3.0

HUMAN RESOURCES POLICIES
3.1.1(1)

3.1 GENERAL - HUMAN RESOURCES POLICIES

3.1.1 Definition of Employee Groups

3.1.1.1 Employee Groups

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

**Group I. Faculty.** This group comprises those who hold positions of formal academic rank and other related positions that may be designated by the president. Its members are normally employed on an academic year basis, and their duties consist principally of teaching, advising, and counseling students, engaging in research and scholarly pursuits, and participating in the normal operations and functions of the academic community. They are eligible for all fringe benefits.

**Group II. Administrative Staff.** This group includes the vice presidents, administrative and academic deans, and directors. They are normally employed on a twelve-month basis, and their duties consist principally of planning, managing, and directing the execution, application, and conduct of the various objective functions and activities of the University. They are eligible for all fringe benefits.

**Group III. Professional and Supervisory Staff.** This group includes associates, assistants, supervisors, coordinators, managers, and administrative assistants, etc. They are normally hired on a twelve-month basis, and their duties consist principally of providing specialized assistance to the administrative staff and/or performing responsible supervisory and managerial functions in the operation of a department or section. They are eligible for all fringe benefits.

**Group IV. General Staff.** This group includes those employees who implement and carry out the operating functions of a department or section as determined and assigned by the administrative and supervisory staff. These employees are secretaries, clerks, cashiers, technicians, operating and maintenance personnel. They are hired at an hourly rate of compensation based upon job classification and wage scale. Eligibility for fringe benefits is defined in Section 3.4.1.
Group V. Temporary Appointees. This group includes part-time instructors, visiting faculty, temporary faculty, research associates, and all other temporary appointees. It also includes those appointees whose appointments at Clarkson are other than their primary occupation, and all appointees who are employed only for a specific period of time to perform specific assignments. Appointees of this group are generally eligible only for fringe benefits required by federal and state law. For exceptions regarding fringe benefits see Sections 3.4.1.4 for staff, Section 8.2.2 for faculty, and Section 8.2.3 for research associates.

3.1.1.2. Research Appointments

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

As part of the appointment process for research employees, the Division of Research shall certify the availability of sufficient funds.
3.1.2 Exempt and Non-Exempt Employee Categories

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

I. Exempt Employees

A. Bona fide executive, administrative, and professional employees may be exempt from the minimum wage and overtime requirements if they meet certain tests.

B. These tests generally relate to the individual's duties, responsibilities, and salary, but the principal requirement for exemption is the exercise of discretion and independent judgment.

C. Exempt employees at Clarkson University are compensated on a salary basis. Salaries are paid on a bi-weekly basis over 26 pay periods, including any fiscal year that has 53 weeks. Their salaries take into consideration the possibility of extra hours that the employees may need to work to fulfill requirements of the position. No extra compensation over normal salary is payable to exempt employees for such additional hours worked in fulfillment of their job description.

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

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

II. Non-Exempt Employees

A. These employees have an unusual variation in the degree of education, skill, and experience needed to perform their job, but their work is generally of a set, routine nature not requiring sufficient exercise of discretion and judgment to warrant exemption.
B. A non-exempt employee at Clarkson University is compensated on an hourly basis paid biweekly over 26 pay periods, including any fiscal year that has 53 weeks.

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

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

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

Policy Purpose

To express the University’s continuing practice of nondiscrimination in employment.

This policy adheres to the requirements of Title VII of the Civil Rights Act of 1964, the New York Human Rights Law, Title IX, the Education Amendments of 1972, Federal Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended and American with Disabilities Act of 1990 as well as all other applicable Federal and State equal employment laws regulations.

Policy Summary

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

Policy Statement

Clarkson University provides equal employment opportunities to all employees, applicants, and job seekers. No person shall be discriminated against in employment because of race, color, religion, sex, sexual orientation, gender, expression, national orientation, gender identity, gender expression, national or ethnic origin, age, disability, veteran status, genetic information, marital status, parental status, ancestry, source of income, or other classes protected by law. This policy includes the commitment to maintaining a work environment free from unlawful harassment.

An employee, who in good faith, reports concerns that they have been discriminated against or has knowledge of discrimination in violation of this policy or cooperates in an investigation shall not be subject to reprisal or retaliation for making a report or participating in an investigation. Employees should immediately bring to the attention of the Affirmative Action Officer and/or the Title IX Coordinator related to any complaint or retaliation.

For further information on reporting or filing a grievance please refer to Operations Manual Sections 3.1.13 and 3.1.14.

Procedures

To ensure compliance to the policy:

Guidelines:

1. This policy applies to all terms, conditions, and privileges of employment including: recruitment, hiring, probationary period, training and development opportunities, job assignment, supervision, promotion or transfer, compensation, benefits, layoff and recall, termination, and retirement.
2. The Chief Inclusion and Human Resources Officer is responsible for ensuring that University policies (i.e., EEO policy among others) regarding the fair and equitable treatment of employees are implemented and adhered to.

3. The Affirmative Action Officer coordinates the University's compliance requirements and procedures with and interpretation of this Policy and advises both staff and faculty employees, supervisors, and managers about the policy as needed.

4. Department heads, managers, and supervisors have primary responsibility for ensuring that employment decisions and the work environment are in compliance with this policy.

Employees must complete University approved training in the following areas: Harassment, Affirmative Action, and Non-Discrimination and must be retrained every three (3) years.

5. Employees who believe they have been discriminated against, harassed, or have knowledge of such conduct should discuss their concerns or bring any work-related concerns to their supervisor. However, an employee may alternatively elect to contact Human Resources at 315.268.6497, the Affirmative Action Officer at 315.268.6497 or the Title IX Coordinator at 315.268.4208. Every effort will be made to conduct a prompt investigation and to treat complaints impartially and confidentially with a view to arriving at fair resolutions. If an investigation leads to a determination that this Policy was violated, corrective action up to and including termination of employment will be taken. Please refer to Section 3.1.11 of the Operations Manual the policy on filing a complaint.

6. The University provides, upon request by a job seeker or an applicant, reasonable accommodations for a disability, to complete the application process.

7. In accordance with the Americans with Disabilities Act, the University provides, upon request from an employee with a disability, reasonable accommodations for the employee to successfully perform the essential duties of the job. Employees should contact the Human Resource Office to initiate the disability accommodation process.

To carry out these guidelines, refer to Section 3.1.17 of the Operations Manual for the policy on Recruitment and Selection.

July 1987
January 2007
Revised April 2008
Revised May 2014
Editorial Revision December 2016 (revised position title)
3.1.4 Employment of Family Members at Clarkson

Policy Purpose
The University recognizes the advantage of employing members of family of current employees. Employment includes regular, temporary, and seasonal employees.

Policy Summary
The basic criteria for appointment and promotion of all University faculty and staff will be appropriate qualifications and performance. Relationship by family, marriage, or partnership will constitute neither an advantage nor a deterrent to appointment in the University provided the individual meets and fulfills the appropriate appointment standards. The intent of this policy is to reemphasize the concept that the selection of personnel will be on the basis of job-related qualifications.

Definition of Terms
- Eligible employees: Faculty and Staff (exempt and non-exempt) who are employed by the University.
- Employment Benefits: All benefits provided by the University to employees including group life insurance, health insurance, annual and sick leave, educational benefits, and retirement contributions.
- Family Members: Parents, children, spouses, brothers, sisters, brothers- and sisters- in law, mothers- and fathers- in law, uncles, aunts, nieces, nephews, sons- and daughters-in law and half- or step-relatives in the same relationships.

Policy Statement
Close relatives of employees may be hired by the University, but not in a position which involves a direct supervisory relationship with a family member. No employee may work in a position in which he or she has the authority to influences, directly or indirectly, any term of condition of employment of the family member. Sole concern, in such employment situations, is that the faculty or staff members are the best candidates with respect to the requisite academic of administrative qualifications for employment.

To guard against such conflicts, the following practices should be followed:

Students enrolled in an accredited institution of higher education may be hired for seasonal work. Student assignments are subject to the same Hiring Practices, Restrictions and Exceptions as all other family member employment.
A n employment requisition must be completed by the Hiring Manager in PeopleAdmin. Applications will be reviewed by the Department and Human Resources.

**Hiring Practices**
Faculty and staff are welcome to refer relatives who are interested in working at Clarkson to Human Resources.

**Restrictions**
Faculty and staff members are not permitted to participate or influence in any way the hiring, promotion, termination, salary determination, performance evaluations or vital decisions concerning the employment of a member of his/her family. Any individual who makes an unauthorized offer of employment or a significant change in conditions of employment involving family members assumes responsibilities for any penalties, liabilities and expenses which may arise out of this action.

**Union Employees**
Clarkson employees covered by a collective bargaining agreement should refer to the contract for clarification.

**Exceptions**
A person under consideration for employment, who has a relative employed by Clarkson in the same department, or in a department for which the relative has direct or indirect administrative responsibility, may be employed if there is a compelling reason. A written request for exception may be submitted for review to a committee of the Dean of the School or Department Head and Human Resources.

While general responsibility for assuring adherence to this policy must rest with those responsible for the appointment of assignment, a particular responsibility for sensitivity to the potential conflicts of interest falls on the family member.
3.1.5 Harassment and Sexual Misconduct Policy

**Policy Type:** University. The Harassment Policy and Sexual Misconduct Policy are university wide policies. Please click on the links to review grievance procedures for different statuses at the university.

**Contact Offices:** Title IX Coordinator, Affirmative Action Officer, Human Resources, Dean of Students
All university and non-university members can contact the listed contacts, but we suggest you contact the Dean of Students or the Title IX Coordinator if you are a student. If you are not a student, we suggest you contact the Title IX Coordinator, Affirmative Action Officer or Human Resources.

Contact Campus Safety & Security for immediate assistance. Please see our Non-Discrimination Website for additional resources, contacts and information http://www.clarkson.edu/nondiscrimination/.

**Oversight Executive:** Title IX Coordinator, Affirmative Action Officer, Director of Human Resources Operations, Vice President for Enrollment and Student Advancement

**Scope:** This Policy applies to all employees and students of Clarkson University. In addition, it applies to all vendors, contractors, guests, patrons, and other third parties visiting campus, participating in any Clarkson-sponsored business, event or program, or interacting with Clarkson community members. This policy applies to conduct on campus and in connection with any Clarkson-sponsored program or activity, regardless of where it occurs. Additionally, off-campus conduct may violate this policy if the conduct creates a threatening or uncomfortable environment on Clarkson's campus or within a Clarkson program, or if the incident causes concern for the safety or security of Clarkson's campus.

**Table of Contents:**
- Policy Statement: 3.1.5 Harassment and Sexual Misconduct Policy
  - Statement
  - Purpose
  - Summary
  - Definitions
  - Interpretations
  - Procedures
Policy Statement:

Clarkson University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring equal opportunity and eliminating harassment and sexual misconduct. Sexual harassment, sexual assault, domestic violence, dating violence, stalking and any other sexual misconduct committed by staff, students, and third parties is prohibited and will not be tolerated.

Clarkson University strives to provide an environment free from harassment for employees, students, and third-parties. Clarkson is committed to an environment emphasizing the dignity and worth of every individual in an inclusive, respectful environment. Discriminatory harassment in any form is contrary to these goals and fundamentally at odds with the core values of Clarkson University and will not be tolerated.

Incidents of harassment will be met with appropriate disciplinary action, up to and including separation or dismissal from the University. Any action taken as a result of a violation of this policy will be in accordance with the relevant collective bargaining agreement or University policies.

Through this policy and the 3.1.3 Affirmative Action and Equal Employment Opportunity Statement, 3.1.11 Nondiscrimination Policy, and IX-DD Clarkson University Non-Discrimination Policy the University seeks to prevent and correct harassment on basis of race, color, religion, ethnic or national origin, gender, predisposing genetic characteristics, age, disability, sexual orientation, gender identity, gender expression, military or veteran’s status, marital status or any other characteristic protected by applicable law.

The following behaviors are prohibited forms of conduct and are violations of this policy:

Harassment

It is the policy of Clarkson University that all employees and students work and study in an environment that is free from harassment based on race, color, religion, ethnic or national origin, gender, predisposing genetic characteristics, age, disability, sexual orientation, gender identity, gender expression, military or veteran’s status, marital status or any other characteristic protected by applicable law.

The University defines harassment as verbal or physical conduct that denigrates or shows hostility toward an individual because of the characteristics listed above or any other characteristic protected by applicable law, and that:
Three forms of sexual harassment are expressly prohibited:

quid pro quo, hostile environment, and retaliatory

Sexual Harassment

The University will not tolerate sexual harassment of any member of the Clarkson community. The University will address all reports of sexual harassment. Where sexual harassment is found, steps will be taken to end and remediate the prohibited conduct. An individual found to have violated this policy will be subject to appropriate discipline in accordance with relevant collective bargaining agreements and University policies. The level of discipline will depend on the severity of the harassment.

Sexual misconduct, sexual assault, intimate partner violence, and stalking committed by faculty, administration, staff, students, and third parties, whether on or off campus, is prohibited and will not be tolerated.

Violations of this policy include disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one’s supervisory duties.

