a confidential file by the University's grievance officer.
2. Filing a Grievance
- a. If a satisfactory solution to the complaint cannot be reached and the individual filing the complaint (grievant) decides to proceed, a written statement describing the alleged harassment should be submitted to the grievance officer designated by the President. Cases involving sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to the case should be limited in order that the privacy of all individuals involved is safeguarded as fully as possible.
  - b. The grievance officer shall inform the alleged offender of the allegation and the identity of the grievant. The written statement of the complaint shall be given to the alleged offender. Every effort shall be made to protect the grievant from retaliatory action by those named in the grievance.
  - c. Promptly after the grievance is submitted, the grievance officer should initiate appropriate steps to effect an informal resolution of the grievance acceptable to both parties.
  - d. If the grievance officer fails to effect an informal resolution, the grievance officer shall investigate the complaint further.
  - e. The grievant, if unsatisfied with a proposed informal resolution and with the grievance officer's investigative findings, shall, upon prompt submission of a written request, have access to the formal grievance procedures of the University.

3. The Grievance Review

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

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

*Harassment Appeals Committee*, published in the *Faculty Handbook* and in the *Staff Handbook*.

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

## **Policy Document IV**

### **UNIVERSITY OF LOUISIANA AT LAFAYETTE VIOLENCE-FREE WORKPLACE POLICY**

#### **1.0 INTRODUCTION**

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

#### **2.0 DEFINITIONS**

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

### **3.0 MANAGEMENT RESPONSIBILITIES**

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

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

### **4.0 MANAGEMENT COMMITMENT**

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

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

## **5.0 EMPLOYEE RESPONSIBILITIES**

At the University of Louisiana at Lafayette:

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

## **6.0 WORKPLACE ANALYSIS**

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

## **7.0 INCIDENT RESPONSE AND EVALUATION**

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

**8.0 RECORDS**

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

**9.0 EVALUATION**

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

**10.0 TRAINING AND EDUCATION**

10.1 At the University of Louisiana at Lafayette,

10.1.1 All employees, shall have training and instruction on general, job-specific, and work site-specific safety and security practices;

10.1.2 Training and instruction shall be provided within one year of policy implementation and regularly thereafter; and

10.1.3 Training shall begin with orientation of new employees during their regularly scheduled orientation session and regularly thereafter.

10.2 UL Lafayette shall provide regular correspondence to all employees on violence in the workplace through safety meeting documentation and other information whenever possible.

Revised: April 2004

## Policy Document V

# GRIEVANCE PROCEDURES POLICY AND POLICY FORM FOR CLASSIFIED PERSONNEL



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

Office of Personnel Services

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

July 12, 2001

*Universite des Academiens*

TO: ALL CIVIL SERVICE EMPLOYEES

FROM: ELWOOD J. BROUSSARD, DIRECTOR OF PERSONNEL SERVICES

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

In brief, the grievance procedure consists of four steps:

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

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

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

A Member of the University of Louisiana System



**FIRST STEP**

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

Name of Grievant \_\_\_\_\_ Job Classification \_\_\_\_\_  
Immediate Supervisor \_\_\_\_\_ Work Location \_\_\_\_\_

Grievance Statement:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Relief Sought:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision of Immediate Supervisor: \_\_\_\_\_  
Grievant's Signature \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

**SECOND STEP**

Decision of Department:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department Head's Signature \_\_\_\_\_ Date \_\_\_\_\_

After completing 2nd Step return Grievance Form to Grievant.

Grievant's response (Circle a or b)

- a. I am satisfied with the answer to my grievance
- b. I am not satisfied with the answer to my grievance and wish to have it referred to the next step.

Grievant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**THIRD STEP**

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

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

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

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

**FOURTH STEP**

Decision of Appointing Authority or Designated Representative:

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\_\_\_\_\_  
Signature Date

After completing fourth step return Grievance Form to Grievant.

Grievant's response (Circle a or b)

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

\_\_\_\_\_  
Grievant's Signature Date

Recommendation(s) of Grievance Committee:

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Signature of Committee Members:

_____ Member	_____ Member	_____ Member	_____ Date
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Final Decision of Appointing Authority:

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\_\_\_\_\_  
Appointing Authority's Signature Date

Timetable of Events in the Grievance Procedure:

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

## Policy Document VI

### GRIEVANCE PROCEDURE FOR NON-FACULTY UNCLASSIFIED PERSONNEL

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

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

#### I. Introduction

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

#### 2 Step One: Informal Resolution

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

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

### **3 Step Two: Written Grievance**

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

### **4 Step Three: Hearing Request**

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

### **5 Step Four: Conduct of Hearing**

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

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

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

## **6 Step Five: Post-Hearing Recommendations**

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

**Policy Document VI**

**UNIVERSITY OF LOUISIANA AT LAFAYETTE**

**GRIEVANCE FORM  
FOR UNCLASSIFIED EMPLOYEES**

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

**NAME OF GRIEVANT:** \_\_\_\_\_

**DEPARTMENT, DIVISION OR UNIT:** \_\_\_\_\_

**JOB CLASSIFICATION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**GRIEVANCE STATEMENT:**

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**RELIEF SOUGHT:**

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## **Policy Document VII**

### **UNIVERSITY OF LOUISIANA AT LAFAYETTE**

#### **Compensatory Leave Policy for Unclassified Professional Staff**

Effective July 1, 1999

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

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

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

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

## Policy Document VIII

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

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

#### Departmental Book Ordering Process

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

2. *Departmental Textbook Order.* Each Department's textbook order must include the following information for each text:

- \$ semester and year
- \$ department
- \$ course and section number
- \$ textbook title and author
- \$ publisher
- \$ ISBN number
- \$ edition and year of publication
- \$ whether it is an optional text for students (the assumption being that a text is required unless otherwise noted)
- \$ estimated enrollment
- \$ any special features of a given text (e.g., its being shrink-wrapped with an accompanying CD or other supplemental materials)
- \$ notes for students or vendors regarding the text (e.g., an order cancellation, change in ISBN number, notice that the department will discontinue the adoption after this semester, etc.)

Prices should not be included in the order.

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

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

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

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

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

#### **University Textbook Clearinghouse**

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

Adopted 9/11/02

## **Policy Document IX**

### **EEO POLICY AND COMPLIANCE EFFORTS**

This notice is being disseminated as part of UL Lafayette's voluntary compliance effort. The University will comply with applicable federal law and will not retaliate against individuals who engage in a protected activity. A protected activity consists of filing a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding or hearing under Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. If you have engaged in a protected activity, and believe that you have been retaliated against, you may contact Mrs. Della Bonnette, Room 230 Martin Hall, or by phone, 482-6306.

## **Policy Document X**

### **CLEARY ACT**

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

## Policy Document XI

### FMLA (The Family and Medical Leave Act)



Office of Personnel Services

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

#### THE FAMILY AND MEDICAL LEAVE ACT

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

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

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

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

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

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

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

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

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

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

## **Policy Document XII**

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

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

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

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

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

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

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

Students; other academic records, the Academic Deans; and financial records, the Vice President for Business Affairs.

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

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

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

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

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

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