



**UNIVERSITY *of*
DUBUQUE**

EMPLOYEE HANDBOOK

August 2014

UNIVERSITY of DUBUQUE

Acknowledgement of Receipt of Employee Handbook

I _____ (name), acknowledge a current copy of University of Dubuque Employee Handbook is available on the University Intranet or by contacting the Human Resources Department. I understand I am responsible for reading, being familiar with its contents, and keeping myself updated.

I further acknowledge and understand that:

- My employment with University is **AT-WILL**;
- Neither this Handbook nor any of the contents or employment practices set forth herein creates a contract of employment between the University and I, and is not intended to create and should not be construed as creating an express or implied contract of employment;
- Only a signed writing executed by the President of the University may be binding on the University and effective in creating an employment obligation other than employment AT-WILL;
- This Handbook does not guarantee employment for any definite period of time;
- As an **AT-WILL** employee I may be terminated from employment and may terminate my own employment with or without cause and with or without notice; and
- University retains the right to modify, interpret or cancel in whole or in part any of the published or unpublished policies of the University, including those contained within the Handbook, without providing me with notice or additional consideration.

I have been given the opportunity to ask questions regarding the contents of this Handbook and will direct any questions regarding the Handbook to the head of my department or the Director of Human Resources.

Signature: _____

Printed Name: _____

Date: _____

Disclaimer

NEITHER THIS HANDBOOK NOR ANY OF THE CONTENTS OR EMPLOYMENT PRACTICES SET FORTH HEREIN CREATES A CONTRACT OF EMPLOYMENT BETWEEN THE UNIVERSITY AND ANY EMPLOYEE, AND IS NOT INTENDED TO CREATE AND SHOULD NOT BE CONSTRUED AS CREATING AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. UNLESS OTHERWISE EXPRESSLY SET FORTH IN A WRITING SIGNED BY AN ASSENTING INDIVIDUAL AND THE PRESIDENT OF THE UNIVERSITY, ALL EMPLOYEES OF THE UNIVERSITY ARE "AT-WILL" EMPLOYEES AND EMPLOYMENT MAY BE TERMINATED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE BY EITHER UNIVERSITY OR EMPLOYEE. UNIVERSITY RETAINS THE RIGHT TO UNILATTERALLY MODIFY, INTERPRET OR CANCEL IN WHOLE OR IN PART ANY OF THE PUBLISHED OR UNPUBLISHED POLICIES OF THE UNIVERSITY WITHOUT NOTICE OR CONSIDERATION TO EMPLOYEE, INCLUDING THE POLICIES SET FORTH IN THIS HANDBOOK. THIS HANDBOOK APPLIES TO ALL EMPLOYEES OF THE UNIVERSITY, INCLUDING FACULTY, STAFF, ADMINISTRATION AND EXECUTIVE MANAGEMENT, EXCEPT TO THE EXTENT OF A DIRECT CONFLICT BETWEEN THE TERMS AND PROVISIONS OF THIS HANDBOOK AND THE UNIVERSITY OF DUBUQUE FACULTY HANDBOOK, IN WHICH CASE SUCH TERMS OF THE FACULTY HANDBOOK SHALL APPLY TO UNIVERSITY OF DUBUQUE FACULTY. THIS HANDBOOK SUPERSEDES ANY PREVIOUS HANDBOOK, WRITTEN OR UNWRITTEN POLICIES OF THE UNIVERSITY WITH REGARD TO THE SUBJECT MATTER EXPRESSED HEREIN, WITH THE EXCEPTION OF CONFLICTING POLICIES SET FORTH IN THE FACULTY HANDBOOK OR ANY COLLECTIVE BARGAINING AGREEMENT OR UNION CONTRACT.

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SECTION I - INTRODUCTION

1.1 Welcome to the University of Dubuque

As an employee of The University of Dubuque (“University”), you play an important role in the growth and success of the University. This University of Dubuque Employee Handbook (“Handbook”) is designed to provide general information regarding the University, as well as the University’s policies, procedures, guidelines, and expectations relating to employee conduct and interaction between the University and its employees as influenced by law, common practice or University preference. From time to time, you may receive updated information concerning changes in policy. If you have questions regarding any policies or procedures, please contact your department manager or the Director of Human Resources for assistance.

We sincerely hope your employment relationship with University of Dubuque will be a mutually rewarding experience, and look forward to the contributions you will make to the University life.

1.2 Mission and Values

The University of Dubuque is a small, private university affiliated with the Presbyterian Church (U.S.A.) offering undergraduate, graduate, and theological seminary programs. The University is comprised of individuals from the region, the nation, and the world.

As a community, the University practices its Christian faith by educating students and pursuing excellence in scholarship. Therefore, the University of Dubuque is committed to:

- The Presbyterian tradition;
- Excellence in academic inquiry and professional preparation;
- Relationships which encourage intellectual, spiritual, and moral development;
- Community where diversity is appreciated and Christian love is practiced;
- Stewardship of all God’s human and natural resources;
- Zeal for life-long learning and service.

1.3 AT-WILL Employment

Subject to the following sentence, all employment with University of Dubuque is of an “AT-WILL” nature and may be terminated by the employee or the University at any time for any cause or no cause, with or without advance notice or warning. The AT-WILL nature of any University employee’s employment can only be modified by written agreement signed by the University President and the subject employee.

This policy negates any prior statements, agreements, practices, policies, and oral or written representation that University of Dubuque would employ any employee other than on an AT-WILL basis. None of the policies in this Handbook, or otherwise, are to be construed as a contractual obligation of the University to employ an employee for a specific term or to terminate an employee only for cause.

1.4 Equal Employment Opportunity

The University of Dubuque is an Equal Opportunity Employer committed to high standards of business conduct and civic responsibility. This includes a policy of offering fair and equal opportunities to every employee or applicant for employment regardless of race, creed, color, national origin, pregnancy, childbirth, sex, disability, religion, gender and/or gender identity, age, genetic information, sexual

orientation, AIDS/HIV, veteran or military status, or on any other legally protected class, in accordance with applicable law. It is our intention to provide a work environment free of discrimination, intimidation or harassment based on any of these or other factors.

It is the responsibility of everyone employed at the University to pursue this commitment with full support through leadership and personal example. In addition, it is the duty of every employee to help create a work environment that is conducive to effective equal employment opportunity.

All employees should thoroughly review the University Non-Discrimination, Anti-Harassment and Retaliation policy set forth in Section III, subsection 3.1 of this Handbook for further clarification.

SECTION II – HOURS OF WORK, PAYMENT & ATTENDANCE

2.1 Exempt and Non-Exempt Employees

Under the Fair Labor Standards Act (FLSA) employees may be hired into either exempt or non-exempt positions. Positions are classified as either “exempt” or “non-exempt” with respect to eligibility for overtime pay. A general summary of the FLSA requirements and standards for exempt and non-exempt are provided below.

2.1.1 Exempt Employees. An exempt employee is one who holds a salaried position that meets specific criteria established by the Fair Labor Standards Act (FLSA). . Exempt employees are *not* eligible for overtime pay. In order to qualify for an exempt position, must satisfy the respective tests regarding the content of the employee’s job duties. The University determines as to whether a paid position with the University meets the requirements for exemption under the FLSA for purposes of determining an employee’s qualification for overtime.

2.1.2 Non-Exempt Employee. A non-exempt employee is one who does not fall into one of the exempt categories. Non-exempt employees are eligible for overtime compensation.

2.2 Work Schedules – Hours of Work

2.2.1 Hours of Work (Exempt). Employees classified as exempt are expected to devote no less than those scheduled hours identified in such employees At-Will contract of employment, appointment letter, or other document(s) containing the exempt employee’s terms of employment that are particular to his or her position with the University. Without limiting the preceding sentence, the University expects that all exempt employees will generally devote sufficient time and effort to performing the duties and responsibilities of their respective positions to meet the needs and expectations of their supervisors and departments, reasonably support their colleagues, and effectively promote the mission, vision and values of the University to its community of learners and constituencies.

2.2.2 Hours of Work (Non-Exempt). Each non-exempt employee’s scheduled work hours will be determined by his or her supervisor. The supervisor, or supervisor’s designee, will inform employees of their daily schedule of hours of work, including any changes that are considered necessary or desirable by University, including but not limited to scheduling adjustments during a workweek to avoid overtime.

2.3 Overtime

Non-exempt employees are eligible to receive overtime pay at one and one half (1 ½) times their regular hourly pay rate for hours worked over forty (40) hours Sunday through Saturday. All over time must be pre-approved by the head of the employee's department. If employees work on a holiday they will receive overtime for hours worked plus regular holiday pay if they are entitled to it.

Any and all approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, jury duty leave, funeral/bereavement leave, and paid leave related to FMLA or military leave are paid at the employee's regular rate of pay, but are not counted as time worked for the purposes of computing overtime. Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if an employee's supervisor requires and authorizes attendance.

2.4 Time Records

To ensure proper pay and to comply with government requirements, the time system in place to record hours worked must be utilized for hourly employees. To ensure accuracy and consistency in recording time worked, the following procedure must be adhered to:

- An employee must use only the time card issued to them.
- Record/Clock in no earlier than 7 minutes prior to start of shift.
- Record/Clock out no later than 7 minutes after end of shift.

Falsifying a time record, punching another employee's time card or seeking to have another employee punch a time card is not authorized and a violation of the University's general work rules and may be subject to disciplinary action.

It is the employee's responsibility to notify their supervisor or the Director of Human Resources of any problems with their time card or if it is lost and needs to be replaced.

2.5 Pay Period and Deductions

2.5.1 Pay Period. Salaried employees will be paid monthly on the last business day of each month. Hourly employees will be paid on a bi-weekly basis on the Friday following the preceding two (2) week pay period which ends on Saturday. If a payday falls on a Holiday the payday will automatically rescheduled for the day before the holiday.

2.5.2 Deductions. The University will deduct from each employee's pay all legally required deductions (e.g. Federal and State income tax, social security, medicare, unemployment, garnishments, etc.) and all employment related costs (e.g. employee 403b retirement plan contributions) authorized by the employee in writing. In the event that an employee's wages are to be garnished for child support or other reasons pursuant to an appropriate legal instrument or lawful court order the employee will be notified in advance of such deduction by the Director of Human Resources.

2.6 Direct Deposit

All new employees are required to have direct deposit. Paychecks can be viewed and accessed online by going to MY.dbq.edu. Employees can log in using their University network login.

2.7 Lunch/Break Periods

Regularly scheduled breaks and lunch times are provided and will be communicated to employees by their supervisor. For non-exempt Two (2) paid fifteen (15) minute paid breaks are permitted throughout an eight (8) hour workday. Work hours more than 5 but less than 8 receive (1) fifteen min break. Employees are not allowed to leave University property during paid break periods. Employees receive an automatic half-hour unpaid lunch break per day whether the employee chooses to take the lunch break or not. During unpaid lunch periods, hourly employees are required to clock in and out unless otherwise notified.

2.8 Attendance

Punctual and actual attendance is a requirement for initial and continued employment. All employees are expected to be at work on time as scheduled. Occasionally, circumstances beyond an individual's control may cause an employee to miss scheduled work. It is the responsibility of the employee to provide timely notification of absences in accordance with this policy.

2.8.1 Excused and Unexcused Absences.

2.8.1.1 Absence Defined: Absence is the failure of an employee to report for work when the employee is scheduled to work.

2.8.1.2 Excused Absence Procedure: Excused absence occurs when all four of the following conditions are met: i) the employee provides sufficient notice (see below) and justification to his or her supervisor, ii) the justification provided by the employee is found to be credible and acceptable by the employee's supervisor, iii) the absence request is approved by the employee's supervisor, and iv) the employee has sufficient accrued paid vacation or sick leave, as applicable, to accommodate the absence. An employee's supervisor must approve any exceptions to the above conditions. (e.g. emergency or other extenuating circumstances). Employees must take accrued paid vacation or sick leave for every absence unless otherwise allowed by company policy (e.g. Bereavement Leave, Jury Duty, Holiday, etc.).

No supervisor may approve an employee's absence to accommodate any activity resembling vacation or personal time if the employee has insufficient accrued vacation, except as specifically permitted in Section 6.10.6. Under no circumstances may a supervisor allow an employee to use accrued sick leave to excuse absence from work due to activity that resembles vacation, personal or other leave of absence from work other than absence due to illness, except as specifically permitted in Section 6.10.6. Any supervisor that believes an employee has abused the excused absence or leave policies by claiming illness to secure an excused absence, or any other abuse of such policies, may demand proof of such claim (e.g. doctor's note, etc.).

2.8.1.3 Unexcused Absences: Unexcused Absence occurs when one of the four conditions in 2.8.1.2 is not met. If it is necessary for an employee to be absent or late for work

because of illness or an emergency, the employee must notify their supervisor no later than 30 minutes after the employee's scheduled starting time on that same day. If the employee is unable to call, they must have someone else make the call for them.

2.8.2 Sufficient Notice. To be considered an excused absence under 2.8.1.2, sufficient notice must be given to the supervisor. Sufficient notice is:

- For a scheduled absence off, employees must give a notice of no less than one (1) calendar week (7 days).
- For a scheduled absence of a partial shift/work day, employees must give a notice of no less than (2) working days.

An employee's supervisor must approve any exceptions (e.g. emergency or other extenuating circumstances) to this provision or any conflicts in scheduling.

SECTION III – EMPLOYEE WORKS RULES & CONDUCT

3.1 Non-Discrimination, Anti-Harassment and Retaliation Policy

3.1.2. Statement of Policy

The University of Dubuque is committed to maintaining a work environment in which people are treated with dignity, decency and respect. This commitment is central to the University's mission and purpose. Accordingly, the University has developed this Non-Discrimination, Anti-Harassment and Retaliation Policy for enforcement at all levels in order to create an environment free from discrimination, harassment, retaliation and/or sexual assault.

Discrimination or harassment based on race, creed, color, national origin, pregnancy, childbirth, sex, disability, religion, gender and/or gender identity, age, genetic information, sexual orientation, AIDS/HIV, veteran or military status, or on any other legally prohibited basis is unlawful and undermines the character and purpose of the University. Such discrimination or harassment will not be tolerated and through enforcement of this policy and by education of employees, the company will seek to prevent, correct and discipline behavior that violates this policy.

All employees of the University, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur, even in those circumstances where the alleged wrongdoer is not a University employee. Any form of retaliation against a person that has complained of or formally reported discrimination, harassment, or sexual assault, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law.

3.1.3 Prohibited Conduct Under This Policy

3.1.3.1 Discrimination:

- a) It is a violation of this policy to discriminate in the provision of employment opportunities, terms, conditions, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, creed, color, national origin, pregnancy, childbirth, sex, disability, religion, gender and/or gender identity, age, genetic information, sexual orientation, AIDS/HIV, veteran or military status.
- b) Discrimination of this kind also may be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these antidiscrimination laws.
- c) Discrimination in violation of this policy will be subject to severe sanctions up to and including termination.