To make deliberate false accusations of harassment violates this policy. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of harassment does not constitute proof of a false and/or malicious accusation.

Persons needing disability-based reasonable accommodation assistance or persons for whom English is a second language needing assistance should make those needs known to the university so they can arrange for assistance. This can be done through confidential and non-confidential employees.

Policy Purpose:

To address Harassment generally and Sexual Misconduct, including intimate partner violence and stalking, specifically in compliance with federal and state statutory obligations and Clarkson's values.

Sexual misconduct is a particularly grievous form of harassing behavior and is intolerable to Clarkson University.

This policy prohibits sexual misconduct generally and, non-consensual sexual contact (or attempts to commit the same), non-consensual sexual acts (or attempts to commit same), intimate partner violence[domestic violence, dating violence], stalking, and sexual exploitation.

This policy is designed to:

• affirm the University's commitment to providing a positive, humane environment for study and work for all free from sex discrimination, harassment and sexual misconduct;
• inform reporting parties and responding parties of their options and rights;

• inform all members of the University community and associated third parties about the procedures available for addressing, investigating, and resolving harassment complaints, including sexual harassment and misconduct complaints;

• protect the rights, confidentiality, and privacy of all parties to complaints to the extent possible; and

• prevent retaliation against persons making complaints or participating in an investigation or disciplinary procedure

• affirm these protections apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

• affirm the policy applies regardless of whether the violation occurs on campus, off campus, or while abroad as explained above.

• affirm the New York State Students’ Bill of Rights pertaining to sexual assault, dating violence, domestic which is listed in the appendix enact an affirmative consent standard

• assure amnesty in certain instances when making a good faith report

**Policy Summary:** Discriminatory harassment is prohibited by Clarkson. This policy prohibits harassment and sexual misconduct generally and sexual harassment, non-consensual sexual contact (or attempts to commit the same), non-consensual sexual acts (or attempts to commit same), sexual exploitation, intimate partner violence, and stalking specifically.

The University will investigate any complaints, provide both interim and long-term measures to remediate its effects, prohibit its re-occurrence, prohibit retaliation, train its community in recognizing and handling sexual misconduct, ensure equity to all parties and offer and coordinate support services for all parties as appropriate. The University will not interfere with an individual's right to pursue a criminal case and will collaborate with law enforcement when needed. The University will perform these responsibilities regardless of whether a criminal case is filed.

The University reserves the right to respond to, and discipline, incidents that do not rise to the level of legally actionable discrimination or harassment but
which are inconsistent with the University’s equal opportunity values. Further, the University encourages individuals to report incidents that concern them even if the incidents are not particularly egregious, as early reporting often allows situations to be resolved more easily and before more serious harm occurs. The University expects only that individuals will make truthful reports in good-faith; an individual is welcome to make a report even if the individual is uncertain whether the behavior violates this policy. If the situation does not invoke this policy but may invoke another policy or process, the person making the report will be directed to the more appropriate policy or process. In the event of a conflict or overlap between policies or processes, the University reserves the right to determine which policy or process will be applied. The University reserves the right to not proceed with a complaint if it becomes apparent that if the allegations even if established would not constitute a violation of this policy.

Definition of Terms:

Questions on definitions should be referred to a Responsible Administrator.

**Accused** shall mean a person accused of a violation of this policy who has not yet entered an institution’s judicial or conduct process.

**Affirmative Consent. a.k.a. Consent** Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Whenever the word “consent” is used in this policy, it should be understood to mean affirmative consent as defined here. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. In New York, a person less than 17 years of age is incapable of consenting to any sexual activity. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

**Allegation.** A statement by a complainant that an act in violation of this policy has occurred.

**Coercion.** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When a person makes clear that the person does not want sexual advances or activity, wants to stop previously
consensual activity, or that going past a certain point of sexual interaction is unwanted, continued pressure beyond that point can be coercive.

Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 2016 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality. In other words, when you seek out someone to speak to confidentiality that employee identifies themself as a confidential resource with the legal option to maintain strict confidentiality, such as a counselor or other medical profession, or be identified by the university as a HAART advocate. In either case the employee must be actively engaged in their role as a confidential resource to ensure confidentiality.

Complainant. The person making an allegation or complaint of a violation of this policy.

Complaint. A formal notification, either orally or in writing, of the belief that a violation of this Policy has occurred.

Dating Violence. Dating violence refers to physical violence, threats of violence or acts of physical intimidation or coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence. Domestic violence includes physical violence, threats of violence, or acts of physical intimidation committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the acts of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of that jurisdiction.

Force. The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces compliance. There is no requirement that a person has to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

HAART Advocates Harassment, Assault, Abuse Response Team Advocates are employees of the university who can offer confidential advice on your options to report misconduct and access support resources. They are not mental health counselors or legal advisors, but can help you coordinate contact with our Counseling center, Renewal House or the local police.

Harassment. The University defines harassment as verbal or physical conduct that denigrates or shows hostility toward an individual on the basis of race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, and gender identity, gender expression, military
or veteran’s status, marital status or any other characteristic protected by applicable law. Harassment that occurs on any of these legally protected bases is discriminatory in nature, and hence the equivalent term “discriminatory harassment”. Whether harassment has occurred in violation of this policy depends on a consideration of all the circumstances, including the severity of the incident(s), whether the conduct was repeated, whether it was threatening or merely annoying, and the context in which the incident or interaction occurred. This behavior can occur in person or remotely.

Examples of harassing conduct may include:

• epithets; slurs; negative stereotyping;

• threatening, intimidating, or hostile acts that relate to race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression, military or veteran’s status, marital status or any other characteristic protected by applicable law;

• Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression, military or veteran’s status, marital status or any other characteristic protected by applicable law.

Hostile Environment. Includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it alters the conditions of education or employment, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.

Incapacitation. Incapacitation is a state where someone lacks the ability to knowingly choose to participate in sexual activity. A person can be incapacitated due to lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. A person may be unable to provide affirmative consent to sexual activity and therefore be incapacitated due to mental disability, being under the age of 17 or, depending on the degree of intoxication, being under the influence of alcohol or drugs. An incapacitated person does not have the ability to give knowing affirmative consent.

Intimate Partner Violence (IPV). Physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples, whether cohabitating or not, and does not require sexual intimacy. IPV can vary in frequency and severity, can occur on a continuum, and can include acts of physical violence, sexual violence, threats of physical or sexual violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment. The University considers “intimate partner violence” to include dating violence and domestic violence as those terms are defined above.

Intimidation. Implied threats or acts that cause an unreasonable fear of harm
in another.

**Respondent** or **Responding Party** refers to the person against whom the allegation or complaint of discrimination or harassment is made. Under this policy, respondents include employees and students of Clarkson University, vendors, contractors, guests, patrons, and other third parties participating in any Clarkson-sponsored event or program, whether on or off campus, and to such persons in other situations in which a person is acting as a member of the Clarkson community.

**Privacy** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate institution officials.

**Reporting Individual** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

**Sexual Assault.** Consistent with federal law, Clarkson defines sexual assault as including non-consensual sexual acts [intercourse] and non-consensual sexual contact which can be further defined as follows:

**Non-Consensual Sexual Acts [Intercourse.]** Any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by a person upon a person, that is without affirmative consent. Non-consensual sexual acts includes the following:

- **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.

- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

**Non-Consensual Sexual Contact.** Any intentional sexual touching, however slight, for purposes of sexual gratification or with sexual intent, of any private body part, by a person upon a person, that is without affirmative consent. This includes, but is not limited to, intentional contact for sexual or arousal reasons with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice, with any object.

**Sexual Exploitation** occurs when a person, without affirmative consent, takes sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to the following:

- invasion of sexual privacy;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
going beyond the boundaries of consent;

observing unsuspecting individuals who are partly undressed, naked, or engaged in sexual acts;

engaging in sexual activity with another person while knowingly infected with HIV or another STD without informing the other person of such infection;

exposing one's breasts, buttocks, groin, or genitals, in non-consensual circumstances; coercing another to expose their breasts, buttocks, groin, or genitals

**Sexual Harassment.** Sexual harassment is a specific form of harassment. The term refers to unwelcome conduct, based on sex or on gender stereotypes that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, exposing a person to unwanted sexually graphic conversation; an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to unwelcome sexual attention or advances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence or sexual assault; intimate partner violence; sexual interest-based stalking, or gender-based bullying.

There are three types of Sexual Harassment:

- **QUID PRO QUO:** Benefits offered or withheld as a means of coercing sexual favors.

- **HOSTILE ENVIRONMENT:** Conduct that unreasonably interferes with the victim's work/academic performance or repeatedly creates an intimidating, hostile or offensive environment.

- **RETAIATORY:** retaliation against an individual or individuals for bringing a complaint or participating in a complaint

As with other forms of harassment, whether sexual harassment has occurred in violation of this policy depends on a consideration of all the circumstances, including the severity of the incident(s), whether the conduct was repeated, whether it was threatening or merely annoying, and the context in which the incident or interaction occurred.

Examples of behavior and conduct that constitute sexual harassment may include, but are not limited to, the following:

- physical assault that occurs because of sex or gender;

- direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation;

- sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or
body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose;

• a pattern of conduct, which can be subtle in nature, that has sexual or gender overtones and is intended to create, or has the effect of creating, discomfort and/or humiliation of another; or

• remarks speculating about a person's sexual activities or sexual history, or remarks about sexual activities that do not serve a medical or academic purpose.

**Sexual Misconduct.** Sexual misconduct refers generically to the categories of sex-based behaviors prohibited by this policy, including sexual harassment, sexual assault, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), domestic violence, dating violence, stalking and sexual exploitation. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by persons of any gender or sex, and it can occur between people of the same or different sex.

**Stalking.** Stalking is behavior means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Stalking may involve following or placing another under surveillance, or repeatedly contacting another person for the purpose of harassing and intimidating the other person. The term “contact” means to make or attempt to make any communication, including, but not limited to, communication in person, by telephone, by mail, by broadcast, by computer or computer network, or by any other electronic device. It does not require that an overt threat of death or bodily injury be made.

**Policy Interpretations**

**Consensual Relationships.** It is in the interest of the University to provide clear direction and educational opportunities to the University community regarding the professional risks associated with consensual romantic and/or sexual relationships where a definite power differential exists between the parties. The University strongly discourages such relationships. These relationships are of concern for two primary reasons:

**Conflict of Interest:** Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between supervisors and subordinates. University policy and more general ethical principles preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate, or prospective employee.

**Abuse of Power Differential:** Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving power differential, the potential for serious consequences remains. Individuals
entering into such relationships must recognize that:

- reasons for entering such a relationship may be a function of the power differential;

- the individual with the power in the relationship will bear the burden of accountability; and

- such a relationship, whether in a class or work situation, may affect the educational or employment environment for others by creating an appearance of improper, unprofessional, or discriminatory conduct.

**Breach of Professional Obligation.** A sexual relationship that does not constitute sexual harassment may lead to a breach of professional obligations. A breach of professional obligations, such as basing a decision that affects the evaluation, employment conditions, instruction, and/or academic status of another individual on illegitimate criteria, may result in discipline, sanctioning or termination in accordance with the relevant collective bargaining agreement or University policies.

**Supervisory Relationships.** No individual who is in a position of authority over another, either in the employment or educational context, has the authority to harass others by virtue of his or her supervisory role. The University does not, in any way, expressly or by implication, condone the harassment of a student or employee by a supervisor, administrator, or faculty member.

**Good-Faith Reporting.** This policy prohibits retaliation against a person who has made a good-faith report or participated in good-faith in any investigation of this policy. Good-faith means to provide information which is truthful to the best of the individual’s knowledge and recollection. To make deliberate false accusations violates this policy. In such instances, the complainant will be subject to disciplinary action. However, the mere fact alone that a violation of this policy is not ultimately established does not constitute proof of a false and/or malicious accusation.

**Academic Freedom.** Academic freedom is essential to teaching and learning, and freedom of expression is central to the fundamental principles of a university education. Nothing in this policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning or respectful intellectual debate. Similarly, this policy is not designed to prohibit controversial speakers from being invited to campus.

**Student-to-Student Supervisory Relationships.** In situations where one of the students is an employee of the University and where the allegations involve a supervisory relationship between students, the Student Affairs and Human Resources will consult with respect to the handling of the complaint.

**Reporting Rights.** Any Clarkson community member who has been the victim of sexual misconduct has the right to make a report to campus security or one of the University’s Responsible Administrators, local law enforcement, and/or the New York State Police, or choose not to report. If reported to Clarkson under this policy, a reporting individual will be protected by the University from retaliation and will receive assistance and resources from Clarkson University.
A Students’ Bill of Rights and an additional Statement of Rights for Cases Involving Sexual Assault, Domestic Violence, Dating Violence and Stalking are found at the end of this policy.

Confidentiality and Privacy. Confidential employees have been granted the ability to keep information shared with them strictly confidential and will not share information you relate to them with third parties unless you grant permission. Click the link to review on and off campus confidential resources. http://www.clarkson.edu/nondiscrimination/index.html

The University will protect the confidentiality of complaints to the extent possible under the law. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Records of complaints can only be accessed by or disclosed to those with a legitimate, legal right to know.

If a complainant asks that their identity not be made known to the respondent and witnesses or that a case not be investigated or adjudicated, the University will attempt to honor this request. However, the University is required to weigh the complainant's request for confidentiality with the University's commitment to provide a safe and non-discriminatory environment for all members of the Clarkson University community. The University reserves the right to investigate, adjudicate, discipline and otherwise respond to any incident that comes to its attention. However, even Clarkson offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Information disclosed at public awareness or advocacy event will not trigger the university's obligation to report.

Anonymous Reports. The University will accept anonymous reports. However, due to the nature of anonymous reports, the University's ability to take responsive action may be limited. Please follow the link to file an anonymous report. Contact Us.

FERPA Disclosures
The family educational rights and privacy act, 20 U.S.C. 1232g, allows institutions to share information with parents when i. There is a health or safety emergency, or ii. When the student is a dependent on either parent's prior year federal income tax return; and that generally, the institution shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

Policy Procedures: Options for Responding to Incidents
This policy applies campus-wide and sets forth behavioral expectations for all. Any person may make a complaint that this policy has been violated. However, the applicable procedure for investigating and remedying a complaint depends on whether the accused is a student, an employee, or a non-community member. For instance, a complaint brought by a staff member against a student would be processed pursuant to the student policy; a complaint by a student against a staff member would be processed pursuant to the staff policy; a complaint by a student against another student would be processed pursuant to the student policy; and so on.
1. Law Enforcement

Any person may call 911 or Campus Safety 268-6666 for immediate safety assistance. If you or someone else needs help, call for immediate assistance. Campus Safety can also assist the individual in making a report of a crime to local law enforcement and/or contacting a Responsible Administrator to initiate the University’s internal response mechanisms.

A victim of a crime is encouraged to, but is not required to, report the incident to local law enforcement and pursue criminal charges. When desired a person may pursue either a criminal complaint or University complaint or both. Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University’s internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay.

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. For example, in cases of rape or other forms of sexual assault, it is important not to shower, change clothes and even brush your hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs. The Potsdam Police Department, which can be reached at 315-265-2121, can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. The New York State Police maintain a 24-hour hotline (1-844-845-7269) staffed by individuals trained to respond to sexual assault.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Clarkson community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused’s right to enter or remain on Clarkson property, and Clarkson will abide by a lawfully issued order of protection. University officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person’s responsibility to stay away from the protected person or persons;

- an explanation of the consequences for violating these orders, including but not limited to, arrest, additional conduct charges, and interim suspension; and

- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.
2. Confidential Resources

A person is encouraged to seek support for their emotional and physical needs.

On Campus Confidential Resources

Individuals may wish to seek confidential counseling or support from the following resources. If you are unsure as to where to go or what to do first, contact the Counseling Services on campus at 315-268-2327. Students may also contact the Student Health Services 315-268-6633. All other Clarkson University employees are not confidential resources. Please see our confidentiality policy for further explanation. These counseling and health services are provided to University students free of charge.

Employees and third parties should contact HAART 315-268-4466 for on campus confidentiality.

Individuals seeking assistance in contacting the University’s confidential resources or any of the off-campus confidential resources in the community can contact the University’s Harassment, Assault, Abuse Response Team. 315-268-4466 HAART Advocates are employees of the university who can offer confidential advice on your options to report misconduct and access support resources. They are not mental health counselors or legal advisors, but can help you coordinate contact with our Counseling center, Renewal House or the local police.

Off-campus confidential resources are:

- Canton Potsdam Hospital; 315-265-3000
- Reach Out; 315-265-2422

A contact with a confidential resource does not result in the filing of a report with the University for investigation, discipline, or any other remedial action.

Health Care Options

The University can assist you in obtaining healthcare or you may choose to contact them on your own.

- Student Health Services 315-268-6633
- Canton Potsdam Hospital; 315-265-3000

A report to a Confidential Resource is not a report to the University and will not result in remedial action or an investigation or disciplinary action. Any person who desires remedial action (such as a change in housing, academic or work assignments) or wishes to seek disciplinary action against the respondent must make a report to one of the Responsible Administrators, listed below.
3. University's Non-Confidential Resources - Responsible Administrators

The following offices and individuals have been trained to receive and respond to allegations of violations of this policy.

Title IX Coordinator- Prof. Jennifer Ball, 315-268-4208, 315-212-8940c

Dean of Students- Stephen Newkofsky, 315-268-6620

Human Resources, Deputy Title IX Coordinator-Amy McGaheran, 315-268-3788

Deputy Title IX Coordinator, Athletics, Sarah Raymond, 315-268-3758

VP for Students Affairs and International Relations-Kathryn Johnson, 315-268-3943

i. What happens after contacting a Responsible Administrator? A Responsible Administrator will discuss with the complainant available avenues and options. A complainant may be able to take advantage of multiple options simultaneously. Options include contacting local law enforcement (if the incident involves a crime) and/or pursuing disciplinary action against the accused and/or mediation. In situations where the complainant's well-being requires, other options may include immediate remedial action, such as no-contact orders directing the respondent to have no contact with the complainant, changes in class assignments, residence hall assignments, transportation arrangements, or work assignments to assist the complainant in avoiding contact with the respondent, or other measures to enhance the complainant's safety, such as escorts or increased monitoring of an area.

ii. How information is shared within the University. A Responsible Administrator is not a confidential resource. A Responsible Administrator will share all information reported to him/her with the Title IX Coordinator (and/or, if appropriate, the Dean of Students (for cases involving students), the office of Human Resources (for cases involving staff and faculty).

iii. How confidentiality and decisions about taking action are handled. A report to a Responsible Administrator often does, but need not necessarily, lead to an investigation or disciplinary action. The decision about what action(s) to take depend on many factors, including the complainant's wishes, particularly in cases of sexual misconduct. A complainant may make a report to a Responsible Administrator and request that the University take no investigatory or disciplinary action. Clarkson endeavors to comply with complainants' wishes with respect to whether responsive action is taken. However, that is not always possible.

If a complainant requests that no action be taken against the accused (i.e., no investigation or disciplinary action), the Responsible Administrator will consult with the Title IX Coordinator and the other appropriate administrators (i.e.,
Dean of Students (students), or Human Resources. The University’s decision whether to honor such a request include, but are not limited to, the seriousness of the offense, whether there was a single accused or multiple, whether there is reason to believe that the accused has engaged in this or similar conduct previously, whether the circumstances suggest an ongoing or future risk to the campus community or the complainant, whether the accused has a history of violent behavior or is a repeat offender; whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; the increased risk that the accused will commit additional acts of violence; whether the accused used a weapon or force; whether the reporting individual is a minor; whether the University possesses other means to obtain relevant evidence of the sexual misconduct (such as security footage, physical evidence, etc.), whether the victim’s report reveals a pattern of perpetuation at a given location or by a particular group, and the overall safety of the campus community.

A decision will be made as to whether the University can honor the request for confidentiality and a University representative will notify the complainant. Similarly, a complainant may desire to have investigatory and/or disciplinary action taken, but may wish to have their identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident, it may be possible for the complainant's identity to remain confidential and not shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the complainant. If a complainant requests that their name be kept confidential (or if the complainant makes an anonymous complaint), the University’s ability to respond to the complaint may be limited. The appropriate administrators will discuss the situation and the complainant's request for confidentiality and a decision will be made and shared with the complainant.

Ultimately, the University retains the right to act upon any information that comes to its attention.

Interim Measures may be available. Interim actions may be taken by the University to immediately respond to a situation as necessary for the well-being of an individual or the community prior to the conclusion of an investigation or disciplinary hearing. Interim measures may include, but are not limited to, no-contact orders directing the accused to have no contact with the complainant, changes in class assignments, residence hall assignments, transportation arrangements, or work assignments to assist the complainant in not having to interact with the accused, or other measures to enhance the complainant's safety, such as escorts or increased monitoring of an area. The University may impose a suspension from the campus or parts of the campus, pending the outcome of an investigation and disciplinary proceeding. The University will review the facts and circumstances of each case, as well the complainant's wishes, in deciding whether and what steps are reasonable and appropriate.
Upon request, the complainant or accused may request a prompt review of the need for and terms of any interim measures imposed or requested that directly affects him/her, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator or designee may, in their discretion, modify or suspend the interim measures on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties’ submission of any evidence.

When a student accused of sexual assault, domestic or dating violence or stalking is determined to present a continuing threat to the health and safety of the campus community, he or she is subject to interim suspension pending the outcome of any proceedings under this policy. Both that student as well as the subject of any such misconduct will, upon written request, be afforded an opportunity for a review of the need for and terms of an interim suspension, including potential modification, by submitting a written request to the Title IX Coordinator, providing the basis for that request and any evidence in support. When the accused is not a student but is a member of the University community, he or she is subject to interim suspension and/or other measures in accordance with applicable collective bargaining agreements and University employment policies and practices.

Investigation of Complaints

Complaints will be investigated promptly. An investigation may occur because a complainant wishes to proceed with a complaint or because the University determines that this is necessary despite the wishes of the complainant. The University endeavors to ensure that complaints are responded to in a prompt, fair, and impartial manner. In general, investigations will be done by a designee from the Dean of Students' office if the respondent is a student, and by a representative of Human Resources, if the respondent is a faculty member or staff member.

The University endeavors to complete the investigation of a complaint within 30 days. This timeframe may be extended for compelling reasons.

Informal Resolution.

In some cases, an informal resolution may be appropriate. An informal resolution usually takes the form of mediation in which a designed third-party explores whether the parties can agree on a result. Mediation must be agreed upon by both parties, and the Title IX Coordinator must agree that mediation is appropriate. Mediation is not appropriate in cases of sexual assault or violence of any kind.

It may be necessary to conduct an investigation before mediation will be
arranged. The University will select the mediator. The parties will not be required to meet together as part of the mediation. At any time during the mediation process the complainant or the respondent has the right to resume the formal processing of the complaint (i.e., investigation, disciplinary procedure, appeal). A mediated resolution may include sanctions.

If the mediation results in an agreement, and if this agreement is acceptable to the University, the mediation is considered successful. Both parties will sign a statement agreeing that the mediation was successful, and the matter will be considered resolved. If the mediation is unsuccessful, the formal process will resume. If a party with obligations pursuant to a mediated resolution fails in their obligations, the other party may ask the University to enforce the terms of the resolution or may proceed with a formal complaint process.

**Investigatory and Disciplinary Procedures**

In the event of a complaint against a student, the procedures set forth in the Clarkson Regulations Section VI Disciplinary Proceedings will be followed. The Inquiry will follow the generally applicable procedures and Additional Procedures Applicable to Inquiries involving the University Harassment and Sexual Misconduct Policy. Complaints against an individual accepted to the University for study but not yet matriculated will be handled according to these procedures as well. Notwithstanding anything to the contrary in any other policy or procedure, in any case involving sexual assault, domestic violence, dating violence or stalking where the respondent is a student, both the complainant and respondent will be afforded access to one level of appeal before a panel of two or more University representatives.

**Amnesty** The health and safety of every student at Clarkson is of utmost importance. Clarkson recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Clarkson strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Clarkson's officials or law enforcement will not be subject to Clarkson's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

In the event of a complaint against an employee of the University, the procedures set forth in Section 3.1.14 of the University Operations Manual will be followed.

If a complaint is against someone other than a member of the University community, it will be handled by the Dean of Students Office with possible referral to the Potsdam Police Department. The University reserves the right
to ban from campus any non-community member.

In all cases, the complainant and respondent will have an equal opportunity to present relevant information and evidence. Both the complainant and respondent shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment from admittance in any disciplinary proceeding held under this policy. Past disciplinary violations involving domestic violence, dating violence, stalking or sexual assault may be considered for purposes of determining the appropriate sanction after the finding of responsibility.

A violation need not be established by proof “beyond a reasonable doubt”, as would apply in a criminal proceedings. Instead, the University applies a “preponderance of the evidence” standard, meaning that it is more likely than not that a violation occurred. A complaint will result in one of two findings:

A. a determination that the policy has been violated and imposition of appropriate disciplinary and/or other remedial action; or

B. a determination that there was no violation of the policy or that a violation cannot be determined and dismissal of the complaint.

Advisor of Choice

complainant and respondent may have an advisor of choice (at the party's own expense, if the advisor is a paid advisor) during any investigatory meeting, disciplinary proceeding and any related meeting. The advisor's role is to support the complainant or respondent throughout the process and aid in their understanding of the investigatory and/or disciplinary process. The advisor may talk quietly with the party, but may not participate in the interview and the party is required to speak on their own behalf. The advisor may not intervene in or disrupt an investigatory meeting or disciplinary proceeding. An advisor who does not abide by this role may be precluded from further participation.

Impact Statement

the complainant and respondent will be permitted to submit a written impact statement to the University after a finding of responsibility for violation of this policy and prior to the determination of an appropriate sanction(s).

The University endeavors to complete the formal disciplinary stage of a complaint within 30 days. This timeframe may be extended for compelling reasons.