3.1.3.2 Harassment: Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the University will take appropriate action swiftly to address any violations of this policy. The definition of harassment is verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting that, in the employee's opinion, impairs his or her ability to perform his or her job.

Examples of harassment include, but are not limited to, the following:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, intimate or sexual advances, jokes, epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials; and
- Unwillingness to train, evaluate, assist, or work with an employee.

3.1.3.3 Sexual Harassment: Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of

the Civil Rights Act of 1964. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- a) Is made explicitly or implicitly a term or condition of employment.
- b) Is used as a basis for an employment decision.
- c) Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, which lowers morale and therefore interferes with work effectiveness. Persons experiencing unwelcome or personally offensive conduct are strenuously encouraged to contemporaneously object to such conduct as the most effective way to notify the wrongdoer and any observers.

Examples of conduct that may constitute sexual harassment are:

- **Verbal:** Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, repeated unwelcome requests for dates.
- **Nonverbal:** The distribution, display or discussion of any written or graphic material, including calendars, posters, or cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, videos, text messages, Internet postings, etc., that is sexual in nature.
- **Physical:** Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

3.1.3.4 Consensual Relationships: Consensual relationships involving sexual behavior that is welcome and voluntary do not constitute sexual harassment under the law. However, consensual sexual or romantic relationships in situations where one individual has greater power or authority over another, frequently result in claims of harassment if and when the relationship ends, and perceptions of favoritism while the relationship continues will typically result. Such relationships are inappropriate and must be reported to the Director of Human Resources immediately. Once the relationship is made known to the Director of Human Resources, the Director of Human Resources will review the situation with relevant University personnel in light of all the facts (reporting relationship between the employees, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both employees need to be moved to another job or department. If it is determined that one employee must be moved, and there are jobs in other departments available for both and for which they qualify, the

employees may decide who will be the one to apply for a new position. If the employees cannot amicably come to a decision, or an employee is not chosen for the position to which he or she applied, the employees will contact the Director of Human Resources who will decide which employee should be moved. That decision will be based on which move will be least disruptive to the organization as a whole in the good faith discretionary judgment of the Director of Human Resources. If it is determined that one or both employees must be moved, but no other jobs are available for or acceptable to either employee, the employees will be given the option of terminating their relationship or resigning, a failure to do either of which may result in the employees' termination.

3.1.3.5 Retaliation:

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a) Filing or responding to a bona fide complaint of discrimination or harassment.
- b) Appearing as a witness in the investigation of a complaint.
- c) Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

3.1.4 Reporting Alleged Discrimination, Harassment, Or Retaliation (“Wrongful Conduct”) Any employee who believes that he or she has been a victim of Wrongful Conduct prohibited by this policy, or any employee who has witnessed such Wrongful Conduct, should immediately:

3.1.4.1 Inform: Clearly inform the alleged wrongdoer that his/her behavior is offensive, unwelcomed and/or otherwise discriminatory and to stop such behavior immediately. If the employee believes that he or she cannot talk to the alleged wrongdoer, the employee should inform the Director of Human Resources or any member of management.

3.1.4.2 Filing of a Complaint: File a written complaint of all Wrongful Conduct immediately to the Director of Human Resources, unless the employee believes it is inappropriate under the circumstances to submit a written complaint to the Director of Human Resources or the Director of Human Resources is unavailable, in which case the employee may submit the written complaint to the VP of Finance with an explanation for submitting the written complaint through such alternative means. No formal action will be taken by the University until a written complaint is filed. The written complaint must include any of the following elements that apply to the circumstances surrounding the Wrongful Conduct:

- Name of filer
- Name of victim (if different from filer)
- Name of wrongdoer(s)

- Identification of the specific type of Wrongful Conduct at issue (e.g. “retaliation for filing a written complaint of sexual harassment,” “denial of employment benefits based on race discrimination,” etc.)
- Date(s) or range of dates on which the Wrongful Conduct occurred and whether it is continuing
- The location(s) of the Wrongful Conduct
- A narrative description of the Wrongful Conduct with a reasonable chronology of events if applicable
- A list of other witnesses and contact information (if available)
- A list and copies of relevant documents (if available)
- Any other information that the employee believes would be helpful in understanding the Wrongful Conduct or would be assistive in an investigation

The filer must sign and date the written complaint. Complaints should be submitted as soon as possible after the Wrongful Conduct occurs or there is a much greater chance that the Wrongful Conduct will continue.

3.1.5 Investigation All Wrongful Conduct will be quickly and discreetly investigated by the Director of Human Resources or his or her designee. The investigation will include interviews of, and/or requests for written responses to questions directed to, the alleged victim(s) and wrongdoer(s), as well as any witnesses that assent to such participation. The investigator will also request copies of documents, communications and other evidence identified during the course of the investigation. The investigator will create and the Director of Human Resources will maintain an investigatory file on all such matters in the Office of Human Resources and separate from employee personnel files. The investigatory file will consist of the initial written complaint, the final investigative report and any recommendations, a record of the remedial or disciplinary action taken (or to be taken), if any, and any documents created or used during, or otherwise relevant to, the investigation.

To the extent reasonably possible confidentiality will be maintained by the University relating to any reported victims, witnesses and wrongdoers, and will be only be disclosed as necessary to perform a comprehensive and complete investigation, identify and implement appropriate remedial or disciplinary actions, support any subsequent grievance actions (as applicable), and comply with applicable law. A final investigative report will be prepared by the investigator and other appropriate University personnel and shall conclude whether a violation of this policy occurred and recommend organizational changes as necessary to reduce the likelihood of recurrence of the Wrongful Conduct (if applicable). The final investigative report will include a statement of remedial and/or disciplinary action to be implemented against the wrongdoer(s), or the victim(s) (in the case of a fabricated complaint), if warranted. Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand, counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge.

3.2 Disability Policy

It is the policy of the University to comply with all federal and state laws, including but not limited to the Americans with Disabilities Act, as amended, (ADA), concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the policy of the University not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired. The Office of Human Resources is responsible for implementing this policy, including resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

3.3 Lactation Policy for Breastfeeding Mothers

As part of our family-friendly policies and benefits, the University supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. The provisions of this Lactation Policy meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers. This policy will be discussed with nursing mothers prior to their departure on maternity leave.

For up to one (1) year after a child's birth, the employee/mother who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn. The University has designated employee's own offices for this purpose. If such employee does not have an office the employee shall contact the Office of Human Resources to request/reserve a compliant location. Any employee needing a door lock or curtain installed must contact the Office of Human Resources.

The University expects that non-exempt employees will use the two (2) paid fifteen (15) minute break periods set forth in subsection 2.6 of this Handbook to express breast milk under this policy. To the extent that the process of expressing breast milk reasonably requires a time period greater than the paid breaks, the employee shall clock in and out in accordance with subsection 2.4 of this Handbook.

Breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any non-conforming products stored in the refrigerator may be disposed of by the University. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

3.4 Drug Free Workplace Policy

The University is committed in its efforts to provide and maintain a drug free environment for its students, staff and employees. To ensure employee and student safety the University has implemented the following Drug Free Workplace Policy applicable to all faculty and staff:

3.4.1 Prohibition It is unlawful to manufacture, distribute, dispense, possess or use any illicit drugs (including the illegal use of alcohol) during any period of normal employment either on the premises of the University or at any other site where the employee is carrying out assigned duties.

3.4.2 Reporting An employee is required to report within five days, any criminal drug statute conviction to the Director of Human Resource. Failure to do so may be grounds for immediate termination. The Human Resource Director shall forward the notice to the Vice President of Finance. In cases in which the employee is supported by a federal grant or contract, the University must notify the contracting or granting agency within ten (10) days after receiving notice of an employee's drug statute conviction.

3.4.3 Drug Related Discipline/Corrective Action In addition to any specific disciplinary measures published elsewhere in this Handbook, and without limiting the ability of the University to implement disciplinary measures as it deems appropriate under any circumstances that the University in its discretion deems disciplinary or corrective action warranted, a violation of this policy may be cause for one or more of the following actions:

- Termination Participation in and successful completion of a drug abuse program sponsored or approved by private or governmental institution;
- Suspension from the University duty for up to five (5) days without pay; and/or
- Referral for prosecution for violation.

3.4.4 Resources and Support A list of local drug counseling services is on hand in the Student Life Office or contact the Human Resources Department in Smith Hall. Community agencies include:

- Hillcrest Mental Health: 582-0145
- Turning Point Treatment Center : 589-8925
- Substance Abuse Service: 582-3784
- Alcoholics Anonymous: West 556-7921 Intergroup :557-9196

3.5 Workplace Violence Policy

The University is committed to providing a safe work environment for all employees, including a work place that is free from any form of violence against an employee. Violence includes, but is not limited to, threatening and intimidating behaviors, verbal comments, physical abuse, use or the threat of use of weapons, bringing any type of weapon onto University property, vandalism, arson, sabotage or any other act that is deemed by management to be inappropriate.

Any employee who is found to be in violation of this policy may be subject to disciplinary action up to and including termination. Any employee who feels they have been subjected to inappropriate behaviors or actions, or observes or has knowledge of any violations of this policy should immediately report the incident to their immediate supervisor or the Director of Human Resources.

When witnessing the commission of a crime of violence or an emergency, employees should immediately following the reporting procedures set forth in [Appendix C](#) of this Handbook.

3.6 Smoke Free Policy

The University supports a healthy environment for faculty, staff, students, and visitors, and has enacted this policy in compliance with the Iowa Smoke Free Air Act.

This Iowa Smoke Free Air Act bans the smoking of tobacco in ALL indoor and outdoor spaces on the University campus including: all University property, parking lots (including, if you are lighting up while sitting in your personal vehicle), athletic fields, stadiums, University vehicles (no matter if it's on –or– off campus), the University of Dubuque Flight Operations Center at the Dubuque Regional Airport (grounds, including outdoor spaces), apartments, houses, residence halls and University sidewalks. In essence, it is against the law to smoke tobacco on or in any University property. In addition, University of Dubuque College has chosen to be a tobacco-free campus and employees are prohibited from using any tobacco products while on college property. Employees are also prohibited from using products that simulate tobacco use, such as e-cigarettes and herbal chew. The law does not prohibit smoking on public sidewalks around the University.

Please be attentive to this law and help by informing anyone smoking on University property that Iowa law prohibits their activity, or call Safety and Security. The law takes a firm position concerning the failure to maintain a smoke-free campus community that will result in civil penalties, as well as other consequences, for both the individual and the University.

3.7 Dress Code

The nature of the employee's position with the University will determine the type of dress that will be appropriate for work. Employees are expected to use good and reasonable judgment in choosing the clothing they will wear at work. All University employees are expected to dress in a manner which will present a favorable image of the University to the community. Specific dress requirements for particular positions will be reviewed with the employee by the employee's supervisor, as applicable. In general:

- Clothing must be clean.
- Profanity, offensive advertising or other offensive statements on clothing is prohibited.
- Friday is casual dress day, jeans may be worn but must be in good condition and contain no holes.

In addition to any specific apparel requirements or limitations in this policy, members of management reserve the right to send employees home if in their discretion an employee's appearance is determined to be unacceptable.

Questions or clarifications regarding the dress code should be directed to the Director of Human Resources.

3.8 University Property

Employees are expected to maintain computers, cell phones, tools, equipment, uniforms, etc., in good condition and are accountable for University property in their possession. Failure to maintain University property in good condition may result in disciplinary action. Any sale, disposal or trade of University property must be approved by the Vice President of Finance.

When driving University vehicles or rental vehicles you must abide by all laws or regulations.

University property of any kind must be returned to your immediate supervisor or the Director of Human Resource upon termination of employment.

3.9 FERPA Compliance

The University adheres to all applicable federal, state, and local regulations including but not limited to the Family Educational Rights and Privacy Act (FERPA). Annual notification of students' rights under FERPA is included with each fall semester's initial student billing statements. Employees are required to strictly comply with the University's FERPA policy in their administration and use of student education records and personally identifiable information. A copy of the University policy is set forth at [Appendix D](#).

3.10 Technology and Acceptable Use

University technology resources are to be used to advance the University's mission of education, scholarship and service. Employees, students and contracted parties may use these resources for purposes related to their studies or research, their teaching, the execution of their duties as University employees, their official business with or for the University, or other University-sanctioned activities (see University Technology Policies attached hereto as [Appendix E](#)). The University encourages the use of technology resources for these primary activities. These resources include, but are not limited to, hardware (including telephones, computers, and traditional media equipment) either owned or leased by the University, software, and consulting time (and expertise) of the staff of the Office of Technology or other University technology support staff. Unless approved in advance by the Director of Finance, non-faculty employee use of University technology resources for commercial purposes is prohibited.

The use of technology resources provided by the University for purposes not directly related to the primary activities indicated in the previous paragraph should be considered as secondary activities (i.e. personal or otherwise.) Should such secondary activity in any way interfere with primary activities, they may be terminated immediately.

Many of the University's technology resources are shared amongst the entire University community. The use of these may not violate law or the rights of others. Prohibited activities include, but are not limited to:

1. Activities that violate copyright or other intellectual property rights of others
2. Activities that obstruct usage or deny access to technology resources
3. Activities that could be considered as harassing, libelous or obscene

4. Activities that violate University of Dubuque policies
5. Activities that violate local, state or federal laws
6. Unauthorized use of computer accounts
7. Impersonating other individuals
8. Attempts to explore or exploit security provisions, either at the University or elsewhere
9. Activities that invade the right to privacy of others
10. Destruction or alteration of data belonging to others
11. Creating, using or distributing computer viruses
12. Allowing other individuals to use your account/password
13. Disruption or unauthorized monitoring of electronic communications or of computer accounts
14. Academic dishonesty (e.g., plagiarism, cheating)
15. Inappropriate and/or widespread distribution of electronic communications (e.g. "spamming")
16. Illegal file sharing

Additionally, individuals may wish to use University-wide information systems including, but not limited to, the World Wide Web, the Internet, intranet, and e-mail. Any person providing information through these resources or via connections to the data or telecommunications infrastructure must also abide by the general policy statements herein. These policy statements apply to information made available actively, as in e-mail, as well as passively, as in the World Wide Web.

Anonymous information is strictly prohibited. All publications must contain the electronic mail address of the person making the information available. For example, active information such as e-mail must contain the e-mail address of the sender in the FROM: field. Passive information, such as that found on the World Wide Web, must contain the e-mail address of the author, owner or sponsor at the bottom of the page.

All information must carry a date indicating the date the information is being made available. For information made available actively, such as through e-mail, the date would appear in the DATE: field. For passive information, such as that found on the World Wide Web, the date should appear at the bottom of the page labeled as the posting date.

This subsection 3.10 regarding Technology and Acceptable Use is intended to be supplemented by the University of Dubuque Technology Policies set forth in [Appendix E](#).

3.11 Privacy and Private Property

The University assumes no liability whatsoever for the damage, loss or theft caused by third parties to the personal property of employees.

All storage facilities, offices, workspaces and desks are the property of the University; and the University reserves the right to have access to these areas and to such property at any time, without advance notice to any employee. Therefore, employees should not expect that such property would be treated as private and personal to the employee. Likewise, electronic mail and voicemail are also company property and are to be used only for business purposes. Internet accounts are also to be used only for company business. The University reserves the right to inspect, monitor and have access to company computers, electronic mail, voicemail messages and Internet communications.

3.12 General Work Rules

The following work rules are designed to serve as guidelines are not all inclusive of generally acceptable behavior to create and maintain a safe, healthy, productive and team work environment at the University. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. The list is not intended to be exhaustive:

- Possession or drinking of any alcoholic beverage on University property, including the parking lot, driveway, or University vehicles at any time including breaks or lunches. Reporting for work under the influence of alcohol is also prohibited.
- Possession, use, distribution, purchase, sale, or offering for sale of narcotics or any controlled or illegal substance, including but not limited to marijuana or prescription drugs, on University property (including the parking lot) or in University vehicles, at any time including breaks and lunches.
- Possession of weapons on University premises at any time.
- Fighting on the premises at any time.
- Sabotage, abuse, misuse, or deliberate destruction of University property, vehicles, tools, equipment, or the property of employees or students in any manner.
- Theft or misappropriation of University funds or property, or the funds or property of employees, students or guests of the University.
- Scanning the timecard of another employee or having another employee scan your time card, unless expressly authorized to do so by a department manager or supervisor, such authorization may be for only a single instance and may not be given or interpreted to apply on an ongoing basis.
- Refusal or failure to perform your job assignment, failure to perform your work and follow work instructions.
- Unexcused absence from work.

- Disregard of safety rules or commonly accepted safety practices.
- Posting, distribution or removal of notices, signs or written material on University property at any time without specific approval from the Office of Human Resources is prohibited.
- Abusive language to any employee, supervisor, manager, visitor, student, etc.
- Smoking on University property and smoking other than during specified break or lunch periods.
- Unauthorized disclosure of confidential information or information protected under the Family Educational Rights and Privacy Act (See the *University of Dubuque Family Educational Rights and Privacy Act attached hereto as [Appendix D](#)*).
- Falsification of personnel or other University records.
- Refusal to follow direction of supervision.
- Unsatisfactory performance of job functions.
- Unauthorized operation of machines, tools or equipment, University vehicles.
- Failure to clock out when leaving the University property during lunch break, failure to be at your assigned work area when the shift starts, or overstaying or abusing prescribed break periods or other authorized periods of absence.
- Violation of the Non-Discrimination, Anti-Harassment and Retaliation Policy (See section 3.1 of this Handbook).
- Making or publishing of false, vicious or malicious statements concerning any employee, supervisor, student, or the University.

3.13 Discipline

The University may impose counseling sessions and/or disciplinary actions for the purpose of correcting an employee's behavior, not for punishing an employee. The University, in its discretion, may choose to apply a system of progressive discipline as follows:

(a) verbal warning, counseling – in this case the employee's supervisor will discuss the area of concern with the employee as well as appropriate corrective action and the supervisor shall document the event in writing and place a copy of the incident and resolution in the employee's file;

(b) written warnings – the employee's supervisor with the Director of Human Resources will address the area of concern in a writing delivered to the employee and placed in the employee's employment file, addressing the problem corrective action, and a timetable for improvement or assessment of compliance;

(c) suspension without pay – the basis for and period of time applicable to the suspension shall be documented in the employee's employment file;

(d) termination. The University may depart from these progressive discipline steps when, in the University's discretion, it believes the circumstances warrant a more accelerated, final, or alternative method of discipline.

The establishment of a progressive disciplinary system does not alter the At-Will nature of employment. All disciplinary actions will be made and remain a permanent part of an employee's personnel record and cannot be removed for any reason.

SECTION IV – TERMINATION OF EMPLOYMENT

4.1 Voluntary Termination of Employment

The University asks employees who wish to voluntarily resign to adhere to the following steps:

- The employee should notify their supervisor in writing as soon as possible of their intent to voluntarily terminate employment. The University asks for a two-week notice but you are not required to do so under an At-Will employment relationship.
- Upon termination of employment, employees are required to return any and all University property in their possession including ID badge, parking pass, cell/smart phone, keys, fob, uniforms, computer equipment, and personal protective equipment issued to such employee by the University and any related University owned items.

4.2 Events of Termination

An employment relationship with the University will terminate immediately in the event of:

- A voluntary resignation or termination by an employee.
- Discharge/termination of an employee by the University.
- Absence from work for three (3) consecutive regularly scheduled work days without proper notification in accordance with subsection 2.8 of this Handbook.
- Failure to return to work after (i) expiration of an approved leave of absence, (ii) recall from layoff, or (iii) the end of days absent under paid-time off benefits.
- Failure to return to work after expiration of the period granted under applicable FMLA regulations.
- An employee's self-employment or employment by a third party during an approved leave of absence without first obtaining prior written approval.

All employees whose employment has ended are required to participate in a brief exit interview with the Director of Human Resources. Employees are expected to return all University property in their possession including ID badge, parking pass, cell/smart phone, keys, uniforms, computer equipment, and other private property and equipment issued to such employee by the University and any related University owned items. An employee who does not participate in an exit interview may jeopardize

future employment opportunities with the University. In all cases where an employee's employment terminates, the employee will be paid his or her earned compensation for the pay period in which employment terminated on the next regularly scheduled pay day.

SECTION V – EMPLOYEE DISPUTE RESOLUTION

5.1 Dispute Resolution Procedures

5.1.1 Informal Resolution The University of Dubuque has an “open door” policy and actively promotes honest, constructive communication as a means of solving problems prior to the filing of a formal dispute. Should an employee have a work-related problem, concern, or suggestion; the matter should be discussed with their immediate supervisor or department manager. If an employee does not wish to informally discuss their issue at the level of their immediate supervisor or department manager or the employee is not satisfied with the response received, the matter should then be discussed with the Director of Human Resources.

Please respect the chain of communication and allow your immediate supervisor the first opportunity to respond to a concern, unless privacy concerns are an issue. It is intended that all problems be resolved, whenever possible, before the filing of a formal dispute. Open communication between employees, supervisors, department managers and other administrators is encouraged prior to resorting to the formal dispute resolution procedure.

5.1.2 Purpose of Dispute Resolution The purpose of this procedure is to promote prompt and efficient investigation and resolution of disputes. These procedures shall be the formal method for resolving all disputes.

5.1.3 Resort to Other Procedures In recognition of the fact that the commitment of the University and employee to this process is necessary in order to achieve its designed objectives, if the complainant seeks resolution of the subject matter of a pending dispute in any forum or by any set of procedures other than those established in this procedure, whether administrative or judicial, the University shall be under no obligation to proceed any further with the matter hereunder. The act of filing an action in another forum in order to avoid violating a time limitation shall not be considered a violation of the intent of this paragraph.

5.1.4 Confidentiality University dispute resolution proceedings shall be maintained as confidential subject only to the need of the complainant and the University to comply with the processes specified herein and to present evidence concerning the dispute in other administrative or judicial proceedings. All meetings under this procedure shall be held in private and only the parties designated herein may be in attendance. Neither the employee nor the University shall have an attorney present in any dispute resolution proceeding.

5.1.5 Definitions. For the purpose of this procedure:

5.1.5.1 Dispute shall mean an allegation that the employee's employment rights and entitlements as set forth in this Employee Handbook or in the employee's individual employment contract have been denied or adversely affected due to a violation, misapplication or misinterpretation of University policies, regulations or procedures.

5.1.5.2 Working Days shall mean those days when the business offices of the University are open.

5.1.6 Time Limitations. When any action which is required to be taken, under this procedure, within a specified time period is not taken in time, the following shall apply:

- If the employee fails to act within the time limits provided herein, the University shall have no responsibility to process the dispute and it shall be deemed withdrawn without the ability to re-file a formal dispute on the same subject matter.
- In the case where the employee's immediate supervisor fails to act in time in accordance with the requirements of Step 1 of Section 5.1.7, the employee may proceed to the Step 2 review level and any untimely decision by the supervisor in Step 2 shall be void.

5.1.7 Procedure for Handling a Dispute

Step 1. A dispute must first be presented in writing to the employee's immediate supervisor. The dispute must be filed within ten (10) working days of the date on which the employee knew or should have known of the action or condition which occasioned the dispute. The supervisor, upon learning of the dispute, shall investigate the matter as deemed appropriate and respond to the employee in writing within ten (10) working days of the date the dispute was filed with the supervisor's office.

Step 2. If the dispute is not resolved at Step 1 and the employee desires to pursue the matter, the employee shall formalize the dispute as indicated below and file it with the Director of Human Resources within ten (10) working days of the Step 1 decision. The formalized dispute shall be presented in writing. The written submission shall state the specific policy, regulation or procedure alleged to have been misinterpreted, misapplied or violated, the effect on the employee, and the relief requested.

Prior to the issuance of a decision, and after any investigation is completed, the Director of Human Resources shall hold an informal meeting with the employee in an attempt to effect a settlement. If no settlement is reached at the meeting and the Director of Human Resources believes that the inclusion of other University personnel are required to reach resolution of the dispute, the Director of Human Resources may facilitate a second meeting between the employee and such personnel. If resolution of the dispute is not reached in the second meeting, the Director of Human Resources will proceed to issue a decision and notify the employee within fifteen (15) working days from the date the written dispute was filed with the Director of Human Resources. The decision of the Director of Human Resources shall be final. In the event that the employee's immediate supervisor is the Director of Human Resources, the Vice President of Finance shall designate another individual to perform the functions of the Director of Human Resources set forth in this Step 2.

SECTION VI - BENEFITS

6.1 Employment Classifications

The following employment classifications have been established for benefit purposes:

6.1.1 Regular Employee An employee holding a position, either part-time or full-time, for an unspecified period.

6.1.2 Temporary Employee An employee holding a position, either part-time or full-time, for a limited time only such as summer help or casual labor. Temporary employees are not eligible to participate in benefit programs provided by the University.

6.1.3 Full-time Employee An employee regularly scheduled to work a minimum 2080 hours per year.

6.1.4 Part-time Employee An employee regularly scheduled to work less than forty (40) hours per work week. For example, a “50% time” employee is scheduled to work 1040 hours per year. Part-time employees may be eligible for some benefits, provided the eligibility requirements are met.

6.2 Benefits, Eligibility and Accrual

The benefits listed in this subsection 6.2 are currently available to eligible University employees. For specific information, please refer to the “Benefits Overview” available through the Office of Human Resources or on the University website. The following list is not intended to be all inclusive of all benefit offerings. Benefits may change from time to time in the discretion of the University with or without notice to University employees.

Only Regular Employees working at least thirty (30) hours a week or on schedule to work at least 75% of 2080 hours a year are eligible to participate in benefits (each such employee an “Eligible Employee”). Some benefits are prorated according to the hours worked. If you have questions or need additional information regarding any employee benefits, please contact your Human Resource Director.

6.2.1 Medical and Vision Insurance Eligible Employees may begin to participate in Medical and Vision Insurance on the beginning of the month following the month of hire. If an Eligible Employee declines insurance coverage at the commencement of employment the next open enrollment opportunity will be January 1, unless there is a qualifying event.

6.2.2 Dental Insurance Eligible Employees may begin to participate in Dental Insurance on the beginning of the month following the month of hire. If an Eligible Employee declines insurance coverage at the commencement of employment the next open enrollment opportunity will be January 1, unless there is a qualifying event, however, late enrollees will only be eligible for \$150.00 in benefits during the first twelve (12) months of coverage.

6.2.3 Flexible Spending Accounts Eligible Employees may begin to participate in Flexible Spending Accounts on the beginning of the month following the month of hire. If an Eligible

Employee declines this benefit at the commencement of employment the next open enrollment opportunity will be January 1, unless there is a qualifying event.

6.2.4 Life Insurance (Employee & Dependents) Eligible Employees may begin to participate in Life Insurance on the beginning of the month following the month of hire. If an Eligible Employee declines insurance at the commencement of employment the next open enrollment opportunity will be July 1, and you will need to complete evidence of insurability and be accepted to enroll.

6.2.5 Long-Term Disability (LTD) Eligible Employees may begin to participate in LTD on the beginning of the month following the month of hire. If an Eligible Employee declines LTD at the commencement of employment the next open enrollment opportunity will be July 1, and you will need to complete evidence of insurability and be accepted to enroll.

6.2.6 403b Retirement Plan Employees may begin to participate in 403b Retirement Plan on the beginning of the month following the month of hire. Participation will not be effective until all applicable forms have been completed and the employee has established its investment firm account (please allow 2-3 weeks). If initially declined additional opportunities to enroll will be available at the beginning of each month. Only Regular Employees are eligible for a percentage match working a specified number of hours. Other employees may enroll but there will be no match from the University.

6.2.7 Tuition Remission/ Tuition Exchange Eligibility for Tuition Remission and Exchange is set forth in the full Tuition Remission policy attached to this Handbook as [Appendix A](#). Benefits are effective immediately for an eligible employee's spouse and unmarried dependents, (as defined by the IRS), under the age of 24. This benefit is not effective until the first academic term following completion of one year of employment for employees.

6.3 COBRA Policy

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires that employers who sponsor group health plans offer employees and their families the opportunity for a temporary extension of health coverage where coverage under the plan would otherwise end. This is intended to provide a summary of rights and obligations under the continuation coverage provisions of COBRA.

An employee, the employee's spouse, or dependent child become Qualified Beneficiaries if they are covered under employer's group health plan prior to the occurrence of a Qualifying Event, which primarily include the following:

As to the employee

1. Termination of employment (for reasons other than gross misconduct).
2. Reduction of hours of a covered employee.

As to the spouse

1. Death of the covered employee.

2. Termination of employment (for reasons other than gross misconduct).
3. Divorce or legal separation of the covered employee from a spouse.
4. Entitlement of the covered employee for Medicare.
5. Reduction of hours of a covered employee.

As to the dependent child

1. Dependent ceases to be “dependent child” or no longer eligible under the group health plan.

In such case, each Qualified Beneficiary would have the right to elect to choose continuation coverage between eighteen (18) and thirty-six (36) months, depending on the Qualifying Event. The employee, employee’s spouse, or dependent children would each, as a qualified beneficiary have the option to select continuation of coverage for the eligible amount of time.

Both the University and its employees have a primary responsibility for notifying the group health plan administrator when a qualifying event occurs. The University must notify the plan administrator within thirty (30) days of a Qualifying Event, such events include but are not limited to termination, reduction in hours, death of the covered employee, and the covered employee's enrollment in Medicare. Covered employees or qualified beneficiaries must notify the plan administrator within sixty (60) days of a divorce, legal separation, or the date a child ceases to be a covered dependent under the plan. In fact, if the parties to a divorce or legal separation do not notify the group health plan administrator within sixty (60) days, the plan administrator's obligation to notify beneficiaries of their right to elect COBRA coverage may not be triggered.