**Disciplinary and Responsive Action**

In all cases where there is a finding of a violation of policy, the University will take prompt and appropriate responsive action to remedy the violation and prevent further incidents. Both Complainant and Respondent will receive simultaneous written notice of the outcome, to the extent permitted by law.
The final outcome letter shall include factual findings supporting the determination, the decision and the sanction, if any, as well as the rationale for the decision and sanction.

Student Respondent

In the case of a finding of a violation by a student, disciplinary action may include, but is not limited to, suspension, expulsion, probation, warning, reassignment to another residence hall, restriction from residence halls, and/or no contact with the complainant.

For those crimes of violence that Clarkson University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation;
- Expelled after a finding of responsibility for a code of conduct violation, or
- Withdrew with conduct charges pending

Transcript notations for suspensions may be removed at the discretion of the University, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

Employee Respondent

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

In the case of a non-community member, the action(s) may include, but not be limited to, a ban from University property.

In some cases, additional steps beyond disciplinary action may be warranted, including but not limited to changes in housing or course assignments, or changes in working locations or conditions. A student seeking changes in living or learning conditions should contact Student Affairs. An employee seeking changes in working assignment or conditions should contact Human Resources.

Prohibition against Retaliation.

It is a violation of this policy for students or employees who in good-faith report what they believe to be conduct in violation of this policy, or who cooperates in any investigation, to be subjected to retaliation. Any student or employee who believes they have been the victim of retaliation for reporting harassment or cooperating in an investigation should immediately contact the Title IX Coordinator at 315-268-4208, the Affirmative Action Officer (315-268-
Policy Compliance:

6497), the Dean of Students (315-268-6620), or the Human Resources Office at 315-268-3788.

The University is required to include for statistic reporting purposes the occurrence of certain incidents in its Annual Security Report. Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the University will issue a timely warning to the campus. In such circumstances, the names of the alleged perpetrator may be disclosed to the community but the name of the victim/complainant will not be disclosed.

The Affirmative Action Officer and the Title IX Officer are the individuals designated by the President to be primarily responsible for providing education and training concerning discrimination, harassment and sexual misconduct issues.

Deans, Directors, Chairs and all supervisory personnel are responsible for ensuring compliance with this policy.

Individuals with disabilities needing reasonable accommodations or persons for whom English is a second language needing assistance to allow them to fully utilize this policy (e.g., to make a report, file a complaint, participate in investigation interviews, etc.) should make those needs known to the University so they can arrange for assistance. This can be done through the University’s confidential and/or non-confidential resources.

Reporting University Non-Compliance with Federal Legislation

Any person with a concern about the University’s handling of a particular matter should contact the University’s Title IX Coordinator or Affirmative Action Office.

In addition, if an individual feels that the university is failing to comply with federal regulation they may contact the federal government directly. The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481.

Please see our Nondiscrimination website for information on University prevention, education and training related to sexual misconduct.

Students’ Bill of Rights

Students’ Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the Institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the Institution courteous, fair and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few Institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the Institution, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the Institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the Institution.”

Statement of Rights in Cases Involving Sexual Harassment, Sexual Assault, Domestic/Dating Violence and Stalking:

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

1). Notify Campus Safety, Local Law Enforcement or the New York State Police.
2). Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
   a) options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in Clarkson University’s Harassment and Sexual Misconduct Policy
   b) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
   c) that the criminal justice process utilizes different standards of proof and evidence than the University’s policy and procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
   d) whether the person they are reporting to is authorized to offer confidentiality or privacy, and
   e) any other reporting options.
3) If they are a student, to contact the University’s Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including the New York State Office of Victim Services at 1-800-247-8035 or https://ovs.ny.gov.
4) Disclose confidentially the incident and obtain services from the state or local government;
5) Disclose the incident to the University’s Responsible Administrators who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the University’s Harassment and Sexual Misconduct Policy, and can assist in obtaining resources for reporting individuals;
6) File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in
accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures;
7) Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a confidential employee assist in reporting to Human Resources; and
8) Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.
9) Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Policy Background:
N/A

Major Category: Human Resource Management and Student Affairs

Category Cross Reference:

Policy History: July 1987
Revised November 1995 & Approved by the Board of Trustees May 1996
Revised January 2006
Revised February 2010
Revised May 2014
Revised December 2014
Revised September 2015
Editorial Revision December 2016 (revised position titles)
3.1.6 Employment of Minors

Policy Purpose
Clarkson University intends to maintain a safe environment for all members of its community, including its students, faculty, staff, guests, volunteers and participants in all of its programs.

Policy Summary
Employment of persons age 16 to 18 is governed by New York State and Federal Labor Law. University policy prohibits anyone less than 16 years of age.

Policy Statement
New York State Labor Law concerning the employment of minors has certain restrictions and regulations that the University must follow. The Human Resources Office will process the necessary forms and keep the required records.

Procedures
Clarkson University shall adhere to the rules and regulations set for by New York State and the Federal Government Child Labor Laws.

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

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

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

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

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

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

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

**POSTING PROVISIONS**

The employer must make a schedule for all minors and post it where workers can see it. The schedule shows the hours minors start and end work and time allotted for meals.

The employer can change the hours of work, as long as they post the changes on the schedule. Minors may work only on the days and at the times posted on the schedule. If minors are present at other times or if there is no posted schedule, it is a violation of the child labor law.

July 1987
Revised April 2008
Revised May 2014
3.1.7 Drug Abuse in the Workplace

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

Employment Sanctions Relating to Drug Abuse in the Workplace

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

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

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

Testing

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

July 1989
Revised July 1996
3.1.8 Orientation

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

The following topics will be covered:

1. The organization of the University and its administrative officers and department heads;

2. Personnel policies and practices;

3. The benefits offered by the University and other social, athletic, and cultural opportunities;

4. General University operating procedures;

5. Safety regulations and awareness, to include Employee Hazard Communication/Right-to-Know Information and Drugs in the Workplace;

6. Fringe Benefit Forms; and

7. Other information of value and interest.

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

July 1987
Revised July 1989
3.1.9 Change in Status

Policy Purpose
To ensure that employee personal records are accurate, any change in an employee’s employment status will be reported to Human Resources as soon as possible. In addition, if there is a change to the employee’s personal information, the employee is responsible for ensuring their information is up to date.

Policy Summary
Through Clarkson University database system, PeopleSoft, department heads, managers/supervisors and employees, are responsible for ensuring that job data and personal information is accurate and up to date. Any changes to an employee’s position status, change in position etc., will be reported to Human Resources prior to the change so that employees can be informed about possible benefit changes or obligations on their part in a timely manner.

Definition of Terms
Staff Member: Includes all exempt and non-exempt employees

Policy
The purpose of this policy is to outline the process in which a staff member may have a change to their employment and/or compensation status. Changes in employment and/or compensation status include but are not limited to layoffs or changes in work hours, work schedules, job content, pay, benefits, and full-time equivalency.

Procedure
The department head or supervisor will initiate an electronic Payroll Authorization through PeopleSoft when the following information has changed for an employee:
- Change in rate of pay;
- Change in scheduled hours of work;
- Change from temporary to regular employment;
- Transfer or promotion;
- Interruptions in service (leaves with pay or without pay); and
- Layoffs.
- Title
- Supervisor
- Department
3.1.10 Smoking Policy

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

1. Smoking is prohibited in all indoor locations including but not limited to:
   - Classrooms, lecture halls, auditoriums and libraries;
   - Laboratories, shops, computer rooms and studios;
   - Offices, meeting rooms, board rooms, and dining halls
   - Lobbies, foyers and waiting rooms;
   - Hallways, stairwells and elevators;
   - Maintenance areas, mechanical and storage rooms;
   - Arenas, gyms and recreation centers;
   - Lounges, lodges;
   - Reception and supply areas and central locations for records, files or copying.

2. Smoking is prohibited in all enclosed areas including but not limited to:
   - Building entrances and covered walkways;
   - Loading docks, courtyards and patios.

3. Smoking is prohibited in the following outdoor locations:
   - Any outdoor event with seating;
   - Any area where combustible fumes can collect such as in garage and storage areas. Areas where chemicals are used and other designated areas where an occupational safety or health hazard may exist.

4. Smoking is prohibited in all University vehicles including buses, (leased or university owned) vans, cars and trucks.

5. Smoking is prohibited in University Housing as stipulated in 1 – 3 of this policy and in all common areas including:
   - Laundry rooms, cooking areas and bathrooms;
   - Recreation, study and lounge areas.

6. Smoking is prohibited no closer than 30 feet of any building entrance or ventilation system.
DEFINITIONS:

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

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

ENFORCEMENT:

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

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

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

July 1989
Revised January 1990, 2003
Revised September 2004
3.1.11 Nondiscrimination Policy

Clarkson University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, age, disability, veteran status, predisposing genetic characteristics, domestic violence victim status, marital status, parental status, ancestry, source of income, or other classes protected by law in provision of educational opportunity or employment opportunities.

Clarkson University does not discriminate on the basis of sex or disability in its educational programs and activities, pursuant to the requirements of Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the American Disabilities Act of 1990 respectively. This policy extends to employment by and admission to the University. Inquiries concerning Section 504 and the American with Disabilities Act of 1990 should be directed to, 504/ADA Coordinator, Price Hall, Clarkson University, P.O. Box 5635, Potsdam, New York 13699-5635; or telephone (315) 268-7105. Inquiries concerning Title IX, the Age Discrimination Act, or other discrimination concerns should be directed to the Chief Inclusion and Human Resource Officer at (315)268.6497 and/or the Title IX Coordinator, Room 124 Snell Hall, Clarkson University, P.O. Box 5542, Potsdam, New York, 13699-5542; or telephone (315) 268-2362. Information on the procession of grievances and charges relating to the above policies can be obtained from the Human Resources/Affirmative Action Office.

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

November 1995
Revised and Approved by the Board of Trustees May 1996
Revised and Approved by the Board of Trustees October 2014
Editorial Revision December 2016 (revised position title)
3.1.12 Cultural Diversity Policy

Policy Purpose
To create an environment that promotes inclusion across the Community.

Policy Summary
Clarkson University commits itself to inviting, supporting and affirming cultural diversity on the campus. All university programs and practices, academic and co-curricular, shall be designed to create a learning environment in which cultural differences are valued.

Definition of Terms

Diversity: Equality and inclusion for all people — men and women of diverse races, ethnicities, religions, national origins, sexual orientation, abilities and skills, knowledge and ideas, socio-economic levels, life experiences and perspectives that interact with the global community.

Policy Statement
The University declares its commitment to maintaining an inclusive community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect among its members; and encourages each individual to strive to reach his or her own potential.

All educational services and programs of the University are to be available and open to all academically qualified individuals without any discrimination on the basis of race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability or status as a veteran.

Procedures
To ensure the achievement of these policy goals, Clarkson University is committed to:

- Encouraging all organizations to have as part of their constitution and by-laws, a cultural diversity policy that states explicitly the organization’s commitment to fostering cultural diversity on campus;
- Encouraging inclusiveness in all organizations while respecting the different needs of organizations composed of groups that have been or currently are denied equal opportunity;
- Developing and maintaining academic/co-curricular programs and university climate that promises a responsible, civil and open exchange of ideas;
• Educating all members of the campus community about diversity and forms of discrimination, such as racism, sexism, and homophobia;

• Maintaining a respectful environment free from all forms of harassment, hostility and violence;

• Recruiting and working to retain students, staff and faculty who are members of historically or otherwise under-represented groups; and

• Providing the necessary financial and academic support to recruit and retain diverse students, faculty and staff.
3.1.13 General Grievance Procedures

I. Preamble

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

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

II. Definition of a Grievance

A grievance exists when there is:

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

III. Procedures

A. Any employee with a grievance may meet with a member of the Office of Human Resources for advice and counsel. If such a meeting transpires, the Office of Human Resources shall hold both the fact of the meeting and its substance in strict confidence.

B. An employee with a grievance should promptly consult with the person by whom he or she feels aggrieved in an effort to resolve the matter informally. If the employee feels unable to undertake such a consultation alone, a representative of the Office of Human Resources may accompany the employee. An employee may also choose to pursue mediation with the person by whom he or she feels aggrieved. The University Mediation Service can assist in determining whether both parties are willing to participate, and if so, will assign a mediator. The mediation will be handled in confidence.

C. If informal consultations or mediation fail to resolve the problem and the employee still wishes to pursue the grievance, or if the employee with the grievance elects not to seek an informal resolution, then the employee must prepare a written statement of the grievance. This statement should clearly delineate the grievance and the facts in support thereof; it may also contain a suggested remedy. This statement should
be prepared within ten workdays of the last effort at finding an informal resolution, or if no informal consultations were attempted, within ten workdays of the incident that occasioned the grievance. Signed copies of this written statement should be submitted to the Office of Human Resources, to the person with whom the grievance is lodged, and to the immediate supervisor of the individual against whom the employee has a grievance (henceforth, simply the immediate supervisor or the supervisor).

D. On receipt of the written and signed statement of the grievance, the immediate supervisor shall review this document to determine what, if any, remedial action is appropriate. The immediate supervisor shall prepare a memorandum describing his/her decision regarding the grievance. This memorandum shall be prepared within ten workdays of receipt of the written statement of the grievance. Copies of the memorandum shall be delivered to the Office of Human Resources and to the individual against whom the grievance was filed; the original of the memorandum shall be delivered to the grievant.