Special notice requirements apply when a Qualified Beneficiary is found to be disabled under the Social Security Act. COBRA allows these disabled beneficiaries and their covered dependents to extend continuation coverage beyond the eighteen (18) month limit if they become disabled as of the date of a Qualifying Event or at any time during the first sixty (60) days of COBRA coverage. However, the Qualified Beneficiary or any covered dependent who wants to extend coverage beyond the eighteen (18) month period must notify the group health plan administrator before the end of the eighteen (18) month period and in the case of a disability, within sixty (60) days of receiving a determination of disability status from the Social Security Administration.

It is highly recommended that all notices required by COBRA be provided in writing.

To prevent a lapse in coverage, if COBRA is selected the premium must be paid within forty-five (45) days after the election and the beginning of each month following. Failure to make payments to the University of Dubuque will result in termination of coverage.

For more information regarding COBRA rights and requirements, please contact the Office of Human Resources, or consult the U.S. Government, U.S. Department of Labor listing in your telephone directory for the office nearest you or call EBSA's Toll-Free Employee & Employer Hotline number at: 1-866-444-3272 and request a list of EBSA offices, or write to:

U.S. Department of Labor
Employee Benefits Security Administration

Division of Technical Assistance and Inquiries
200 Constitution Avenue NW, Suite N-5619
Washington, DC 20210

6.4 Health Insurance Portability & Accountability Act (HIPAA) Disclaimer

In 2003, the federal government issued new requirements to protect individual/employee private health information, known as HIPAA. Your personal health information and that of your dependents is of utmost concern to the University; please understand that as a University, managers and/or supervisors are strictly limited in knowing any medical details. For that purpose, any health or medical issues, questions or concerns, should only be directed to the Human Resource Director as the designed HIPAA representative on behalf of University for assistance or to request or update leave of absence information.

6.5 Unemployment Compensation

The University contributes to the Iowa Employment Security Commission in accordance with the Iowa Employment Security Act.

6.6 Workers Compensation Insurance

To protect employees and their families in the event of a workplace injury, the University participates in Iowa Workers Compensation Insurance Program as required by law. Employees must report work-related incidents of any kind to their supervisor immediately. If unable to work due to injury or illness, employees may be eligible to receive weekly pay benefits as established by Iowa law through the University worker's compensation insurance plan. Premiums for this insurance are paid 100% by the University.

Questions or additional information regarding workers compensation should be directed to the Office of Human Resources.

6.7 Athletic events

Employees and their immediate family (spouse and children) can attend University athletic events free of charge by showing their University ID.

6.8 Recreation and Wellness

Employees and their immediate family members may use the wellness facilities in the Chlapaty Recreation and Wellness Center. Wellness Center policies, rates and operating hours are available at dbq.edu/recwellness/FitnessCenterHours.cfm.

6.9 Tuition Remission

Eligible employees, spouses and dependent children may participate in the Tuition Remission program more fully set forth in [Appendix A](#) to this Handbook.

*University benefits including but not limited to child care, the Chlapaty Recreation and Wellness Center, or other such services available to both employees and students at student rates. All such program participants may only access such services at employee rates, regardless of student status.

6.10 Leaves of Absence

6.10.1 Voting Leave As required by Iowa Code Section 49.109, any University employee entitled to vote at an election in the State of Iowa who does not have three (3) consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the employee is not required to be present at work, is entitled to such unpaid time off from work to vote as will in addition to the person's nonworking time total three consecutive hours during the time the polls are open. For example, if the polls are open between 7:00am to 9:00pm, and employee is required to be at work from 9:00am to 5:00pm, the University is not required to provide the employee with time off from work to vote because the employee can utilize the four (4) hour span after the end of the employee's work day. Employee's whose schedule on Election Day is such that time off is required under the Iowa Code shall apply in writing prior to the date of the election, and employee's supervisor will designate the period of time to be taken.

6.10.2 Bereavement Leave

The primary purpose of bereavement leave is to provide an employee paid time off from work due to a death in the family. Approval will be granted to a full time employee to attend a funeral or memorial service for members of their family according to the following schedule:

The following lists immediate family members for which an eligible employee may qualify for up to four (4) days of paid leave:

Father*	Brother*	Brother-In-Law
Mother*	Sister*	Sister-In-Law
Spouse	Father-In-Law	Son- In-Law
Child(ren)*	Mother-In-Law	Grandparent
Grandchild	Daughter-In-Law	(*includes "step" relationships)

The following lists family members outside the immediate family for which an eligible employee may qualify for one (1) day of paid leave:

Employee's Aunt	Niece
Employee's Uncle	Nephew

The employee must provide reasonable notification of the days of the proposed absence to their immediate supervisor, department head or the Director of Human Resources, and furnish satisfactory proof of the family member's death.

For family members or close relationships not covered under the bereavement leave policy, you must notify the University in advance and obtain prior written approval from the Director of Human Resources as indicated above and advice of time off needed for unpaid bereavement time. The University retains the right to approve / not approve unpaid bereavement time if it is determined by management that an employee has misused this benefit.

If additional time away from work is required, an employee may utilize available paid time off or can contact the Director of Human Resources to determine if additional unpaid time off can be approved as *personal* leave only through the University's Sick/Personal Leave policy.

Part-time employees will be granted bereavement leave on the same terms as full-time employees, however, part-time employees shall receive a proration of the leave granted to full-time employees corresponding to the percentage time worked. For example, an 80% time employee will receive 80% of the bereavement leave granted to a full-time employee under similar circumstances.

Please contact the Director of Human Resources if you have any questions.

6.10.3 Jury Duty Leave The University recognizes the duty of employees as citizens to serve on juries or as court witnesses. Exempt employees, and regular non-exempt employees of 50% time or greater, summoned to serve on a jury, or required by subpoena to appear as a witness in court, are paid by the University the difference between any fee received from the court (not including reimbursement for expenses) and the employee's normal base pay for the time period involved. In order to receive this pay differential, the employee must have been hired prior to receiving notice to appear in court, must inform the Office of Human Resources of his or her intention to be absent from work, and must present a certified statement of earnings from the court for the period of service. As court duty often does not require a full time commitment, employees are expected to report to work on days or reasonable portions of days when attendance in court is not required.

An employee is not paid for witness duty when he or she is a party to the action.

6.10.4 Military Leave The Uniformed Services Employment & Re-employment Act (USERRA) of 1994 provides protection to members of the uniformed services, including active military, Reservists, and National Guard. It also protects the rights of those making application to become members of the uniformed services.

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with USERRA. Advance notice of military service is required and must be submitted to the Human Resources Director, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Employees will be terminated during extended leaves with rights of rehire or reinstatement in accordance with USERRA.

Military leaves are unpaid leaves; however, an employee may voluntarily choose to apply eligible paid time off as part of the leave. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. You must make arrangements with the Office of Human Resources to pay premiums for your coverage in which you are already enrolled.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave, including but not limited to leave related to an employee's duties as a reservist for the United States Armed Forces or any reserve component of the Iowa, Illinois or Wisconsin State Militia, for less than 31 days are required to return to work for the first

regularly scheduled shift after the end of service, allowing for 8 hours sleep and reasonable travel time. If the military leave was for less than 181 days but more than 30, the service member has 14 days to reapply. If the military leave was for more than 180 days, the service member has 90 days to reapply. In the case of an injury or illness, USERRA gives up to two years (and in some cases longer) to recover before reapplying for the job. Under no circumstances may an employee's military leave exceed the length required by the applicable military services. Employees on military leave longer than 30 days must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees must provide advance notice of military leave. Notice must be in writing and submitted to the Human Resource Director.

6.10.5 Family & Medical Leave The Family & Medical Leave Act (FMLA) sets forth conditions under which eligible employees may request time off from work for medically verified absences for an employee and eligible dependents. Employees are eligible if they have worked for an employer one (1) year, for 1,250 hours over the previous twelve (12) months.

Employees may be eligible for up to twelve (12) work weeks in any twelve (12) month period for the following reasons:

- Incapacity due to pregnancy, prenatal medical care or childbirth; Placement of a child with the employee for adoption or foster care;
- To care for a spouse, child or parent with a serious health condition;
- The employee's own serious health condition; and
- A qualifying exigency arising out of the fact that your spouse, domestic partner, child, or parent is on active duty or has been notified of an impending call or order to active duty in the armed forces in support of a contingency operation.

Employees may be eligible for up to twenty-six (26) work weeks in any twelve (12) month period to care for a covered service member in the armed forces who incurred a serious injury or illness in the line of duty, if you are the covered service member's spouse, domestic partner, child, parent or next of kin.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis, meaning, the employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, employees must make a reasonable effort to schedule treatment so as not to unduly disrupt the University's operations. If FMLA leave is for the birth, adoption,

or foster placement of a child, use of intermittent or reduced schedule leave requires the University's approval.

To be eligible for the leave, an employee must provide the University thirty (30) days advance notice, when possible, on a form to be supplied by the Office of Human Resources. When the need for leave is foreseeable less than thirty (30) days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the University may require certification in support of the leave request from a health care provider. The University also reserves the right to require second or third medical opinions as well.

Leaves may be paid, unpaid or a combination of both depending upon the employee's amount of accrued sick leave and vacation pay. Employees are required to use any accrued paid sick leave and vacation as a substitute for unpaid leave under this policy, when available. If an employee's paid leave exceeds the applicable FMLA leave period, the FMLA leave will not be deemed to have applied. Federal leaves and workers compensation leaves will run concurrently when an employee is eligible to both.

Employees on approved FMLA leave will have their group health plan benefits continued under the same terms and conditions as if the employee had not taken leave. Upon return from FMLA leave, employees will be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

An employee's failure to return to work from FMLA leave or working elsewhere during FMLA leave will be considered a voluntary resignation from employment with the University.

Details of the FMLA policy and forms to complete may be obtained through the Office of Human Resources. If you have any questions regarding interpretation of or assistance with FMLA, please contact the Director of Human Resources.

6.10.6 Sick/Personal Leave Regular Employees that are full time accrue sick leave at the rate of one (1) working day for each month of employment. Regular part time employees 30 hours or more accrue sick leave on a prorated hourly basis per month. For example, an 80% time employee will accrue sick leave at 80% of the rate accrued by a Regular Employee that is full-time. Sick leave may be carried over from year to year with no maximum accumulative limit. Employees who use sick leave for a period of three (3) days or longer are required to provide a medical release from a physician prior to returning to work. This release should be given to the Office of Human Resources.

The University reserves the right to require employees to provide appropriate medical verification in cases where an employee is on sick leave for an extended period of time, or where the legitimacy of an employee's use of sick leave is called into question. If an employee has exhausted all of their accrued sick leave they will be required to use accrued vacation for time missed.

Within each fiscal year employees may with prior supervisory approval use up to two (2) days of sick leave per year as personal days. Personal days do not accumulate and may not be carried over from year to year. If the University has a reasonable basis to believe that an employee is using sick leave for personal days beyond the two (2) permitted days or engaging in other abuse of this sick leave policy, the employee may be subject to disciplinary measures the University may impose in its discretion including up to termination.

The University does not pay out accumulated sick leave upon termination of employment, or for any reason.

6.10.7 Holidays Holiday pay is paid to all Regular Employees 30 hours or more. Temporary Employees will normally be excused without pay on holidays. To be eligible for holiday pay employees that are not scheduled to work on a holiday must be on approved pay status on their scheduled workday before and after the appropriate holiday.

“On approved pay status” includes absence from work as a result of:

- Approved funeral leave;
- Workers compensation under the Iowa Workers Compensation Act;
- Approved jury duty;
- Approved vacation;
- Approved sick leave; or
- Worked the day prior to the holiday and the day after the holiday.

Eligible employees are paid the equivalent of eight (8) hours/day times the pay rate for the assigned job for each Holiday. Regular part time employee pay will be based on their % of employment, for example, an 80% time employee will be paid for six (6) hours at their normal rate.

Employees’ who are scheduled to work on a Holiday and have been pre-approved to work will receive time and a half for hours worked.

Holiday schedule is approved each year by the President’s cabinet. Currently the University has 12 paid Holidays, but is subject to change on a year to year basis.

The following twelve (12) days are currently identified as “Holidays” for which pay is granted:

New Year’s Day	President’s Day	Good Friday	Memorial Day
Independence Day	Labor Day	Thanksgiving	Friday after Thanksgiving

Christmas Eve	Christmas Day	Christmas Day following	New Year's Eve
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Please contact your supervisor, department head or the Director of Human Resources if you have any questions or would like additional information.

6.10.8 Vacations Regular exempt and non-exempt full time employees accrue one hundred and sixty (160) hours of paid vacation per year. Regular exempt and non-exempt part time employees who work 30 hours or more will receive a proportioned amount in comparison to scheduled work time (e.g. an 80% employee will receive one hundred twenty-eight (128) hours of paid vacation a year).

Under all circumstances, an eligible employee under this policy may not use vacation until after six (6) months of employment.

Vacation procedures:

- An hourly employee who resigns or is terminated will receive all remaining and accrued vacation time in a lump sum form. All salaried employees who resign or terminate may have up to two (2) weeks of unused vacation paid to them, provided they have all their monthly absence reports turned in.
- When a Holiday falls within a vacation period you will be paid Holiday for that day.
- When accrued vacation reaches an employee's maximum, no further accrual will take place. At no time may an employee have vacation time with a negative balance.
- When an employee is absent and has exhausted all of their accrued sick leave, vacation will be used; however it will still go against the employee's attendance record.

Salaried employees are required to complete absence forms detailing the amount of sick leave and vacation leave used by month. By June 10th of each year the Director of Human Resources should have received absence forms covering the entire preceding twelve (12) months for each salaried employee. If an employee fails to turn in at least one absence form covering the entire year no later than June 10th of each year, all accrued vacation and sick leave will be adjusted to zero (0).

SECTION VII - SAFETY PROGRAMS

7.1 Safety Philosophy

The University is committed to providing and maintaining a safe work environment and promoting safe behavior amongst its employees. Health and safety can only be successfully achieved through shared responsibility and commitment by each member of the University community.

The following principles serve as the University's foundation of safety:

- The majority of incidents and injuries can be prevented.
- Incidents and unsafe conditions are usually caused by unsafe acts.
- Working safely is an employee's primary role and responsibility.
- Working safely is a condition of your employment.
- Achieving our safety goal requires that we build a safety system that goes beyond minimum requirements.

Everyone's responsibility is to:

- Work safely at all times.
- Make safe decisions.
- Watch out for the safety of others.
- Recognize, prevent and/or address unsafe behaviors or conditions and contact department supervisors to assist with remediation.
- Abide by University and department safety policies, procedures and requirements.

The University complies with all governmental (state & federal) health & safety laws and supports ensuring safe working conditions at all times.

7.2 Emergency Evacuation

The University's emergency evacuation procedures include tornado, fire or other evacuation needs. The University conducts periodic training programs and mock drills for all employees.

7.3 Hazard Communication –MSDS

The University's Hazard Communication Program provides a procedure for informing employees of any known potential chemical hazards in their work area. Material Safety Data Sheets (MSDS) are available in the maintenance department, in the Goldthorp Science Center outside main office, or by contacting your immediate supervisor.

7.4 Incident & Unsafe Condition Reporting

Any unsafe condition or incident resulting in injury or near injury must be reported to department heads or security immediately to (i) ensure first aid or other medical treatment is provided, and (ii) prevent another incident from occurring.

7.5 Personal Protective Equipment (PPE)

Details about PPE requirements will be explained to employees during training and is identified in the Job Safety Analysis (JSA) for specific tasks. Employees should consult their supervisors for additional information.

7.6 Safety Rules

It is the responsibility of every employee to read, understand and abide by the University's safety rules. Safety rules are updated as needed and are either posted in each department or distributed to employees during employee meetings.

Employees are required to abide by the following general safety rules; however, these are not all inclusive of every safety policy or procedure within our University:

- University vehicles and trucks may never be driven over posted speed limits.
- Personal protective equipment (PPE) must be worn at all times where required.
- Materials or other obstructions are not be placed in front of electrical panels & controls, exits, doors, stairs, walkways, or other areas that may result in tripping or other safety hazard.
- Emergency exits must always be accessible and free from obstructions.
- Removal of cautionary, warning, danger or other tags, locks, warnings or informational signage on any machinery or equipment on campus by unauthorized personnel is prohibited.
- Employees must report malfunctioning equipment to their immediate supervisor.
- Electrical repairs are to be performed by qualified personnel only.

7.7 Incident Reporting

University of Dubuque is committed to providing a safe campus. To assure this the University has a confidential third party reporting service. Its purpose is to provide a convenient tool to anonymously and confidentially report activities that may represent criminal, unethical or otherwise inappropriate behavior in violation of college policies. Reports may be made 24/7 to **Anonymous Hotline 833-290-0001** or www.lighthouse-services.com/dbq

This hotline service is not meant to replace or supersede currently approved reporting methods. The University encourages students, faculty, staff, and other members of the University Community to utilize existing lines of communication and guidelines/ remedies whenever possible. For example, complaints of discrimination including sexual harassment and related misconduct should be addressed by following the established procedure set forth in the Non-Discrimination, Anti-Harassment and Retaliation policy of this Employee Handbook.

7.8 Duty to Report Child Abuse

The University of Dubuque provides meaningful educational opportunities for people of all ages. The University understands the importance of a safe environment for children. One aspect of a safe environment is the proper reporting of potential issues. The purpose of this policy is to outline the responsibility of University employees for reporting suspected child abuse.

Consistent with Iowa Code all University employees who in the course of employment receive information related to physical or sexual abuse of children must immediately report such information to Campus Safety and Security 563-589-3333.

Any student or visitor who suspects physical or sexual abuse of a child on campus or relating to a University program or activity should provide a report to Campus Safety and Security 563-589-3333. In the case of incidents not on the University of Dubuque campus, local police authorities should be called in order to avoid any delay in response.

There should be no retaliation against a person who makes a good faith report of physical or sexual abuse of a child under this policy.

The report to Campus Safety and Security should include all of the relevant facts known to the person who is making the report, including:

1. The child's name, contact information, and/or description;
2. The name and/or description of the person suspected of the abuse;
3. The person/reporter's name and contact information;
4. The time, date, and location of the suspected abuse; and
5. A description of the suspected abuse, with all relevant information, and any supporting evidence.

Campus Safety and Security will provide report information to the Dubuque Police department as well as the University President as soon as possible. The University President will work with appropriate University administrative offices and employees immediately to provide safety to the child and deal with the situation, including the person suspected of the abuse.

This policy is intended to implement Code of Iowa section 261.9(1)h.

[Note: A mandatory reporter of "child abuse" under Iowa law would also be obligated to report physical or sexual abuse of a child to the Iowa Department of Human Services (DHS) as provided under the Code of Iowa sections 232.67 – .70. The definition of "child abuse" in section 232.68 includes more than physical or sexual abuse. Any employee, student, or visitor who is not a mandatory reporter is encouraged to report any type of "child abuse" to DHS as provided by Iowa law.]

Definitions:

Child means a person under the age of eighteen years.

Mandatory reporter means a person as described in Iowa Code section 232.69(1). In general, this includes a person who in the scope of her or his professional or employment responsibilities examines, attends, counsels, or treats a child, and who is a health practitioner; social worker; certified psychologist; licensed school employee, certified para-educator, or holder of a coaching authorization under Iowa Code section 272.31; employee or operator of a licensed child care center; employee or operator of a mental health center; peace officer; counselor or mental health professional; or employee or operator of a provider of services to children funded under a federally approved medical assistance home and community-based services waiver.

Physical abuse means any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child as a result of the acts or omissions of a person responsible for the care of the child. Common indicators could include unusual or unexplained burns, bruises, or fractures.

Sexual abuse means the commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child. The commission of a sexual offense includes any sexual offense with or to a person under the age of 18 years. Sexual abuse includes but is not limited to lascivious acts with a child, indecent exposure, assault with intent to commit sexual abuse, indecent contact with a child, incest, and sexual exploitation.

Key Numbers:

Department of Human Services, <https://dhs.iowa.gov/contact-us>
1-800-362-2178

Dubuque Police Department, <https://www.cityofdubuque.org/209/Police>
563-589-4415
770 Iowa St., Dubuque, IA 52001

Campus Safety and Security,
<https://www.dbq.edu/AboutUD/CommunityStandards/SafetyandSecurity/>
563-589-3333
Smith Hall, Room 112, at 2205 Grace Street

Human Resources department,
https://www.dbq.edu/Contact/FacultyStaffDirectory/#cgi.SCRIPT_NAME#
563-589-3619
Smith Hall, room 205, at 2205 Grace Street

7.9 Employee Parking

The University reserves the right to search/inspect anything on University property including personal vehicles. No weapons (including firearms used for hunting) in personal vehicles while on University property at any time.

Please park in designated parking areas, do not block others vehicles which prevents them from entering or moving their vehicle. Parking permits must be purchased for parking on University property for a fee each year. New employees are eligible to set up monthly payroll deductions on date of hire. Please see security to obtain your parking permit.

7.10 Key Policy

Campus security is important to all University employees. Building or office keys issued to employees should be kept in their possession; and may not be loaned to or borrowed by anyone else. A lost key must be reported at once to an employee's supervisor and the Facilities Office. Employees will be responsible for paying to replace lost keys or for replacing locks in the case of stolen keys. When leaving employment with the University all keys must be turned into the Office of Human Resources.

7.11 Inclement Weather

In the event of severe weather conditions each employee should use their best personal judgment as to whether it is safe to travel to and from work, except for essential personnel who will be notified if they

are required to come in. If the University officially closes due to inclement of weather employees are paid for the hours they would have been paid if the University was open. Closings and cancellations will be posted on the University portal, broadcasted on local radio and television stations, and sent through University email.

APPENDIX A

TUITION REMISSION

Philosophy

One of the six *Mission and Values* of the University of Dubuque is committed to “Zeal for life-long learning and service”. In addition, under the Vision statement the University will be energized by a dedicated, diverse and demonstrably competent faculty and staff. With these in mind, the University of Dubuque provides a tuition remission policy to support the educational goals of employees and their families.

Eligibility

Faculty and staff who are eligible for benefits and employed full-time, their spouse, and unmarried dependents, (as defined by the IRS), under the age of 24, at the beginning of a semester, are eligible for 100% tuition remission benefits as outlined below. Faculty and staff who are eligible for benefits and employed less than full-time, their spouse, and dependents (as defined by the IRS), under the age of 24 are eligible for a prorated benefit according to their percentage of full-time, (2080 hours), status at the University.

Benefits are effective immediately for an eligible employee’s spouse and unmarried dependents, (as defined by the IRS), under the age of 24. This benefit is not effective until the first term following completion of one year of employment for employees.

Degree-seeking students and those students who per University policy have not declared a major register based on class rank. Non-degree seeking students register last and are only eligible for classes with open spaces.

Before enrolling or continuing in a program, students are subject to all current institutional academic regulations and must be in good financial standing with the University. Persons deemed not to be in good academic and/or financial standing with the University will be ineligible for tuition remission until such time as the status is returned to good standing by the appropriate office(s).

Upon termination of employment from the University this benefit terminates for the employee and/or the employee’s spouse effective at the beginning of the current semester/session. For non-spouse dependents this benefit terminates at the end of the current semester/session. If termination is a result of the employee’s death or disablement spouses and dependents under the age of 24, (as defined by the IRS), that are already receiving remission benefits remain eligible for the benefit as long as they are compliant with all other sections of this policy.

1. Employees

Eligible employees are eligible for 100% tuition remission for eligible undergraduate study until the completion of the requirements of an undergraduate degree, or the completion of 150 undergraduate credits (including any transfer credits); whichever comes first, for the first earned undergraduate degree. Eligible undergraduate study includes all degrees offered at the University that do not require the employee from being unable to fulfill their job description. If an employee is currently enrolled in a program as of June 1, 2008 that as part of the degree will require the employee to be away from their duties, thus unable to fulfill their job description, they are grandfathered and will receive the remission benefit.

The employee will also be eligible for 50% tuition remission for graduate programs if a previous graduate degree has not been earned from either the University of any other Institution. This remission will cease at the completion of one graduate degree.

Tuition remission for employees is further limited by the concern for balance in an employee's pursuit of educational goals and the operating efficiency of the department in which the employee is employed. Therefore, tuition remission benefits will only be provided for seven credit hours, (including non-remission covered courses) of instruction per fall or spring semesters and 4 credit hours of instruction during each summer session. Further, no more than 4 credits may fall within an employee's normal work schedule during a semester or summer and any time taken off must be made up within the pay period. Each semester/session, prior to enrollment, employees must obtain signature approval in writing by their immediate supervisor and cabinet member prior to registration.

II. Spouses

The eligible employee's spouse is eligible for 100% tuition remission for undergraduate study until the first of completion of the requirements of an undergraduate degree, or the completion of 150 undergraduate credits (including any transfer credits) for the first earned undergraduate degree.

The eligible employee's spouse will also be eligible for 50% tuition remission for graduate programs if a previous graduate degree has not been earned from either the University of any other Institution and a second degree has not been covered under this program. This remission will cease at the completion of one graduate degree.

Spouses of employees who are students will be charged the employee fee rate for University services such as but not limited to daycare, parking, Wellness Center, etc.

II. Dependent Children

The eligible employee's dependents under the age of 24, (as defined by the IRS), are eligible for 100% tuition remission benefits for undergraduate study. Tuition remission benefits will cease at the soonest of the following events: completion of the requirements of an undergraduate degree, completion of 150 undergraduate credits (including any transfer credits) or attainment of age 24.

Limitations/stipulations

- I. An employee who has received any benefit from this policy who leaves the University or has a change in the percentage of full-time status within two years of last receiving benefits under this policy is required to reimburse the University tuition remission 100%.
- II. A change in the percentage of an employee's full-time status will affect the tuition remission eligibility at the beginning of the next term following the change.
- III. Families using the tuition remission benefit for undergraduate courses must file for federal and state financial aid using the Free Application for Federal Student Aid (FAFSA). This form must be sent to the proper federal processor prior to the University of Dubuque priority deadline.
- IV. Tuition remission is applicable to the base tuition only and will not cover room or board fees, books, independent study, music lessons, flight time or special or additional fees. Independent study requirements that are a requirement of a degree are covered by the remission policy. Professional skills practicum, and capstone courses are covered.
- V. Employer reimbursement program for both undergraduate and graduate level courses will be applied to base tuition first, with tuition remission covering only that part of the base tuition not covered by the employer.
- VI. Cross-registration for any course at any institution is not covered by tuition remission.
- VII. It is understood and agreed that in the event any laws enacted or regulation adopted pursuant to law which imposes any income tax liability, federal or state, upon any employee, their spouse or dependent by reason of this tuition remission policy, that such income tax liability shall be paid by such employee, their spouse or dependent.
- VIII. This revised program is effective August 1, 2008 for all employees, spouses and eligible dependents, including those currently receiving the benefit unless otherwise indicated.
- IX. Certain programs or certifications may be excluded from tuition remission or exchange benefits due to the higher support cost of the program. Currently, this includes Aviation- Flight Operations and the Physician Assistant Program. Please contact the Director of Human Resources for a current listing of programs excluded.

APPENDIX B

RECRUITMENT & HIRING

Position Approval:

The University is committed to seeking and retaining personnel for each employment position who will make the most positive contribution to its character, goals and mission. All vacant positions must be budgeted and approved for hiring prior to recruitment and appointment. The supervisor requesting the position must notify the Director of Human Resource for budget and salary information, once approved the hiring process is implemented.

Position Description:

All staff positions must have an approved job description on file in the Office of Human Resources prior to recruitment and appointment. Such descriptions must contain all the essential functions and job related criteria necessary for successful performance of the duties and responsibilities of the position. The bulletin board is designed to post notifications of job vacancies.

Recruitment Policy:

The Office of Human Resources will post and advertise the position appropriately. After the application deadline the Office of Human Resources will refer the candidates to the hiring department. The hiring department will interview the candidates in order to select the most qualified applicant to fill the specific position. All charges to recruitment must be pre-approved and following budget guidelines.

All recruiting and hiring of University personnel will comply with applicable law and University policy. All plans for position recruitment must be reviewed in advance by the Director of Human Resources. Employees and agents of the University are prohibited from violating applicable federal, state, or local non-discrimination laws in conducting recruitment activities on behalf of the University of Dubuque.

Interviewing for Positions:

Current employees may interview for other positions on campus during their regular working hours without loss of pay, provided they request approval in advance from their supervisor. Supervisors are expected to approve requests within a reasonable amount of time to allow the employee to be considered for the vacancy.

Offer of Employment

Offers of employment may only be extended in writing and must be approved in advance by the President. The employment offer is subject to approval by the President and a background check. No written appointment of employment is valid and binding on the University unless it is signed by the President.

Appointment Letter:

The Director of Human Resources will send an appointment letter to the selected candidate. The candidate must sign and return the original letter indicating acceptance of employment. No oral commitments or representations shall be binding on the University and no one is authorized to make oral commitment or representations concerning appointments or terms or conditions of appointment at the

University. Once received Human Resources will get the cabinet members signature and the President's signature, only then is the letter official and employee is allowed to work.

New Employee Orientation:

To assist employees in becoming acquainted with the University as quickly as possible, the Human Resource Director conducts orientation sessions for its newly hired employees beginning on the first day of employment. The orientation provides the new employee with an overview of the University's history, standards, policies and procedures. In addition benefits offered by the University are explained and necessary enrollment forms are completed. Each session is designed to provide information that employees will find helpful as they become acclimated to their new positions and the University.