E. If the employee filing the grievance thinks the supervisor's decision constitutes an insufficient response to his/her complaint, the employee may request that a formal hearing be scheduled to address the grievance. This written request must be submitted to the Office of Human Resources within five workdays of receipt of the immediate supervisor's decision memorandum. Upon review of that complaint, the Director or designee may either dismiss the complaint (either on its merits, because it does not properly fall within the scope of the procedure, or for timeliness) or may recommend it appropriate that the University take remedial action.

F. The hearing of the grievance shall take place before a Formal Hearing Committee of six individuals drawn from the membership of the Employee Relations Grievance Committee, and shall be governed by the following:

1. The Employee Relations Grievance Committee (ERGC) shall consist of employees appointed to staggered terms by the president. The appointees to the ERGC should reflect the composition of the University's faculty, staff, and administration.

2. The Formal Hearing Committee (FHC) shall consist of six persons selected from among the available members of the ERGC. The Director of Human Resources Operations and the employee filing the grievance shall each select three members from the ERGC for service on the FHC. The members of the FHC shall elect a chair to direct the hearing.

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

4. The decision of the FHC shall be reached within five working days of the close of the hearing. This decision shall be communicated, in writing by the FHC, to the grievant, to the individual against whom the grievance was filed, to the immediate supervisor, to the Director of Human Resources Operations, and, for appropriate action, to the president.

5. A stenographic or audio recording of the hearing shall be made. This recording along with copies of all documentary evidence presented at the hearing shall be retained in the confidential files of the Office of Human Resources for not less than two years: these items shall be available only to the grievant, to the individual against whom the grievance was filed, and to such other individuals as the president may designate.

6. As far as practicable, the hearings and deliberations of the FHC shall be treated as confidential.

G. Certain stipulations apply to the grievance process described herein.

1. The time limits specified are designed to ensure a timely response to the grievance. However, flexibility for the sake of securing a resolution should be allowed. For example, if the employee has failed to seek a review within ten days, the Director of Human Resources Operations may, at his/her discretion, extend the time limit. Saturdays, Sundays, and university holidays shall not be counted in the tabulation of time limits, nor shall the normal days off of the employee filing the grievance or of the immediate supervisor charged with responding to it. If a delay in the process occurs, the employee filing the grievance should be given a written explanation for the delay and an indication of when the process will resume.
2. If at any point in the process, the employee feels that his/her grievance had been resolved, or submits a written and signed statement to the effect that he/she wished to pursue the matter no further, the grievance review or formal hearing shall be terminated.

3. An employee shall not lose pay for any time not on the job if their presence is required at any hearings or meetings provided by this procedure. However, an employee shall not be paid for any time present at a hearing or meeting that falls outside the employee's normal work hours. That said, meetings and hearings should be arranged so as to accommodate the schedules of all involved, especially those of the employee filing the grievance and the individual against whom the grievance has been lodged.

IV. Restrictions

A. The university has a separate discrimination grievance process that applies to allegations of discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, age or handicap. If any employee in any status feels that they have experienced such discrimination, they should file their grievance with the Office of Affirmative Action. In such a case, the Discrimination Grievance Process shall be invoked, and it totally supplants the grievance procedures described here.

B. Grievances bearing on the issue of academic tenure are not handled by these grievance procedures, but are dealt with exclusively by the tenure appeals processes set forth in the Operations Manual.

C. New employees of the university in non-faculty positions do not have access to these procedures during their initial three-month, probationary period; however, they do enjoy full access to the Discrimination Grievance Procedures referenced in IV-A, above.

D. Terminations do not constitute grounds for a grievance under the present procedures. However, grievances alleging discriminatory treatment may be filed under the Discrimination Grievance Procedures referenced in IV-A, above.
E. The present grievance procedures are designed for the intramural resolution of differences. Use of these grievance procedures does not constitute a waiver of the employee's right to seek a resolution through external agencies, including courts of law. However, the employee should be aware that the filing of an internal grievance might not postpone the deadlines for filing complaints imposed by outside agencies or courts.

F. Complaints regarding salary or the annual performance appraisal may not be addressed through these grievance procedures, but they can be handled through normal administrative channels.
3.1.14 Discrimination Grievance Procedure (Including Cases of Sexual Misconduct)

I. Purpose

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

II. Procedures for Informal Intervention

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

A. Persons having complaints often find it helpful to have someone with whom to discuss the issue prior to pursuing any further action. There are many persons available for such consultation, the Director of Campus Safety, Vice President for Enrollment and Student Advancement, Associate Vice President of Student Success, Diversity and Inclusion, Director of Human Resources Operations, the Director of International Students and Scholars and the Chair of the Gender Issues Committee are available to assist in such instances. These staff members can help in clarifying issues, making referrals, and advising about appropriate channels and procedures. However in all instances each of the above persons must report the matter to the Affirmative Action Officer.

B. When situations cannot be resolved on the basis of direct discussion among the parties the next step is for the complainant to report the matter to the offending party's immediate supervisor or to the Vice President for Enrollment and Student Advancement. The supervisor or Vice President for Enrollment and Student Advancement should investigate and take appropriate action to resolve the conflict and report back to the complainant within ten (10) days (work/class). The supervisor and Vice President for Enrollment and Student Advancement must report the matter to the Affirmative Action Officer.

C. Alternatively, the complainant may request that the Affirmative Action Officer discuss the allegations informally with both the complainant and accused in an attempt to end the alleged discrimination or harassment and resolve the issue; or the complainant may request mediation. If mediation is requested, within ten (10) days (work/class) a third party mediator (from the campus panel of trained mediators and coordinated by the
A. Affirmative Action Officer shall be named to help resolve a complaint on an informal basis. Such mediation activities shall continue for a period of no more than thirty (30) days (work/class) or until resolution is achieved, whichever, is shorter. This period may be extended if the participants and the mediator agree it would be useful to do so.

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

III. Procedure for Formal Hearing

Step 1: Filing of a formal Written Complaint

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

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

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

Step 2: Investigation

Once a written complaint is filed, the initial investigation (which can include notifying and providing the respondent with a copy of the complaint) and determination with
3.1.14(3)

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

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

**Step 3: Review Panel**

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

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

**The Review Panel:**

a. shall meet within ten (10) working days after being appointed;

b. once convened, shall act as a body and will not act as representatives or as advocates for either party. The function of the panel is to review the evidence, make findings of fact, and determine what corrective action, if any, should be taken to resolve the problem;
c. will have the discretion to determine the most appropriate methods for considering the case: examination of written evidence, the hearing of oral testimony (which will be private and open only to the parties involved) or further investigation of relevant evidence;

d. The panel will have fifteen (15) working days after convening to render recommendations.

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

Step 4: Final Decision

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

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

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

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

April 1996
Editorial Revision January 2004
Revision February 2010
Editorial Revision December 2016 (revised position titles)
### 3.1.15 Anti-Bullying Policy

**Scope of Application**
This policy applies to all of the University’s managers, supervisors, employees, students, vendors, applicants and independent contractors. This policy applies to all Clarkson locations; Clarkson sponsored social or other events; as well as activities at which individuals mentioned above are present.

**Table of Contents**
1. Purpose
2. Summary
3. Definitions
4. Procedure

**Policy Purpose**
Clarkson is committed to providing a working, learning and social environment that is safe and healthy and reflects the highest level of ethical and respectful conduct. This policy prohibits conduct often referred to as bullying that is intimidating, hostile, verbally, or physically abusive and not covered in the University’s Harassment Policy, OM Section 3.1.5.

**Definition of Terms**

- **Bullying** • Repeated oppression, usually psychological, generally of a less powerful person by a more powerful person, or group of persons.

- **Types of Bullying** • Bullying can take many forms. Examples of bullying include, but are not limited to:
  - Verbal: name calling, teasing;
  - Social: spreading rumors, leaving people out on purpose, breaking up friendships;
  - Physical: hitting, punching, shoving; and
  - Cyber bullying: using the internet, mobile phones or other digital technologies to harm others.

**Policy Statement**
Clarkson defines bullying as repeated, deliberate abusive behavior, either direct or indirect, whether verbal, physical or psychological, conducted by one or more persons against another (or others) that impacts the person or the person’s ability to do their job.
Clarkson considers the following types of behaviors examples of bullying:

- **Verbal**: slandering, ridiculing, or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks or language, insults, teasing, spreading rumors, unreasonable criticism or trivializing work or achievements and sabotaging efforts

- **Physical**: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage or deliberately interfering or tampering with a worker’s personal effects or work equipment including phone, computer, email, internet, software;

- **Psychological**: isolating people from normal work interaction, excessive demands, setting unrealistic goals and deadlines, deliberately setting someone up for failure, excessive and unnecessary supervision, practical jokes, public ridicule and ostracism

- **Non-Verbal**: non-verbal threatening gestures, glances which can convey threatening messages

- **Exclusion**: socially or physically excluding or disregarding a person in work-related activities

- **Cyber Bullying**: bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites.

Context is important when considering whether conduct rises to the level of bullying. Bullying may be intentional or unintentional and has the effect of demeaning, intimidating or humiliating individuals or as a group. Demeaning conduct is quite different than friendly banter or playful teasing. Bullying behavior is often part of a pattern, but can also occur as a single incident. The key consideration is how the conduct is received and perceived by the recipient.

**Procedures**

**Responsibilities of All Employees, Students and Vendors:**

Staff/Student has a responsibility to ensure that their actions do not negatively affect another staff/student member's career/academics, health or well-being and are consistent with the Clarkson University Code of Business Conduct and the Code of Student Conduct. This includes not condoning bullying by failing to do anything about it, such as raising the matter with the bully or with a supervisor or Dean.

A staff or student found to have bullied another staff or student or to have condoned workplace bullying may be subject to a formal investigation that could lead to disciplinary action.
Ideally, staff should attempt to resolve issues of workplace bullying at the local level by following the below steps:
1. Raising the issue directly with the person they believe is responsible for bullying. Often, an informal approach can quickly resolve an instance of workplace bullying; or
2. Seek the assistance of the University's Life Assistance Program (LAP), information on which can be found at www.smartben.com
3. Involving his or her supervisor.

If the issue is not resolved in this way, an employee may take the following steps:
1. Raise the matter with another relevant manager;
2. Lodge a formal complaint in accordance with the University's Grievance Procedure. The policy is available in the Operations Manual Section 3.1.13.
3. Seek advice from Human Resources;
4. Seek the assistance of the University's Life Assistance Program (LAP), information on which can be found at www.smartben.com
5. Seek advice from their union if he/she is a union member.

Students who feel that they are or may have been bullied may take the following steps:
1. Raising the issue directly with the person they believe is responsible for bullying. Often, an informal approach can quickly resolve an instance of bullying;
2. Meet with the Dean of Students to discuss the situation and potentially request a Dean’s Inquiry- http://www.clarkson.edu/studentaffairs/regulations/vi.html

Responsibilities of Supervisors

Supervisors have a responsibility to provide a safe work environment that enables staff to carry out their work responsibilities free from bullying. If a supervisor believes that an employee or member of the community is being bullied they should consult with their supervisor and/or Human Resources. The supervisor should document all actions taken to address the situation. The University will investigate complaints of bullying expeditiously, thoroughly and in accordance with due process. Supervisors should be fully aware of the adverse consequences of not dealing with instances of bullying as outlined above.

Supervisors should be alert to the possibility of workplace bullying and should monitor key indicators such as workplace high absenteeism and high staff turnover. Examples of bullying include but are not limited to:
- Persistent singling out of one person
- Shouting, raising voice at an individual in public and/or in private
- Public humiliation or reprimands in any form
- Constant criticism on matters unrelated or minimally related to the person’s job performance or description
• Ignoring/interrupting an individual at meetings
• Repeatedly accusing someone of errors that cannot be documented
• Encouraging others to disregard a supervisor’s instructions
• Manipulating the ability of someone to do his or her work (e.g., overloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions or supplying incorrect information)
• Assigning menial tasks not in keeping with the normal responsibilities of the job
• Consistently taking credit for another person’s ideas
• Refusing reasonable requests for leave without legitimate work-related justification.

Supervisor may request training from Human Resources.

Complaint Process
We encourage any employee, manager or executive who believes that they are, have been or are being subjected to bullying to immediately report the incident promptly to either the Privacy Officer at Human Resources at 268-6497. Where appropriate, an investigation will be conducted. All employees, managers and executives have an obligation to cooperate with any investigation. Please review the employee grievance process in the Operations Manual under Section 3.1.13.

Students who believe that they are, have been or are being subject to bullying, should immediately report the incident promptly to the Dean Of Students.

Consequences
Any employee, manager or executive found to violate this policy will be subject to disciplinary action, up to and including, termination of employment. Any manager or supervisor who is aware of any possible violation of this policy and fails to take corrective action or notify Human Resources will be subject to disciplinary action, up to and including discharge.