Orientation Period: Employees who complete a six (6) month orientation period become certified employees unless other conditions are specified in individual letters of appointment. The orientation period provides for job adjustment and opportunity for both the employee and the University to determine whether or not to continue employment.

Employees shall be evaluated at the end of the orientation period. If the employee's performance has not been satisfactory and does not appear to be improving the employee may be terminated. This orientation period is intended as an expression of the more exploratory nature of employment during this period and in no way shall be interpreted to change the At-Will nature of the employment relationship.

Promotions/Transfers: The University encourages the continued development of its employees, and prefers to offer current employees promotions to higher level positions when deemed appropriate. Employees are encouraged to complete at least six (6) months of service in their present position before considering a transfer.

Hiring Relatives of Current Employees: "Relative" means spouse, mother or father, mother or father in law, son, daughter, brother, or sister, son or daughter in law, aunt or uncle, grandparent or grandchildren.

The University prohibits the employment of relatives in positions when the same administrative or one relative participates in making recommendations or decisions affecting the appointment, retention, tenure, work assignments, promotion, demotion, or salary of the other relative. No preferential policy towards a relative may be used to deny equal opportunity.

Job Postings: Hourly and most salaried positions will be posted for three (3) days on the Employee Bulletin Board. Each new job posting requires that the applicant provide the required documents and a University of Dubuque employment application to the Office of Human Resources to ensure the employee is considered for the most recent posting.

In order to be eligible for a job posting, the applicant must meet the minimum qualifications/requirements of the position for education, experience, job knowledge and ability.

The University reserves the right to fill any position with or without posting or on a temporary basis. The University reserves the right to make the final selection for a position, hiring either internal or external candidates.

Immigration Reform (I-9 Compliance)

It is the policy of University of Dubuque to employ only those persons who are legally eligible to work in the United States. The Immigration Reform Act of 1986 requires employers to verify the identity and work eligibility of all persons hired. All new employees are required to sign a verification form (I-9) and furnish both proof of identity and proof of eligibility to work in the United States upon date of hire.

APPENDIX C

CRIME REPORTING

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the University of Dubuque's Safety and Security Department in a timely manner. To report a crime or a non-emergency from an on-campus phone, call 3333 or from outside the University phone system at 3333 or (563) 589-3333. The University of Dubuque recommends pre-programming of cell phones with the University of Dubuque dispatch number 3333 or (563-589-3333). Dispatchers are available 24 hours a day, 7 days a week to answer your call.

As an added security measure, blue emergency phones are located at strategic points on campus. These phones are easily identified by their blue boxes topped with blue lights. When the red emergency button is pushed, the caller is in immediate contact with the University Safety and Security Department (if the Dubuque Police are required the caller may contact the police direct by dialing 9-911 or the University Safety and Security Department would contact the police).

When calling for either emergency or non-emergency service, be prepared to:

- Clearly identify yourself
- State where you are calling from
- State briefly the nature of your call

If possible, stay on the line unless otherwise advised by the dispatcher. If assistance is required from off campus, the dispatcher will summon the appropriate police, fire and/or medical service.

To report a crime that occurs at an off-campus location, contact the appropriate local police department (Dubuque Police Department 911). In the case of an emergency it is always best to dial 911 and follow the procedures outlined above. For the purpose of reporting a crime to the Dubuque Police we include the business numbers for those departments, as well as other contacts below. The University Safety and Security Department staff will assist students with notification of local police agencies if requested.

EMERGENCY 911

Safety and Security (563) 589-3333 or 3333

Rape- Riverview Center (563) 557-0310

Iowa Sexual Abuse Hotline (800) 284-7821

Alcohol/Drug Abuse (563) 582-3784

Finley Hospital (563) 589-2460

Mercy Medical Center (563) 589-8000

Mental Health (563) 582-0145

Crisis Line- Project Concern (563) 588-4016

Dubuque Police Department (563) 589-4415

Poison Center (800) 222-1222

Other on campus numbers to call for assistance:

Dean of Student Life (563) 589-3270 or 3270

Director of Housing (563) 589-3438 or 3438

APPENDIX D

FERPA POLICY

Policy Statement Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974, as amended (the "Act"), is a federal law which requires that (a) a written institutional policy must be established and (b) a statement of adopted procedures covering the privacy rights of students must be made available. The University of Dubuque shall maintain the confidentiality of Education Records in accordance with the provisions of the Act and shall accord all the rights under the Act to eligible students who are or have been in attendance at the University of Dubuque.

Persons Protected

The rights of privacy provided herein are accorded to all students who are or have been in attendance at the University of Dubuque. The rights do not extend to persons who have never been admitted to the University of Dubuque. A student who has been in attendance at one component of the University of Dubuque does not acquire rights with respect to another component of the University of Dubuque to which the student has not been admitted. A "component" is an organizational unit which has separately administered admissions and matriculation policies and separately maintains and administers Education Records.

Rights of Inspection

The Act provides students with the right to inspect and review information contained in their Education Records, to challenge the contents of those Records which students consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their Records if the decision of a hearing officer or panel is unacceptable. The Registrar or Associate Dean for Academic Affairs at the University of Dubuque has been assigned the responsibility to coordinate the inspection and review procedures for Education Records.

Education Records: Definition

The term "Education Records" encompasses all recorded information, regardless of medium, which is directly related to a student and which is maintained by the University of Dubuque. Education Records include, but are not limited to, admissions, personal, academic, certain personnel, financial aid, cooperative education and placement records. Education Records do not include the following:

1. Records of instructional, supervisory, and administrative personnel, and ancillary educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute who may temporarily perform the duties of the maker;
2. Records of a law enforcement unit of the University of Dubuque which are maintained separate from Education Records, are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officers of the same jurisdiction, provided that Education Records of the University of Dubuque may not be disclosed to the law enforcement unit;

3. Records relating to individuals who are employed by the University of Dubuque which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees and are not available for another purpose.
4. Note: Employment records of persons who are employed solely as a consequence of college attendance, e.g., teaching/graduate assistants, work-study students, student interns, are Education Records.
5. Records created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting or assisting in a professional capacity, such as student health records, to be used solely in connection with the provision of treatment to the student and not disclosed to anyone other than for treatment purposes, provided that records may be disclosed to a physician or professional of the students' choice.
6. Note: Treatment in this context does not include remedial education activities or other activities which are part of the program of instruction at the University of Dubuque.
7. Records of an institution which contain only information relating to a person after that person is no longer a student at the institution; e.g., accomplishments of alumni.

Request for Review

Students who desire to review their Education Records must present a written request to the (Name of office or official), listing the item or items to be reviewed. Only those Education Records subject to inspection under this policy will be available for review. The items requested which are subject to review shall be made available for review no later than 45 calendar days following receipt of a written request. Students have the right to a copy of an Education Record which is subject to review when failure to provide a copy of the Record would effectively prevent the student from inspecting and reviewing the Education Record, as determined in the reasonable discretion of the University of Dubuque. A copy of an Education Record otherwise subject to review may be refused if a "hold" for non-payment of financial obligations exists. Copies shall be made at the student's expense. The fee for making copies of an Education Record is \$1.00 per page and must be paid at the time copies are requested.

Limitations on Student Rights

There are some limitations on the rights of students to inspect Education Records. Students shall have no right of inspection or review of:

1. Financial information submitted by their parents;
2. Confidential letters and/or recommendations placed in the student's file prior to January 1, 1975, if such documents were intended to be confidential and are used only for the purpose(s) for which they were specifically intended;
3. Confidential letters and/or recommendations placed in the student's file subsequent to January 1, 1975, associated with admissions, employment, or job placement or the receipt of an honor or honorary recognition if the student has voluntarily waived his/her right to inspect the confidential letters and/or recommendations in writing; and

4. Education Records containing information about more than one student. In such a case the University of Dubuque will permit access only to that part of the Education Record pertaining to the inquiring student.

Waiver of Student Rights

A student may waive any or all of his/her rights under this Policy. The University of Dubuque does not require waivers and no institutional service or benefit shall be denied a student who fails to supply a waiver. All waivers must be in writing and signed by the student. A student may waive his/her rights to inspect and review either individual documents (e.g., a letter of recommendation) or classes of documents (e.g. an admissions file). The items or documents to which a student has waived his/her right of access shall be used only for the purpose for which they were collected. If used for other purposes, the waiver shall be void and the documents may be inspected by the student. A student may revoke a waiver in writing, but by revoking it, the student does not regain the right to inspect and review documents collected while the waiver was validly in force.

Consent Provisions

No person outside of the University of Dubuque shall have access to, nor shall the University of Dubuque disclose any personally identifiable information from a student's Education Records without the written consent of the student. The consent must specify the Education Records to be disclosed, the purpose of the disclosure, the party or class of parties to whom disclosure may be made, and must be signed and dated by the student. A copy of the Education Record disclosed or to be disclosed shall be provided to the student upon request.

There are exceptions to this consent requirement. The University of Dubuque reserves the right, as permitted by law, to disclose Education Records or components thereof without written consent to:

1. "School officials" who have a "legitimate educational interest." "School officials" shall mean any person who is a trustee, officer, agent or employee of the University of Dubuque. "Legitimate educational interest" shall mean any authorized interest, or activity undertaken in the name of the University of Dubuque for which access to an Education Record is necessary or appropriate to the proper performance of the undertaking. It shall include, without limitation, access by a student's instructor, department head, dean, the chief academic and student affairs administrator, the President, a trustee, the custodian of the University of Dubuque records, the alumni administrator, legal counsel, the financial aid administrator, administrators charged with maintaining Education Records, the staff and subordinates of the foregoing, and others authorized by the President, to the extent the foregoing persons are acting within the course and scope of their employment or authority.
2. Officials of other educational agencies or institutions in which a student seeks to enroll.
3. Officials of other educational agencies or institutions in which the student is currently enrolled.
4. Persons or organizations providing student financial aid in order to determine the amount, eligibility, conditions of award, and to enforce the terms of the award.
5. Accrediting organizations carrying out their accrediting functions.

6. Authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, and state or local educational authorities, only if the information is necessary for audit and evaluation of federal, state or locally supported programs and only if such agencies or authorities have a policy for protecting information received from redisclosure and for destroying such information when it is no longer needed for such purposes (unless access is authorized by federal law or student consent).
7. State or local officials to whom disclosure is required by state statute adopted prior to November 19, 1974.
8. Organizations conducting studies for or on behalf of educational agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction, so long as there is no further external disclosure of personally identifiable information and the information is destroyed when no longer necessary for the projects.
9. Parents of a "dependent student" where the student's status as a dependent as defined in Section 152 of the Internal Revenue Code of 1954, as amended, has been established to the satisfaction of the University of Dubuque.
10. Persons in order to comply with a judicial order or a lawfully issued subpoena, provided a reasonable effort is made to notify the student in advance of compliance.
11. Appropriate persons in a health or safety emergency if the information is necessary to protect the health or safety of the student or other individuals.
12. An alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), but only the results of any disciplinary proceeding conducted by the University of Dubuque against the alleged perpetrator of such crime with respect to such crime.

With respect to items 2 and 3, above, the student shall be entitled to receive a copy of any disclosed Education Record upon request.

Institutional Record of Disclosure

The University of Dubuque shall keep a written record of all Education Record disclosures and the student shall have the right to inspect such record. The record shall include the names of parties or agencies to whom disclosure is made, the legitimate reason for the disclosure, and the date of the disclosure. No record of disclosure shall be required for those disclosures made to a student for his/her own use, disclosures made with the written consent of a student, disclosures made to a University of Dubuque "official" with a "legitimate educational interest," disclosures of "Directory Information," or for disclosures to persons or parties identified in the section entitled "Consent Provisions," item 6, for purposes of auditing the University of Dubuque's recordkeeping practices.

Records of disclosure prepared pursuant to this section or the following section shall be subject to review only by the student, the custodian and his/her/its staff, "school officials" as defined in the section titled "Consent Provisions," item 1, and federal, state or local government officials conducting audits of compliance by the University of Dubuque with the Act.

Redisclosure of Student Records

Any disclosure of Education Records authorized under this Policy (whether with or without student consent) shall be made on the conditions that the recipient shall not redisclose the Education Records without consent or authorization as required herein, and shall not permit or condone any unauthorized use.

Authorization for redisclosure, without consent, for purposes and to persons and parties permitted by law, may be given to a person or party designated in the section titled "Consent Provisions," above, provided, such authorization must include a record of:

1. The name of the person or party to whom redisclosures can be made; and
2. The legitimate interests which the additional person or party has for receiving the information and the purposes for which it may be used.

Such redisclosures must be on the conditions set forth in the first paragraph of this section.

Directory Information

In its discretion, the University of Dubuque may disclose, publish, or provide Directory Information concerning a student without consent or a record of disclosure. Directory Information shall include: a student's name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, weight and height of members of athletic teams, and (other similar information). Students may withhold Directory Information by notifying (Name of office or official) in writing within 10 calendar days after the first scheduled day of class of the fall term of such election. All written requests for non-disclosure will be honored by the University of Dubuque for only one (1) academic year, therefore, authorization to withhold Directory Information must be filed annually. (Alumni may request non-disclosure of Directory Information concerning them at any time. Such request will be honored continuously).

Challenge of Contents of Education Records

Any student who believes that his/her Education Records contain information that is inaccurate or misleading or is otherwise in violation of his/her privacy or other rights may discuss his/her concerns informally with the Registrar or Associate Dean for Academic Affairs. If the decision of the Registrar or Associate Dean for Academic Affairs is in agreement with the student's request, the appropriate Education Records shall be amended and the student shall be notified in writing of the amendment. If the decision is not in agreement, the student shall be notified within 15 calendar days that the Education Records will not be amended and the student shall be notified by the officer or official of the student's right to a hearing.

Student requests for a formal hearing must be made in writing within 10 calendar days after receipt of the notice from the Registrar or Associate Dean for Academic Affairs. Within 10 calendar days after receipt of the written request the Registrar or Associate Dean for Academic Affairs shall notify the student of the date, time and place of the hearing which shall not be held sooner than five (5) calendar days after issuance of said notice.

The student shall be afforded a full and fair opportunity to present evidence relevant to the issue(s) raised. If the student desires, he/she may be assisted or represented at the hearing by one or more persons of his/her choice, including an attorney, at the student's expense.

The hearing shall be conducted by a person (or persons) designated by the President who does not have a direct interest in the outcome of the hearing. The decision of the hearing officer or panel shall be final, shall be based solely on the evidence presented at the hearing, and shall be in writing, summarizing the evidence and stating the findings of fact and conclusions which support the decision. The written report shall be mailed to the student and any concerned party no later than thirty (30) calendar days after the date of the hearing.

If the hearing officer or panel determines that the Education Records at issue are inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the Education Records shall be amended in accordance with the decision and the student shall be so informed in writing.