If the student is who may be in violation of this policy or in violation of the code of student conduct, (http://www.clarkson.edu/studentaffairs/regulations/v.html) may be subject to disciplinary action according to Disciplinary Procedures- http://www.clarkson.edu/studentaffairs/regulations/vi.html

Retaliation
The Company will not tolerate any retaliation against any employee who reports known or suspected violations of this policy or who participates in any investigation of the complaint. The Company recognizes that false accusations can have serious effects on innocent individuals. We trust all of our employees will act responsibly to establish and maintain a pleasant and productive working environment.

Approved by Faculty Senate and Administrative Council, November 2014
Approved by President, December 2014
3.1.16 Clarkson University Exit Policy

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

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

Policy Purpose
To define the recruitment and selection process for Clarkson University regarding all potential vacancies or positions needed to be filled, including positions needed on a temporary basis. This policy will outline the process for posting positions, recruiting, selecting, hiring, promoting and transferring employees. This policy will also explain required training in the recruitment and selection process.

Definition of Terms

- **Affirmative Action**: A n active effort to improve the employment or educational opportunities of members of minority groups and women.
- **Human Resources (HR)**: Department responsible for the administration and management of the recruitment and selection processes.
- **Department**: The area that will be responsible for the recruitment and selection of the position.
- **Position Description**: Describes the essential duties, purpose of the position and required education, experience, knowledge, skill and abilities to fulfill the requirements of the position.
- **Hiring Manager**: Member of the Clarkson community that is responsible for the management of the position.
- **Recruitment**:
  - Internal: Only current active employee.
  - External: Open to current employee and the general public.
- **Selection**:
  - Internal: Only current Clarkson employees.
  - External: Open to current Clarkson employee and the general public.
- **Unsolicited Resumes**: Resumes that do not come in through the online recruitment system.
- **Search Chair**: Member of the Clarkson community that is responsible for the management of the selection process.
- **Job Posting**: Description of an open position that informs potential applicants of the job duties, required education, experience, knowledge, skills and abilities to fulfill the requirements the job successfully.
- **Compliance**: Ensuring that the University is following all state and federal regulations around recruitment, selection and employment.
- **PeopleAdmin**: Clarkson University’s online recruitment and application tool.
- **Search Committee**: Members of the Clarkson community who are selected by the Hiring Manager to review applications for a posted position.
- **Education**: Minimum educational requirements needed to successfully fulfill the requirements the job.
• **Experience**: Minimum experience required to successfully complete the job.
• **Knowledge, Skills and Abilities**: Minimum knowledge, skills, and abilities needed to successfully fulfill the requirements the job.

## Procedures

### General Procedures

The following procedures are to be adhered to:

1. All recruitment and selection efforts must be coordinated through HR. HR provides guidance and assistance throughout the process.

2. HR and the Hiring Manager will collaborate to ensure the development of a comprehensive position description and that a job posting has been completed through Clarkson University’s online recruitment tool, PeopleAdmin. The Hiring Manager has primary responsibility for ensuring employment decisions are in compliance with University and department policies and procedures. HR will review the selection process and employment decisions for compliance with University policy and applicable laws including but not limited Affirmative Action.

3. HR will provide the Search Committee members training regarding selection and recruitment, nondiscrimination, affirmative action/equal employment opportunity. This will need to be done once every 3 years.

### Recruitment

1. HR and the Hiring Manager collaborate in developing and documenting objective nondiscriminatory criteria for a job posting. The criteria used to screen applicants include education, experience, essential skills, abilities, and competencies. Final posting approval will be HR.

2. To post and fill a position, the Hiring Manager must draft the position posting online that identifies the job classification, duties, specific qualifications, working conditions, and physical and mental requirements through the online employment site PeopleAdmin. Final approval on the above is within HR.

3. Each position must be posted for at least seven (7) calendar days before review of applicants can begin. Any position posted for six (6) months must be reevaluated.

4. If at any time the Hiring Manager would like to change the minimum qualifications of the job, the position will have to be reposted and readvertised for 7 days.

HR notifies departments whether additional Affirmative Action (AA) efforts may be needed to recruit for posted jobs or job groups. Prior to commencing recruitment efforts,
the Hiring Manager must submit specific plans for expanded outreach efforts to the Staffing and Onboarding Specialist hrrecruit@clarkson.edu. The Staffing and Onboarding Specialist will assist Hiring Managers in expanding outreach efforts and recruiting applicants in meeting the additional efforts.

5. A job opening must first be posted on the PeopleAdmin site before advertising through other avenues, including print ads or other Web sites. To ensure compliance with regulations, all recruitment advertising must be approved by HR. See below regarding the use of search firms.
   a. Word of mouth referrals are allowable in the recruitment process however, this should not be done until the position is posted on PeopleAdmin.

6. Advertising and other notifications of a vacancy or new position must be nondiscriminatory and must include reference to the University’s commitment to affirmative action through equal opportunity using the following tagline: “Clarkson University is an Equal Opportunity/Affirmative Action Employer.” Published advertisements must be drafted and approved on PeopleAdmin prior to being used.

7. Any inquiries by applicants to submit a resume or CV should direct the applicant to complete the online application process. To be considered, an applicant (including any University staff employee) must complete the online application process. Computers are available in Human Resources for applicants who may not have access to a computer.

8. Unsolicited resumes should not be considered. Unsolicited resumes should be directed to the Staffing and Onboarding Specialist, which will direct individuals to the online application process in PeopleAdmin.

9. HR will provide reasonable accommodations to complete the application process upon request by any applicant with a disability.

10. To comply with Affirmative Action requirements, certain data is requested as part of the online application and new hire process. Providing this information is voluntary and provided at the individual’s discretion.

---

**Search Firms**

1. A department considering the use of a search firm or employment agency must consult with HR before making any arrangements with an outside firm or agency. Any search conducted by an outside agency or search firm must meet the same federal, state, local, and University guidelines as searches conducted directly through HR. The use of the search firm must be approved by the President, Provost or HR prior to starting the search.
2. The search firm works on behalf of the University and is responsible for the same applicant tracking HR would otherwise do, including keeping records of Affirmative Action outreach efforts, and the recruitment and selection process. The department that contracts with a firm or agency is responsible for ensuring that any firm or agency is fully informed regard.

3. The search firm must submit a copy of all search records to the hiring department before the University processes payment of the final invoice or expense reimbursement.

**Internal Applicants**

1. The University encourages the consideration of current employees of the University for open positions through promotions and transfers.

2. A University employee in good standing who has successfully completed his/her probationary period may apply for a posted position by completing the online process. The probationary period lasts three (3) months for hourly staff employees. The job performance of staff employees who apply and are hired into new positions will be closely reviewed (similar to a probationary period) three (3) months for staff employees paid hourly.

3. A University staff employee who has progressed beyond the verbal counseling or verbal warning corrective action step within the previous six months may not apply for a posted position, unless permission is obtained from HR in consultation with the current department.

4. Pursuing a job opportunity within the University should not in any way jeopardize a staff employee’s present position. The Hiring Manager should regard an application as confidential until the employee is a finalist and references are to be checked.

5. The University also encourages the consideration of individuals associated with the University (e.g.: alumni, spouses/partners of faculty, staff, and students) when appropriate and consistent with University policy and applicable law.

6. After accepting a position, a University staff employee is responsible for giving sufficient notice to his/her former department; notification is as follows:
   a. At least two (2) weeks advance notice for hourly employees and four (4) weeks for exempt employees. Upon beginning a new position in another department, a current employee will maintain accrued but unused sick, vacation, and special personal time, which will be transferred to the new department.
Selection

1. Once the position has been posted for 7 days, HR or the Hiring Manager may consider applications upon receipt of all requested materials, including reviewing resumes for basic qualifications. A job applicant who does not meet all the required qualifications as provided in the job posting is not a qualified applicant and should not be considered.

2. Selection must be based on job-related qualifications including, but not limited to: required and preferred education; experience; knowledge, skills, and abilities as identified in the job description; and references. Qualifications including mental and physical demands must be bona fide occupational qualifications.

3. The applicant pool should be sufficient to enable selection of qualified applicants for interviews. If not, the Hiring Manager should contact HR to discuss further recruitment efforts. If there are no well qualified candidates for a position and qualifications are modified to increase the applicant pool, the position must be re-posted for at least seven (7) calendar days, and all applicants for the re-posted position must be considered if they meet minimum qualifications.

4. HR, Search Chair and the Hiring Manager must ensure consistent administration of the interview process. Consistent administration includes equal treatment of applicants, avoidance of discriminatory questions, and uniform interview content.

5. Upon request by an applicant with a disability, HR and the Hiring Manager must provide reasonable accommodations, as determined by HR and the department during the interview processes.

6. An applicant may be tested for job-related competencies using a properly validated test or other selection procedure. Prior to administering a test or other selection procedure, it must be disclosed to HR by the hiring department.

7. When used, approved tests and selection procedures must be given to applicants under equivalent conditions, must be scored, evaluated, and used as a selection factor equally for applicants, and must be maintained with application and selection materials. Such information must be retained with the search files for three (3) years following the date of the last action on the position (e.g., start date, date candidates were notified of the position being filled).

8. Search Chair and Hiring Manager are responsible for moving applicants within the PeopleAdmin database during each phase of the interview process.

9. Search Chair and Hiring Manager are responsible for sharing all written communication with the HR department that pertains to applicants.
10. Reference and background checks must be administered to all applicants that are offered a position at Clarkson University. For guidance regarding reference and background checks, please contact HR.

**Post Selection**

1. Prior to making a verbal or written offer of employment, the Hiring Manager must consult with Staffing and Onboarding Specialist regarding the starting compensation of a new hire, to ensure nondiscrimination and equity. HR will collaborate with the Hiring Manager to identify whether there are similar employees in the department, to evaluate pay equity, and to determine the starting salary based on a benchmark review and compliance with State and Federal guidelines.

2. An employee may not be offered or start in a position until the required seven-day posting period is complete ensuring a proper search has been conducted. In addition, HR verifies that a proposed hire is eligible for University employment (e.g., meets the basic qualifications, completion of the job profile in the PeopleAdmin system, completion of the testing, if applicable, completion and passage of background check, if applicable, completion of the probationary period if a Clarkson employee, is not on corrective action if a Clarkson employee and not been terminated for cause if previously employed by the University.)

3. The Hiring Manager should use the standard offer letter template approved by HR.

4. Once the offer is made the Hiring Manager or Search Chair must notify unsuccessful applicants who were interviewed by indicating the applicant’s status in PeopleAdmin and to call unsuccessful applicants that were phone interviewed and campus interviewed. The Hiring Manager and/or Search Chair must update the status of applicants in PeopleAdmin, review the list of not hired reasons and identify the reasons why each applicant was not selected. Items such as “did not have preferred qualifications” or “less effective phone screen or interview than applicant hired” may be reasons.

5. The new hire must complete documents listed on the new hire checklist in order to be entered into the payroll system.

**Document Retention**

1. Recruitment and selection records must be maintained with the search files for three (3) years following the date of last action on the position (e.g., employee’s start date, or the date candidates were notified of the position being filled). These include all materials sent to and received from individuals who qualify as applicants as well as all job seekers.
who request to be considered for the position. These records are listed below, along with the assumed location where they are stored.
   a. Search firm contracts (Risk Management)
   b. Search firm records (HR)
   c. Affirmative Action outreach efforts (HR)
   d. Selection tests or other skills assessment activities (HR)
   e. Reference checks and notes (Department)
   f. Verification of degrees, licensure, other credentials (Department and HR)
   g. Background checks (HR)
   h. Resume (PeopleAdmin and HR)
   i. Cover letter (PeopleAdmin and HR)
   j. Profile (PeopleAdmin and HR)
   k. Reasons why one candidate was selected over another candidate (Department and PeopleAdmin)

2. The following recruitment and selection information and documentation must also be maintained by the department/unit that handled the recruitment process for a minimum of 3 years:
   a. any search plan for the position;
   b. copies of any external ads or position announcements (both print and electronic);
   c. a copy of the Equal Employment Opportunity (EEO) report used to review the applicant pool;
   d. a list of any affirmative action and outreach efforts such as job fairs and postings;
   e. documentation of any screening or other criteria used to narrow the applicant pool;
   f. a list of applicants phone screened for the position;
   g. a list of questions, notes, and results of the phone screens;
   h. a list of applicants interviewed in person;
   i. a list of interview questions, notes, and results of the interviews;
   j. a list of any tests administered to applicants and what these tests evaluated;
   k. reference check questions;
   l. the names of references contacted and their responses;
   m. copy of the offer letter sent to the new hire.

Audit

1. Any Recruitment and Selection process is subject to audit by the Human Resources Department.
3.1.18 Termination/Resignation Policy

Policy Applies To: Exempt and non-exempt employees.

Purpose
This policy serves as comprehensive guide for departments to manage terminations equitably and fairly.

Summary
This policy provides guidelines for termination of employment from Clarkson University and is intended to ensure that the University fulfills its responsibilities in relation to all terminations.

Definition of Terms

Voluntary Termination. Termination of the employment relationship resulting from the voluntary decision of the Staff Member to resign from the employment of the University, and includes but is not limited to resignation, inability or failure to return from an authorized leave of absence or job abandonment.