If the hearing officer or panel determines that the Education Records at issue are not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the student may place in the Education Records a statement commenting on the information in the Education Records, or a statement setting forth any reasons for disagreeing with the decision of the hearing officer or panel. The statement shall be placed in the Education Records and shall be maintained as part of the Education Records so long as the Education Records are maintained and shall be disclosed whenever the Education Records in question are disclosed.

Note: Rights of challenge cannot be used to question substantive educational judgments which are correctly recorded (e.g., course grades with which the student disagrees).

A student who believes that the determination made concerning his/her challenge was unfair or not in keeping with the provisions of this Policy or the Act may request, in writing, assistance from the President of the University of Dubuque to aid him/her in filing a complaint with the Family Policy and Regulations Office, U.S. Department of Education, Washington, D.C. 20202.

Destruction of Records

Once a student has requested access to his/her Education Records, such records shall not be destroyed until inspection and review have been provided or, if denied, until all complaint proceedings have been completed. Subject to the foregoing condition, the obligation to maintain student statements of clarification exists only so long as the underlying Education Records are maintained. Subject to other applicable laws, policies or regulations, the University of Dubuque reserves the right to dispose of Education Records when it deems appropriate.

APPENDIX E

TECHNOLOGY POLICIES

For questions regarding the policies in this Appendix E, please contact the University of Dubuque OFFICE OF TECHNOLOGY.

Scope of Systems Covered

Campus Telephone System

- Phones
- Fax
- Nortel Call Pilot Voice Mail
- Nortel Meridian 81C, PBX
- Call Tracking and Accounting

Computers

- Desktops
- Laptops
- Labs

Computer Network

- Academic Computing
- Administrative Computing
- Internet Access
- Email
- Web Site Support

Computer Peripherals

- Printers
- Scanners
- Network Fax Machines
- Mobile and Smart Phones

Network Infrastructure

- Servers
- Switches
- Routers
- Hubs
- Cabling

Video Distribution System

- Cable (in Technology Center, Peters Commons and Myers Library)

Help Desk

- Software Support
- Hardware Issues
- Assistance with technology purchases

Audio/Visual Equipment

- Televisions, VCRs and DVD Players
- LCD projectors, Overhead Projectors, Slide

Projectors, and Document Cameras

- Projection Screens
- Camcorders
- Digital Cameras
- Amplifiers, Mixers, and Speakers
- AV Switchers and Control Systems
- SmartBoards

Hardware Policies

1. The Office of Technology provides hardware support for established standards only.
2. While the Office of Technology provides standard equipment for all employees at no cost to individual departments. Costs affiliated with the purchase of new equipment for new personnel or for specialized departmental functions will be the responsibility of the department making the request.
3. The Office of Technology will assist with all aspects of technology related purchases including investigating competitive pricing, ordering, setting up, connectivity to the network and, in some cases, training.
4. All purchases for technology related hardware must bear the signature of a staff person from the Office of Technology before being processed by the Business Office, regardless of the funding source.
5. Departmental credit card and Staples purchases for technology related hardware must be approved by the Office of Technology prior to the purchase being made.
6. The Office of Technology reserves the right to refuse installation and support services for hardware that has been purchased without their approval.

Software Standards

Software standards are designated to facilitate ease of support and staff development. The listing below is effective for 2014-2015 and is subject to yearly review, as coordinated by the Office of Technology as new products and services develop.

Productivity Applications

Adobe Acrobat Pro
Internet Explorer
Firefox
Microsoft Word 2010
Microsoft Excel 2010
Microsoft Access 2010
Microsoft PowerPoint 2010
Microsoft Publisher 2010
Microsoft OneNote 2010
Mediasite
SynchronEyes
Turning Point
Inspiration/Kidspiration
Roxio

Administrative Software

Jenzabar EX Suite
ID Card System
Goldmine (Admissions)
Horizon (Library)
JTACQ (Library)
PowerFaid (Financial Aid)
MSBuyBack (Bookstore)
Nortel Optivity Manager

Network Software

Windows 2008
WebSense
Symantec Antivirus
Symantec Backup Exec
Bradford Access Control
SQL Server 2012

Courseware (restricted access)

PaintShop Pro
Authorware
Adobe Homesite
MS Project 2013
Visio 2010
Java
Crystal Reports
Dark Basics
JGRASP
MSSQL Enterprise
3DMax
Adobe After Effects
Adobe Illustrator
Adobe InDesign
Adobe Photoshop
Adobe Premier
Gleim FAA Testing
Esri ARCGIS

Software Policies

1. The Office of Technology provides software support for established standards only.
2. Software support includes installation, maintenance, upgrades, training, and assurance of functionality.
3. ALL software purchases for individual departments must first be approved by person(s) in charge of that particular department. Upon departmental approval, **requests must be routed through the Office of Technology** for assistance in pricing, versions, formats, sourcing and installation. For non-standard or specialized software training & software support will be a relationship between the department and the vendor.
4. If approved software is intended to run on the campus network, 45 working days must be allowed for set-up time.
5. Use of all University owned and licensed software is **restricted to activities relating directly to the operating goals and mission** of the University of Dubuque.

6. Software licensed to the University is not to be copied or loaded on undesignated systems.
7. Software not purchased through the Office of Technology will not be supported. If installation of unapproved software is requested by an employee, the employee must provide both the software (CD or DVD) and documentation (a photocopy of the license or Purchase Order/Invoice). This documentation must be made available at the time the technician does the install. Failure to have proof of licensing will mean the software cannot be installed. If unapproved software creates an operating conflict with University provided/approved software, an attempt will be made to accommodate both software packages. However, if the conflict is irreconcilable or inappropriate, the non-supported software will be sacrificed. Faculty and staff must maintain a list of such specialized software to assure proper reinstallation of all needed software in the event the computer has to be re-imaged. Re-imaging typically occurs twice per year.
8. Under no circumstances will a student download, or attempt to install any software (Exception: Students with specific instructions from the Office of Technology, such as Work-Study).

Acceptable Use Policy

ACCESS

1. Access to and use of the computer systems and networks is limited to the faculty, staff, and students of the University of Dubuque. Others may be granted access for good cause at the discretion of the University.
2. Acceptable use of hardware and software includes study, research, teaching, and administrative work. Incidental personal use is not permitted without express permission of a University Vice President or President.
3. All students will be granted full access to select software applications, the Internet and remote access capabilities.
4. All students, both full and part-time are provided with email accounts when they register at the University of Dubuque. Student network accounts are disabled 30 days after December and May graduations.
5. Attempts to gain access (log in) to another person's account, or attempts to read someone else's mail or files, unless the owner publishes the file on the Internet, is prohibited. Sharing an account with another person is prohibited. Passwords are to be confidential.
6. The University of Dubuque Computer System is capable of tracking "footprints" of all users. If a user disputes allegations of inappropriate use, the Office of Technology will make any relevant tracking documentation available as evidence to administrative and/or investigative authorities.
7. Students will be provided with an initial amount of 250 sheets of paper each semester for printing in the computer labs. Amounts used beyond that will be charged to the students at a rate that will cover the costs of paper and ink. Balance information is available anytime the student logs into the computer system.
8. Students living in University housing may connect to the Internet via the University network. Students must perform an initial system security certification before this access is granted. Students may obtain information about this procedure from the Office of Technology HelpDesk.
9. Network connections for students living in University housing will be deactivated if any other computer or device is plugged into that port, or if there is any unusual traffic or security issues. The student may need to bring in the desktop or laptop for recertification if a virus or other traffic generating activity is suspected.
10. Residential students may elect to use an alternative Internet Service Provider and bear the responsibility for the associated costs.

DATA

1. The University will take reasonable efforts to backup all data and files saved on the University servers. The University assumes no liability for data lost or destroyed.
2. The University of Dubuque does not guarantee computer systems to be safe from system errors or operator failures.
3. The Office of Technology will backup and protect all files and data bases within the Administrative Software Application and Academic Servers. Files saved to the server by employees will also be backed up.
4. The Office of Technology may inspect or remove personal files as needed to diagnose problems and maintain the system in good working order. Reasonable effort will be taken to notify the owner prior to their removal.
5. Unauthorized use, duplication, or transmission of copyrighted material (including software) is prohibited.

COMMUNICATION - The Communications section of this policy applies to the University telephone and Voice Messaging System, as well as the computer network system.

1. The University computer and telephone system may not be used for illegal activities, nor may it be used to threaten or harass others. The system may not be used to send chain letters, or to post solicitations or advertisements. The University is not liable for harassment, threats, or impositions resulting from unacceptable use of the computer network. Individuals who believe they are being harassed are to process the incident through the Human Resources Office or the Dean of Students.
2. Email should be used with the understanding that electronic communication is never really private. The UD email system is for UD related activities. Employees and students are encouraged to use external email accounts for personal or non-professional communication.
3. Mass email, or voice mail, (aka spamming) from any student or employee to the entire University of Dubuque community (students, employees, or both) must first be approved by the Vice President over the requesting Office. Periodic messages may arrive via mass email, or voice mail, from the Office of Technology that relates to the functionality of the network.
4. The University of Dubuque Computer System is not a public forum and cannot be used for indiscriminate use. Use of the campus network (and all electronic components under the auspice of the Office of Technology, including voice mail) must be consistent with the Mission, Values, and Vision of the University. Any activity that does not reflect the University mission will be considered a violation of the *Acceptable Use Policy* and can result in restricted or eliminated access to the computer system. Examples of activities that are not permitted are:
 - A. **Commercial Use** – No student or employee can use the University of Dubuque Computer System, or other equipment to offer or provide products or services unless approved by the University Administrative Cabinet. Purchasing products and services via the campus system is at risk of the user. The University of Dubuque is not responsible for financial obligations from unauthorized use of the system by anyone.
 - B. **Political Lobbying** – Although everyone is allowed to express opinions and analyze measures regarding legislative matters, using the University of Dubuque Computer System, or other equipment to engage in fund raising or other political lobbying must first be approved by a Vice President, or the University Administrative Cabinet. It is acceptable to use the Computer System to communicate opinions to elected officials via the Internet.
 - C. **Inappropriate Use**
 1. Criminal speech and/or speech or use, in the course of committing a crime—e.g., threats to persons, instructions on breaking into computer systems; child pornography; drug dealing; gang activity, etc.
 2. Speech, or use, that is inappropriate:

- a. Inappropriate language, video, or graphics – obscene, profane, lewd, vulgar, disrespectful, threatening, or inflammatory language; harassment; personal attacks, including prejudicial or discriminatory attacks; or false or defamatory material about a person or organization.
- b. Dangerous information – information that if acted upon, could cause damage or present a danger of educational or business operation disruption.
- c. Violations of privacy – revealing personal information about others.
- d. Abuse of resources – chain letters, “spamming,” jokes or other such mail. (Spamming is sending an annoying or unnecessary message to a large number of people)
- e. Sending messages for the purpose of selling goods or soliciting responses for goods or services. (This excludes sales announcements by administrative/academic departments and University related groups.)
- f. Copyright infringement or plagiarism.
- g. Pornographic material – electronic and print material which, by their design, are salacious, lascivious, lecherous, lustful, or demeaning to humans in their portrayal of aberrant sexual behavior.
- h. It is unacceptable to distribute a computer virus or engage in any procedure that interferes with the normal operation and delivery of services over the network.

HARDWARE & SOFTWARE

1. Users of the UD network should conserve network resources. Activities that result in excessive use of network bandwidth, server storage, or system time are restricted (this specifically includes the downloading and storing of video or music files along with the storage of personal pictures).
2. Only legal, licensed software applications may reside on or be transferred over the UD network. Reproduction of such software or its related documentation is forbidden unless explicitly authorized by the software developer. All University faculty, students and employees shall use computer software only in accordance with license agreements and Mission, regardless of the ownership of the license. All shareware programs must be registered in accordance with their license and use provision.
3. Hacking--unauthorized modification of operating systems, application software, or network software on any system attached to the UD network is strictly forbidden. This includes any activities that result in a denial of service.
4. Tampering with terminals, microcomputers, printers or any other associated University-owned equipment is strictly forbidden. Removal of computer equipment, disks, paper or documentation from a computing facility is also unacceptable.

CONSEQUENCES

1. Violation of the above policy and any other inappropriate use of the computer system, Internet, telephone system, or any systems under the purview of the Office of Technology will result in the suspension of the privilege of use. Suspension of use will be immediate, with the duration of the suspension then determined by the University judicial processes. The System Administrator may close a suspect account at any time, as required, and will, in the case of a University student, then notify the Dean of Student Life and the Vice President of Academic Affairs; and in the case of a seminary student, then notify the Dean of the Seminary. The administration, faculty, and staff may request the Office of Technology to deny, revoke or suspend specific user accounts. Any person identified as a security risk may also be denied access. If an employee of the University is in violation of the policy as previously described, they will be subject to discipline in accordance with University Policy.
2. Any person, or persons, altering or attempting to alter without authorization, the cabling or component of any computer system, will be restricted from access and/or subject to criminal prosecution, if appropriate.

3. The Office of Technology will investigate complaints it receives from computer users at this and other institutions when those complaints pertain to inappropriate use, including messages that are sent by University of Dubuque students.
4. A student suspected of violating the *Acceptable Use Policy* will be notified via campus email, mail, telephone, or appointment with the Office of Technology. An office of a Vice President or President will notify University employees suspected of violation. It should be understood that the above policies do not preclude prosecution in cases of criminal misconduct under current laws and regulations of the city, the state, and Federal Government.

Campus Telephone System

DESCRIPTION

The campus telephone system is comprised of a Nortel PBX (Option 81C) with both analog and digital capabilities and is supported by the Director of Information Services. Qwest provides both local and long distance service via three, 24 channel, T1s. In addition, the University uses the Nortel CallPilot Voice Information Processing (voice mail messaging) system.

POLICIES & PROCEDURES

1. Charges for long distance telephone calls and faxes are billed to individual offices and departments making the calls.
2. Personal long distance calls made by employees are to be reimbursed to the office or department phone budget account.
3. The entire *Acceptable Use Policy*, Communication section 1-4 applies to the campus telephone system.
4. Mass voice mailings are to be submitted in text format for approval from the Vice President overseeing the department or office making the request, or from the Dean of Student Life.
5. Staff and Faculty are approved to create and/or maintain one voice mail distribution list with which to send information to a University group or committee whose activities are consistent with the Mission, Vision and Values of the University of Dubuque. If additional distribution list capabilities are required, individuals must request this access through the Vice President who oversees the requesting office.

Help Desk Procedures

DESCRIPTION

The Help Desk is available to all employees and students to receive assistance with **technology-related** issues. This includes hardware, software, and functionality of all services and equipment listed on the proceeding pages. All inquiries and requests of the Help Desk will be accommodated in a timely fashion within the policy below.

The intent and purpose of the Help Desk is to assist and facilitate smooth operations.