Involuntary Termination. Termination of the employment relationship between the University and a Staff Member resulting from the decision of the University.

Retirement: Resignation from the University for any reason at age 55 with 15 years of service, age 60 with 10 years of service or older. (See also OM Sections 3.2.1 & 3.3.5.)

Policy Statement
To ensure timely and accurate communication between the university and the employee who is terminating employment with the University. Individuals who leave employment with the University are expected to return University property, and satisfy outstanding financial or other obligations before the last work day. Separation from employment, whether voluntary or involuntary, must be handled in a responsible manner confidential and professional manner by all individuals involved. The University will pay employees for unused, accumulated vacation according to this policy.

Procedures
Departments will follow the below procedures for the type of termination:

- **Involuntary Termination**
  Departments must contact the Chief Inclusion and Human Resource Officer or the Director of Human Resources Operations before any disciplinary termination. Departments must contact the Director of Human Resources Operations before terminating any employee who is on disability leave or receiving workers' compensation benefits.
• **Voluntary Termination--Notice of Separation**
  Employees who leave the University are expected to provide written advance notice. Minimum requested notice is four weeks for exempt and two weeks for non-exempt individuals. The notice period is to be used to transition the work. Employees are expected to work their notice period.

• **Retirement**
  Employees who retire from the University are expected to give written advanced notice. Minimum requested notice is four weeks for exempt and two weeks for non-exempt individuals.

**Notice to Human Resources**
Departments will forward the resignation letter and submit a payroll authorization to Human Resources upon receiving notice from the employee. For exempt employees who terminate, the department will indicate on the payroll authorization the number of remaining vacation days the employee has left for that fiscal year.

Employees who are retiring will meet with Human Resources prior to their retirement date to review benefits they may be eligible for after retirement.

Human Resources will conduct an exit interview for all terminating employees. An exit interview will be held with a representative from Human Resource. Benefit and other relevant matters will be discussed with the employee. If the employee is not available for a face-to-face meeting, relevant information will be mailed to the employee.

**Status of Benefit Plans**

**COBRA**
- The Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) provides eligible employees and their qualified dependents the opportunity to continue coverage under the University's health and dental insurance plans when a "qualifying event" would normally result in loss of benefits. Some common qualifying events include termination of employment (except termination for gross misconduct), death of an employee, a reduction in an employee's hours, a leave of absence, an employee's divorce or legal separation, and a dependent child who no longer meets eligibility requirements.
- Employees, who are eligible for continuation of their health care coverage and other benefits, as stipulated in COBRA, will receive written information concerning this benefit from POMCO. Under COBRA, the employee and his or her dependent(s) will pay the full cost for coverage at the University's group rate plus an administration fee. The written materials provided by POMCO will clearly outline how long the employee and his or her dependent(s) will be eligible for the COBRA coverage.
Health Insurance Portability and Accountability Act
- The Health Insurance Portability and Accountability Act (HIPAA -1996) requires that a certificate of insurance be given to all terminated employees who have been provided health insurance through the University's group plans. This certificate provides evidence of coverage so that potentially, the terms of pre-existing conditions may be waived with a new health insurance provider.
- Continuous health insurance coverage with the University will count towards the time period required by the new insurance provider. POMCO will mail COBRA information to you within 30 days. If the certificate is not received within thirty (30) days, then please call the Human Resource at (315) 268-6497.

Life Insurance
- Life insurance ends on the employee's termination date and may be converted within 31 days after the employment termination date. Information is provided by Human Resources.

Long-Term Disability Insurance
- Group total disability income insurance (long-term disability) ends on the employee's termination date and cannot be converted.

Retirement
- Status of retirement funds should be reviewed with TIAACREF. Contact information is 800-732-8353.

Return of University Property and Satisfying Financial Obligations
Individuals who terminate employment must return all University property to the designated department and satisfy all financial obligations on or before the last work day. Examples include, but are not limited to:

- Identification cards, keys to buildings, and equipment
- Cellular telephones, and other communications equipment
- Policy manuals and other confidential material
- Books and other materials owned by the University, computers, software, documentation, supplies, and other computer-related materials
- Tools issued by the University
- Credit, telephone, and other cards
- Tuition grants, outstanding advances, library and parking fines

Supervisors and managers are responsible for ensuring that all University property is obtained from terminating employees and financial obligations are satisfied.
Access to Computerized Information Systems
Upon termination, Human Resources will notify the Service Center to discontinue an employee's password and/or access to all University information systems. This may include but is not limited to financial, employee, departmental local area networks and student information systems.

Payment of Leave
Employees will be paid for unused, accumulated vacation when terminating employment with the University. Vacation time cannot be used in lieu of giving proper advanced notice as stated in this policy or to continue or extend the period of time to receive employee benefits Special Personal day(s) that have not been taken prior to termination will not be paid. No payment will be made for time accrued as sick leave.

Employees who have been employed for less than six months will not be paid for any accrued vacation. Upon termination, employees who have been continuously employed by the University for six months or longer will be paid for unused vacation time. Any monies owed the University will be deducted from the employee's final paycheck per University policy.

Reference Checks
All inquiries, including written requests, regarding a current or former employee of the University must be referred to Human Resources at 268.6497.

Approved May 2014
Editorial Revision December 2016 (revised position title and phone number)
3.1.19  Flexible Work Schedule (flextime) and Working Remotely

**Policy Type:** University

**Contact Office:** Human Resources

**Oversight Executive:** Chief Inclusion and Human Resources Officer

**Applies To:** Exempt and Non-exempt Employees

**Table of Contents:**
1. Purpose
2. Summary
3. Policy Statement
4. Definitions
5. Procedure

**Policy Purpose:**

The University is committed to the promotion of a healthy work-life balance and service and operational motivation for its entire staff.

Flextime will allow participants to work in effective ways that will benefit the University as well as the employee. Moreover, a flexible work schedule can be initiated by either the manager or the employee and can be temporary (less than a month) or a longer duration (more than a month). If longer than a month, a written agreement (form) is required with a copy sent to the Director Human Resources Operations.

Remote working arrangements allows an employee to work at home, on the road, or in a satellite location for all or part of their regular workweek. Remote employment is a voluntary work alternative that may be appropriate for a number of employees and certain jobs. It is not an entitlement; it is not a University-wide benefit; and it is in no way changes the terms and conditions of employment with the University.

To be eligible to work remotely, employees must (1) have portable job duties, (2) have a work site and equipment suitable for working at home or a designated location and (3) to be able to work independently and productively. Employees who are eligible to work at home include, exempt employees and non-exempt professional staff.

**Policy Summary:**

The University endorses the concept and use of flexible scheduling of employee work hours (Flextime):
- To promote employee morale.
In establishing Flextime, both management and employees recognize that the use of Flextime cannot prevent or interfere with the accomplishment of the mission, goals, and tasks of the University and its various units, nor can Flextime cause a reduction in the levels of service presently being provided. Managers have the authority to make changes to an employee’s core business hours from 8:00 a.m. - 4:30 p.m. to flex hours that can occur within the hours of 7:00 a.m. - 7:00 p.m. It is also recognized that the success of Flextime depends entirely upon the cooperation and good faith efforts of all parties involved, and on a mutual understanding and acceptance of the benefits and limitations of Flextime. Management must be open to alternative and creative approaches to the scheduling and accomplishment of work, while employees must fulfill their commitments in a trustworthy and productive manner for Flextime to succeed.

University’s workweek is Sunday – Saturday and Flextime must occur within that work week.

Definition of Terms in Statement:

- **Alternate Work Schedules**: full-time work schedule that consists of 37.5/40 hours in one designated workweek, or 75/80 hours in two consecutive workweeks. On campus, alternate work schedules consist of flextime and compressed workweeks.

- **Core Work Hours**: core work hours are the hours when all employees must be at the worksite. Clarkson Core hours are 8:00 a.m. - 4:30 p.m. Core hours may vary depending upon the requirements of the position and operational needs of the department.

- **Flextime**: flextime is an arrangement that allows an employee to alter the start and end times of her/his work day around the normal schedule of 7:00 a.m. to 7:00 p.m. Flextime does not reduce the total number of hours worked in a given workweek and can occur between the hours of 7:00 a.m. - 7:00 p.m.

- **Department Head**: is defined as the highest ranking administrator in a department, center or college/school within the University (e.g. Vice President, Chief Officer, Dean, Cabinet level Director, or Department Chair).

- **Home Based Work**: performance of University work for agreed hours from the home base.
• **Home Based Worksite:** an agreed area in the staff member’s private dwelling.

• **Mobility:** the ability of staff members to access a selected range of online services from a variety of supported platforms and devices which are generally accessible from various locations using standard network technologies.

• **Non-exempt Professional Staff Member** is defined under the FLSA as a Professional Staff Member holding a position that is subject to the provisions of overtime.

• **Remote location:** location outside of the employees’ assigned office.

• **Staff Members:** a person employed by the University who has an ongoing or fixed term employment offer.

• **Standard Workweek:** The standard workweek is from midnight Sunday to midnight the following Saturday and is typically eight (7.5/8) hours per day on five (5) consecutive days from 8:00 a.m. to 4:30 p.m. with one (1) hour for a meal period.

• **Remote Work Arrangement Agreement:** an approved arrangement for a staff member to carry out defined duties from their home-based worksite during the agreed working from home hours on an ongoing basis or for a specified period of time, the terms of which are set out in a “Working from designated location agreement entered into between the staff member and the University.

• **Work Schedule Agreements:** arrangement agreed to by the employee and their manager/supervisor to work within the core business hours.

• **Comp-time:** carrying any hours worked over 40 hours in a work week over to another work week. This is not allowed by the University.

**Policy Statement:**

*Flextime is an alternative to having a single, fixed schedule of working hours for an entire department. Flexible working schedules can help a staff member meet personal needs by allowing them to choose arrival and departure times during the course of completing the full work day while continuing to meet the operational needs of the office. Granting staff member’s request for work schedule is through the sole discretion of the manager/supervisor and approval from the department head.*

Remote Work Arrangement can be initiated by the employee or the supervisor/manager on behalf of Clarkson.

*Flextime/Remote work schedules cannot interfere with daily business operations. For nonexempt professional staff, the employee will document all time worked and if eligible for overtime, must receive supervisor authorization before working overtime.*
The use of Flextime is approved for up to 4 hours per week around the normal schedule of 7:00am – 7:00pm.

Guidelines

The following guidelines apply:

Supervisors must keep the following in mind prior to approving an employee working from home:

- The nature of the job requires the employee's physical presence (e.g. working from home may not be appropriate where the employee must supervise the work of other employees), or efficiency is compromised when the employee is not present.
- The employee's performance evaluations do not indicate sustained high performance - Right on Track or higher.
- The employee's observed productivity levels are problematic.
- The employee requires close supervision as indicated, for example, by the employee's consistent need for guidance on technical matters.
- The employee's current assignment requires frequent supervision, direction or input from others who are on-site.
- The employee has received disciplinary action or has a demonstrated attendance problem.

The request can be initiated by either the manager or the employee.

Procedures:

Determining if Flextime Schedules are Appropriate

A flextime schedule should not negatively affect the workload or productivity of coworkers either by shifting burdens or creating delays and additional steps in the workflow. The supervisor/department head should ensure that other employees in the same unit/department understand how and why flextime schedules function.

In the event that more employees request flextime schedule arrangements than a unit/department can reasonably manage, the supervisor/department head shall respond to requests that are consistent with these guidelines in ways that are equitable to all employees and the University while looking at seniority. Among other measures that might be adopted are rotating work schedules between employees, staggering schedules and establishing core work hours.

Please note- flex time/hours cannot carry over from one pay work week to the next. The University cannot offer “Comp time” to its employees. Comp-time is defined as carrying any hours worked over 40 hours in a workweek over into another workweek.
Managing Flextime Schedules

1. The employee or the manager/supervisor could initiate a request for a flextime schedule by submitting a proposal to their supervisor/department head.

2. If the employee and supervisor/department head agree to a flextime schedule arrangement, the employee and supervisor shall:
   a. determine the specifics of the flextime schedule
   b. complete a written plan

2. Agreements shall be time-specific with a date set for review and reconsideration;

3. The employee shall work the hours agreed upon and obtain approval from the supervisor/department head in advance of working alternate hours or overtime;

4. The supervisor/department head shall maintain open communication, ensure that the employee’s hours of work do not fall below the normal workweek hours and discuss with the employee any concerns as they arise;

5. Modifications and/or renewals shall be documented appropriately and an update provided to HR;

6. Flextime schedule arrangements shall be initiated on a trial basis and may be discontinued at any time at the request of either the employee or supervisor/department head. The unit/department reserves the right to immediately suspend the arrangement in the event of unanticipated circumstances regarding employee performance or operational needs.

Example — Flextime Schedules - Depending on your schedule either 37.5 hours per week or 40 hours per week. Examples below are based on 40 hours per week.
- Individualized start and end times that remain constant each work day (e.g., 7:00 a.m. to 4:00 p.m., or 9:00 a.m. to 6:00 p.m. with 1 hour lunch Monday through Friday);
- Individualized start and end times that vary daily with the same number of hours worked each day (e.g., 7:00 a.m. to 4:00 p.m. on Monday, Wednesday and Friday and 8:30 a.m. to 5:30 p.m. on Tuesday and Thursday with 1 hour lunch daily);
- Individualized start and end times with varied hours by day, but consistency in the total number of hours worked weekly (e.g., 7:30 a.m. to 5:30 p.m. on Monday, Tuesday and Thursday and 9:00 a.m. to 4:30 p.m. on Wednesday and Friday with 1 hour lunch daily);
- Extended lunch period offset by additional time at the start and/or end of the work day (e.g., 7:30 a.m. to 5:30 p.m. with 2 hour lunch);
- Compressed lunch period [not less than legally-mandated 30 minutes after 6 hours of work] offset by reduced time at the start and/or end of the work day, (e.g., 8:30 a.m. to 5:00 p.m. with ½ hour lunch Monday through Friday.
Remote Working Arrangements:

- The Human Resources Office is responsible for the administration, implementation, and interpretation of the policy.

- Human Resources and Payroll will audit and maintain records of Work Agreement, to ensure compliance with all University and the Human Resources (HR) policies, as well as state and federal laws. HR and Payroll will provide training and guidance on the application of the Remote Work Policy and Procedures, as well as maintaining all forms and documentation on the HR and Payroll website.

- Heads of Departments, Offices, and Activities are responsible for assuring approved remote work arrangement are within the scope of this policy and establishing the following terms and conditions, where applicable:
  
  o Work performed offsite is considered official business; therefore, all work objectives and tasks will be clearly defined. The supervisor will monitor deadlines and work produced and will measure and evaluate offsite work performance.
  
  o Annual performance evaluations of employees who engage in flexible time must indicate performance at a level of at least solid achiever or above.
  
  o Remote work duties will be arranged as neither to alter the essential job responsibilities nor to comprise the level of service provided to the customer, either by the employee or the department.
  
  o Remote workers must adhere to all University and the Human Resources policies, rules, practices, and instructions as well as State and Federal laws.
  
  o The approval of a position for remote work does not indicate that any employee who later may fill the same position would be authorized to work remotely.
  
  o Employees working from home during a University closing are expected to continue working unless it is not possible due to power outage or other conditions that prevent them from working. Employees working remotely from home during an authorized closing do not receive compensatory time.
  
  o Employees’ classification, compensation, benefits, and conditions of employment will not change upon their acceptance of any remote work agreement.
  
  o Subject to supervisor/manager and department head approval, remote work may be used as an opportunity for partial or full return to work, if appropriate, in cases of short – disability, workman’s compensation, family

Ops Manual – release date 7/17
and medical leave and illness. Remote work is not intended to be used in place for leave taken for these reasons.

- Supervisors/managers will ensure that employees who are working from an alternate work site do not take restricted access materials from the office without consent of their supervisor/managers.

- Employee Responsibilities
  
  - Employees working offsite must comply with all State and Federal laws, University policies, practices and guidelines. They must notify their supervisor/manager immediately of any situation that interferes with their ability to perform their jobs.
  
  - Employees working offsite are responsible for the security and confidentiality of any information, documents, records, or equipment in their possession. When the offsite work involves remote access of the University’s computer network, remote users must abide by the University’s security standards relating to remote access.
  
  - Supervisors may require employees to report to a campus location as needed for work-related meetings or other events or may meet with employee in an alternate work site as needed to discuss work progress or other work related issues.
  
  - Prior supervisory approval for overtime or flextime is required for all non-exempt professional positions.

- Supervisor and Employee Responsibility
  
  - The remote work arrangement policy does not provide for every contingency that may arise. Supervisors/managers and employees entering into a working remotely agreement based on this policy should endeavor to work together to resolve any unforeseen situation that may arise. Employees and supervisor/managers may start, modify or end the agreement at any time unless such agreement was a condition of employment.

- Compliance
  
  - All employees and departments utilizing working remotely will complete a remote working agreement. The agreement must be agreed to by employee, their supervisor/manager, and the department head and then reviewed by HR. The agreement must be completed and submitted to HR for review before beginning the remote arrangement.
  
  - Agreements will be reviewed after three months to establish if the needs of the department and customer service requirements are being met.
3.1.19(8)

- Agreements may be terminated at any time by either party unless condition of employment.

- Offices and departments are to be open during regular business hours (normally 8:00 am to 4:30 pm, Monday through Friday, but may be adjusted depending upon the department).

- Remote work employees will not act as primary caregivers for dependents during the agreed upon work hours. Dependent care arrangements should be made to permit concentration on work assignments.

- Costs
  - A remote working arrangement or flextime must be cost neutral to the University.

Approved November 2016
3.2 HUMAN RESOURCES POLICY - FACULTY

3.2.1 Retirement Benefits

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

1. The normal retirement date is the employee's 65th birthday.

2. The retirement date for an employee who remains in active service beyond the normal retirement date shall be at the employee's option subject to the terms of any existing contracts.

3. An employee who elects to retire as early as their 60th birthday may remain with the Clarkson Group Comprehensive Medical/Dental plan if hired prior to 1990.

4. Employees hired after January 1, 1990, must also have completed ten years of continuous service immediately prior to retirement to remain in the Clarkson Group Comprehensive Medical/Dental Plan. Employees reaching their 55th birthday who have completed fifteen years of continuous permanent service immediately prior to their retirement may retire and remain in the Clarkson Group Comprehensive Medical/Dental Plan.

For employees hired on or after July 1, 2006, who retire on or after their 65th birthday, all coverage will terminate on their retirement date. Coverage under COBRA will be offered. Survivor dependents of eligible employees hired on or after July 1, 2006 will remain eligible for coverage up to but not including their 65th birthday.
3.3 HUMAN RESOURCES POLICIES - ADMINISTRATIVE, SUPERVISORY, AND GENERAL STAFF

3.3.1 Job Posting

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

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

July 1987
Revised July 1989
Revised April 2008
3.3.2 Position Classification Procedures - Administrative, Supervisory, and General Staff

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

Procedures include:

1. Classify job descriptions of all newly authorized positions and assign a salary grade level and title to each new position;

2. Evaluate jobs by objective criteria based on the duties and responsibilities assigned to the positions, and not on the incumbent's personal qualifications or ability.
3.3.3 Disciplinary Procedure - Administrative, Supervisory, and General Staff

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

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

I. Pre-disciplinary Corrective Procedures. Supervisors should always take the time to help employees improve their performance by: providing the employee with feedback, providing on-the-job training, permitting employees to attend relevant workshops, or simply providing closer supervision than normal.

A. Informal Counseling Session. When a supervisor identifies an apparent performance problem with respect to an employee's behavior, the supervisor must conduct an informal counseling session. Although the supervisor may note on his or her calendar that such a meeting took place, no record is to be made in the employee's personnel file.

B. Counseling Memorandum. If the problem persists, the supervisor shall conduct an additional counseling session following which the supervisor will write a counseling memorandum to the employee. The memorandum will be placed in the individual's personnel file.

II. Disciplinary Penalties. When steps IA and IB do not correct the problem, supervisors will impose the following penalties.

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

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

This section was superseded by OM Section 3.1.18, effective July 1, 2014.
3.3.5 Retirement Benefits

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

1. The normal retirement date is the employee's 65th birthday.

2. The retirement date for an employee who remains in active service beyond the normal retirement date shall be at the employee's option subject to the terms of any existing contract or letter of appointment.

3. Employees who elect to retire as early as their 60th birthday may remain in the Clarkson Group Comprehensive Medical/Dental plan. Employees hired after January 1, 1990, must also have completed ten years of continuous service immediately prior to retirement to remain on the Clarkson Group Comprehensive Medical/Dental plan. Employees reaching their 55th birthday who have completed fifteen years of continuous permanent service immediately prior to their retirement may retire and remain in the Clarkson Group Comprehensive Medical/Dental Plan.

For employees hired on or after July 1, 2006 who retire on or after their 65th birthday all coverage will terminate on their retirement date. Coverage under COBRA will be offered. Survivor dependents of eligible employees hired on or after July 1, 2006 will remain eligible for coverage up to but not including their 65th birthday.
3.4 HUMAN RESOURCES POLICIES - EMPLOYMENT AND WORKING CONDITIONS -
GENERAL STAFF

3.4.1 The Four Types of Appointments

1. **Active Full-Time Employees.** These employees are appointed on a full-time, twelve-month service basis, engaged at a definite hourly rate, paid biweekly for the normal work week hours of thirty-seven and a half (secretarial, clerical and service), or forty (maintenance, campus safety, and service). Employees in this category are eligible for all fringe benefits.

2. **Active Part-Time Employees.** These employees are appointed on a part-time, twelve-month service basis, engaged at a definite hourly rate, paid biweekly. Part-time employees shall be hired on the basis of half-time (average of seventeen and a half to twenty hours per week), or three-quarter time (average of twenty-eight to thirty hours per week). Employees in this category are eligible for all fringe benefits except group long-term total-disability coverage. The following fringe benefits will be prorated based on half time or three-quarter-time status: vacations and sick leave.

3. **Seasonal Employees.** These employees are normally appointed for periods of ten months or less, either on a full-time or part-time basis, and are engaged at a definite hourly rate paid biweekly. Full-time seasonal employees are eligible for all fringe benefits. Part-time seasonal employees are eligible for all fringe benefits except group long-term total-disability coverage. All part-time seasonal employees shall be hired on the basis of one-half time or three-quarter time. The following fringe benefits will be prorated for all seasonal employees based on the one-half time or three-quarter time status: vacations and sick leave.

4. **Temporary Employees.** Any employee hired on the basis of working less than seventeen and a half hours per week is classified as temporary. Additionally, an employee hired to work for a specified time period of less than one academic year is also classified as a temporary employee. All temporary employees are eligible for statutory benefits as defined by state and federal law. Temporary employees who work on the average of at least seventeen and a half hours per week and are initially hired for a minimum of three months will be eligible for medical and dental benefits and group life insurance. No other fringe benefits shall apply to temporary employees.

July 1987
Editorial Revision January 2004

Ops Manual – release date 7/17
3.4.2 Employment - Appointment of General Staff Personnel

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

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

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

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

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

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

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

The accepted new employee must be referred to the Human Resources Office by the department head to complete forms for the University fringe benefit plans.

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

July 1987
Revised July 1989
Editorial Revision September 2001
Editorial Revision January 2004; Editorial Revision December 2016.
3.4.3 Probationary Period - General Staff (Non-Bargaining)

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

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

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

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

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

I. Secretarial and Clerical

A. The normal workweek for secretarial and clerical employees is thirty-seven and a half hours per week.

B. The normal workday is seven and a half hours, from 8:00 a.m. to 4:30 p.m. with one hour off daily for lunch.

C. Summer hours, which typically go into place the day after Commencement, run from 8:00 a.m. to 4:00 p.m. with one hour off daily for lunch. Morning and afternoon breaks are eliminated.

II. Technicians and Campus Safety Employees

A. The normal workweek for technicians and campus safety employees is forty hours per week.

B. The normal workday is eight hours not including lunch period.

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

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

Policy Purpose
This policy clarifies the time allotments and requirements for scheduling breaks for non-exempt employees under the Fair Labor and Standards Act.

Policy Summary
Break periods are intended to give an employee a chance to renew attention and energy after working for an extensive period so that he or she can remain productive and efficient in performing assigned tasks.

Policy Statement
Breaks are considered time worked. Most jobs do not require or lend themselves to scheduled breaks, since employees are allowed to take a break when the need arises as work permits. Breaks may be scheduled, if necessary, due to the nature of a particular job which does not permit the opportunity for employee discretion or flexibility. Break time, whether scheduled or flexible, should not exceed 15 minutes. Employees should take one fifteen-minute break in the morning and one fifteen-minute break in the afternoon. Breaks cannot be accumulated or saved. The intended purpose of a break would not be fulfilled if they were not taken at the appropriate intervals; therefore, breaks may not be used to compensate for absences such as arriving late or leaving work early, or to extend meal periods.

Occasionally, due to operating requirements, supervisors may need to temporarily modify break and meal periods.

Procedures
Non-exempt employees may not skip rest periods in order to shorten the work day, or to earn extra paid leave. Rest periods may not be saved for later use, accumulated, or used to compute additional pay.

Generally, rest periods should be taken, but they may be omitted occasionally if required by the work load. Extra compensation is not provided if rest periods are missed.

Scheduling
Department heads will schedule rest periods to avoid disrupting normal operations.

Rest period practices may be set by individual departments, within the framework of this policy, and must be communicated to affected employees.

Members of the Collecting Bargaining Unit please refer to section 18.3 of your agreement on break procedure.

July 1987
Revised May 2014
3.4.6 Promotions and Transfers - General Staff

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

1. **Promotion.** A promotion is normally a reward for proven industry and capability. This practice of internal promotions is intended to provide motivation and incentive to employees. A promotion will be accompanied by a salary increase commensurate with the University pay scale.

2. **Transfer.** A transfer is a change from one department to another, to a position of the same level/salary grade or to a position of a lower salary level/grade.

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

July 1987
Revised April 2008