PROCEDURES

1. The Help Desk is limited to the employees and students of the University of Dubuque.
2. The Help Desk is limited to hardware and software purchased by the University of Dubuque.
3. Normal business hours for the University of Dubuque Technology Help Desk are Monday through Friday from 8:00am to 5:00pm. The Help Desk is closed on UD observed holidays. There are occasional instances when the Help Desk may be closed for staff meetings or unforeseen circumstance.
4. Note: Help Desk email is monitored periodically outside normal working hours by technology staff members. Voice mail left at the HelpDesk outside of normal working hours is attended to on the next working day.

5. All inquiries and requests should be routed through the Help Desk at ext. 3737 or through the Help Desk email, HelpDesk@dbq.edu. Employees and students **should not contact Office of Technology Staff members directly for assistance.**
6. Each call will generate a work order to an Office of Technology staff person that can best provide solutions. All jobs are documented and handled in the order received unless emergencies dictate otherwise.
7. Emergencies (as determined by the Office of Technology) are handled immediately. In case of multiple emergencies, the order of priority for resolution will be:
 - 1st - Academic and classroom functionality
 - 2nd - Administrative operations
 - 3rd - other
8. Urgent widespread technology-related difficulties experienced outside of the normal business hours (8:00 am to 5:00 pm, Monday thru Friday), can be reported to Security at extension 3333. Please do **NOT** call any of the Tech staff members at their home. Security will take the prescribed steps to notify the appropriate Tech staff person of the problem.

Media Services

Media Services, a branch of the Office of Technology, is the primary source of audio-visual support on campus. Areas of responsibility include technical support for classroom AV equipment, staffing and technical support for special events, and video services (production, duplication, webcasts, web conferencing, digital signage, and lecture capture).

Classroom AV Equipment

Media Services provides technical support for all classroom AV equipment, including TVs, projectors, screens, speakers, and AV controls. Over 90% of the university classrooms are outfitted with an LCD projector, screen and sound system. Most of the classrooms also have an instructor PC and can accommodate laptops as well. A complete inventory of classroom technology can be found on the Media Services website. If you are assigned a classroom without any AV equipment, contact Media Services to schedule an equipment loan.

Although every effort is made to standardize AV equipment across classrooms, some rooms are unique. Training is highly recommended for faculty planning on using classroom unfamiliar to them. Orientation sessions are offered all year. To schedule an appointment, contact Media Services at 589-3350.

Help requests involving computers, internet access, Wi-Fi, network accounts, printers, and other IT issues should be directed to the Office of Technology Help Desk.

Special Event Support

Media Services provides technical support for special events organized by faculty, staff and students. Support includes setting up, testing, and tearing down AV equipment, as well as providing staff for technical support during events if necessary.

Technical support requests for special events can be made online and should be submitted at least two weeks prior to the event. Requests received less than one week before an event may not be honored, depending on staff availability. The online request form can be found here: <http://bit.ly/1qgz2RN>

Equipment Loans

Media Services has a wide range of AV equipment available for loan to UD faculty, staff and students for school-related projects. All equipment is loaned for 24 hours or Friday-Monday, unless other arrangements have been made in advance. An equipment loan agreement form must be completed prior to check out. The agreement states that the equipment will be returned in the same condition it was received, and that any loss or damages to equipment during the loan are the responsibility of the person borrowing the equipment. The form can be completed online at <http://bit.ly/1cBSXqX>

Equipment available for loan includes, but is not limited to:

- TurningPoint clickers (student response system)
- Audio mixers, amplifiers, speakers and microphones
- Portable PA systems
- PowerPoint remotes
- Apple video adapters
- Digital audio recorders
- Camcorders and tripods
- AV cables and accessories

Laptops and LCD projectors can be reserved through the Office of Technology Help Desk.

Video Services

Media Services can assist faculty and staff with a variety of video programs and services.

Video Production

Media Services works with a variety of university departments to produce videos, from concept and filming to editing and distribution. We do not produce videos for class assignments, but we are available to assist students who may have technical questions or problems producing their own video.

The most successful video projects have a clear objective, audience and timeline. For a sample of videos produced by Media Services, visit our YouTube channel: <http://www.youtube.com/user/UDBQMedia>

Duplication

Media Services can duplicate videos for a small fee to cover the cost of materials. Media Services observes all state and federal copyright laws and will not duplicate copyrighted material without written permission from the copyright owner.

Media Release Form

Media Services frequently receives requests to film guest speakers or performers. Before recording someone who is not a UD faculty, staff, or student, a media release form must first be signed and submitted by the guest speaker or performer. The release form can be completed online at <http://bit.ly/1hcg1Nw>

Webcasts

Media Services can broadcast videos of athletic and special events online -- either live, on-demand, or both. Stretch Internet handles the encoding and distribution of all athletic webcasts. The video portal for athletic events can be found here: <http://client.stretchinternet.com/client/dbq.portal#>

Live webcasts of special events such as commencement are usually hosted on the University's Mediasite server. A custom URL is generated for the live webcast of each special event.

To schedule a webcast, please contact the Media Services office at least two weeks in advance. Hyperlinks to live events are provided upon request, and on-demand versions of live webcasts are usually available within 24 hours of the event.

Recording Lectures

Instructors who wish to record lectures have two options. To record face-to-face class lectures, there are five classrooms outfitted with Mediasite recorders. Mediasite can record camera video, computer presentations, and microphone audio simultaneously. The recorders can be programmed to record on a class schedule (every Tuesday and Thursday from 9:00-10:00, for example), or recordings can be made at will. Once published, the videos can be watched online, either live or on-demand. Videos can be formatted to play on most common devices, including tablets and smart phones. Hyperlinks to the class videos are provided by Media Services. Faculty are responsible for distributing the hyperlinks to students. This is usually accomplished by copying the video links to a course page within Moodle.

For instructors who wish for more flexibility, Camtasia Relay can record a computer presentation as well as microphone audio. Relay can be installed on any school PC that meets the program's system requirements. Like Mediasite, faculty are responsible for sharing the video links with their students, usually by copying the hyperlinks to Moodle.

Skype and Videoconferencing

Media Services has equipment available for videoconferencing, including webcams, tripods, and USB microphones. We can also assist with technical support on the day of important calls. See the equipment loan section for more information about reserving equipment.

Digital Signage

Media Services provides technical support for all campus digital signage, including displays in Steffens Hall, the CRWC front desk, the Heritage Center history display, the Career Services lobby, and several other locations. With a few exceptions, most digital signs are not managed by Media Services. Rather, the content and updates are provided by staff from other departments. Media Services can assist with the setup, configuration, training and troubleshooting.

More Information

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APPENDIX F

Title IX: Sexual Misconduct Policy

1. The University of Dubuque is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex; which includes all forms of sexual misconduct. Sexual misconduct violates an individual's fundamental rights and personal dignity. The University of Dubuque considers sexual misconduct in all its forms to be a serious offense. This policy refers to all forms of sexual misconduct, including but not limited to: sexual discrimination, sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.
 - 1.1. The University of Dubuque does not discriminate on the basis of race, color, creed, age, gender, sexual orientation, religion, national origin, veteran status, physical or mental disability, genetic information, or any other basis of prohibited discrimination in its programs and activities. This policy extends to employment with and admission to the University.
2. Title IX of the Education Amendments of 1972: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the University has developed policies and procedures that prohibit sexual misconduct in all of its forms.
3. Guidance on reporting
 - 3.1. The University of Dubuque encourages those who have actual knowledge of any form of sexual misconduct to report the incident promptly, to seek all available assistance, and to pursue University conduct charges and/or criminal prosecution of the offender. The University takes allegations very seriously and will work with involved parties to ensure their safety and to remedy the situation in an unbiased manner.
 - 3.2. All incidents of sex misconduct, including sexual discriminations or retaliation, should be reported. The Title IX Coordinator will provide an impartial investigation of all allegations.
 - 3.3. The University has developed both an informal and formal complaint and resolution procedure to respond to sexual misconduct.
 - 3.4. The University shall take reasonable steps to prevent the occurrence of sexual misconduct of any form. If such an occurrence takes place, those responsible for such behavior may be subject to actions under the Student Code of Conduct (Student Handbook) if they are a student. Employees or third parties may be subject to actions under the Employee Handbook. For examples of the range of potential actions and sanctions, see the Student Handbook, the Faculty Handbook, or the Employee Handbook.
4. Whom to file a report or make a complaint to:
 - 4.1. The University encourages those who have actual knowledge of sexual misconduct to report these offenses to either a Title IX Coordinator or the Campus Safety & Security; those who

want to report an allegation have the right, however, not to provide a statement to Campus Safety & Security.

- 4.2. Campus Safety & Security (563.589.3333)
Persons who wish to make a report may contact Campus Security
Phone: 563.589.3333
Office: 112 Smith Hall
Address: 2000 University Avenue, Dubuque, IA 52001
- 4.3. Title IX Coordinator(s)
Persons who wish to report any form of sexual misconduct may contact the University's Title IX Coordinator(s). The Title IX Coordinator(s) can assist with all aspects of the reporting procedure. Employees of the University can also make an initial report to their immediate supervisor who must report it to the Director of Human Resources.
- 4.4. Employees who believe they have either witnessed or been subjected to unlawful sexual misconduct should notify one of the following: The Director of Human Resources or the Dean of Student Formation if a student is involved.
The following person(s) have been designated to handle reports regarding the non-discrimination policies:
 - 4.4.1. Director of Human Resources/Title IX Coordinator
(Julie MacTaggart, 563.589.3619)
Address: 2000 University Avenue, Dubuque, IA 52001
Office Location: 336 Charles & Romona Meyer Center (MTAC)
Phone: 563.589.3619
Email: JMacTaggart@dbq.edu
 - 4.4.2. Dean of Student Formation/Deputy Title IX Coordinator
(Michael Durnin, 563.589.3270)
Address: 2000 University Avenue, Dubuque, Iowa 52001
Office Location: 201 Peters Commons
Phone: 563.589.3270
Email: MDurnin@dbq.edu
 - 4.4.3. Dean of Student Engagement/Deputy Title IX Coordinator
(Nelson Edmonds, 563.589.3867)
Address: 2000 University Avenue, Dubuque, Iowa 52001
Office Location: #306F Heritage Center
Phone: 563.589.3867
Email: NEdmonds@dbq.edu
 - 4.4.4. Director of Student Guidelines/Deputy Title IX Coordinator
(Brigette Kyei Nimakoh, 563.589.3519)
Address: 2000 University Avenue, Dubuque, Iowa 52001
Office Location: 205 Peters Commons
Phone: 563.589.3519

Email: Bkyeinimakoh@dbq.edu

4.4.5. Additionally, anonymous reports can be made by the parties involved and/or third parties using the online reporting system posted at www.dbq.edu/AboutUD/AnonymousHotline8332900001/, or the reporting hotline at 833.290.0001. Note that these anonymous reports may prompt a need for the institution to investigate.

4.4.6. Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Chicago Office
Office for Civil Rights (OCR)
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312.730.1560
Fax: 312.730.1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

4.4.7. In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the James Steiner, Vice President of Finance and Auxiliary Services at JSteiner@dbq.edu or 563.589.3210.

5. Guidance on Self Care

5.1. It is essential that the involved parties first ensure their safety. The following are resources to contact for assistance and support:

- University of Dubuque's Title IX Coordinator (See above)
- University of Dubuque's 24/7 Counseling – 563.589.3911
- Riverview Center's toll free Crisis Line (available 24/7) – 888.557.0310
- University of Dubuque's Student Life Incident Reporting System (Maxient) at https://cm.maxient.com/reportingform.php?UnivofDubuque&layout_id=1
- Campus Safety & Security and the Title IX Coordinator can provide immediate referral information, access to the University counselor on-call, and/or investigation assistance. If the incident occurred outside of the City of Dubuque, nationally or internationally, Dubuque Law Enforcement and/or University personnel can assist you in contacting appropriate resources for reporting purposes and support.
- City of Dubuque Police Department – 911
- University of Dubuque's Campus Safety & Security – 563.589.3333
- Dubuque Hospital Emergency Rooms
 - UnityPoint Health Finley Hospital – 563.582.1881
350 North Grandview Ave, Dubuque, IA 52001
 - Mercy Medical Center – 563.589.9666
250 Mercy Drive, Dubuque, IA 52001

- 5.2. When necessary, seek immediate medical attention at an area hospital. All medical treatment following a reported sexual assault is **free**. Sexual assault medical care is paid for by the Iowa Crime Victim Assistance Division. Medical care following a sexual assault may include the following services: sexual assault examination kit, pregnancy prevention, STD treatment, antibiotics, and any further necessary treatment of injuries.
- 5.3. The following preservation procedures will help preserve evidence in the event that a sexual assault occurred and a survivor chooses to move forward with a sexual assault examination kit. The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future. First and most importantly, ensure that your safety and basic needs are met. Preservation procedures include avoiding bathing, urinating, douching, brushing teeth, or drinking liquids. If possible, clothes should not be changed but if they are bringing all the original clothing to the hospital in a bag. Any other evidentiary materials that may be useful for an investigative process may also be collected.
- 5.4. A Riverview Center advocate will offer support at the hospital and law enforcement centers to provide free and confidential options for legal, medical, and personal advocacy. Advocates will ensure that survivor's rights are protected. Advocates are available for emergency assistance 24/7.
- 5.5. Involved parties may choose whether or not to speak with the police at the hospital to make a formal report. The reporting party may choose to make a report for evidentiary purposes but not go forth with an investigation at that time. The option to investigate could remain for up to 15 years after the reporting party attains eighteen years of age or older following an incident or three years from the date the offender is identified through DNA. Additional information can be found in Iowa Code 802.2 Statute of Limitations; Iowa Code 709.2-709.4 Citations for Crime.
- 5.6. Involved parties may choose to see a private physician. Private physicians are not required to notify the police, however, they are required to notify police if a sexual assault examination kit is performed for purposes of maintaining evidentiary chain of custody.

6. Support Services

- 6.1. There are various supportive measures available for those who have experienced sex misconduct and/or harassment. These support sources include but are not limited to:
 - Title IX Coordinators serve as the central reference persons for information about reporting and the investigative procedure, as well as references for counseling options.
 - University's 24/7 Counseling (563.589.3911) is available for students who have experienced any form of sexual misconduct may receive free and confidential counseling.
 - Riverview Center (1.888.557.0310) is available 24/7 for free and confidential crisis intervention, counseling, and advocacy.
 - University of Dubuque employees may contact the Human Resources office or reference the Employee Handbook for information regarding counseling options.
 - Reassignments: When the involved parties participate in the same courses, reside in the same University residence or in proximity to one another, or participate in the same

activities (i.e., sports teams) involved parties may request that a fair and immediate way to reassign and/or move one of the persons be decided upon by the Dean of Student Formation or an investigative designee.

- The Dean of Student Formation will consult with the appropriate academic dean in making a determination regarding an alternative classroom assignment(s) for the involved parties who have experienced a sexual misconduct and with the Director of Housing in making a determination regarding an alternative housing assignment.
 - If involved parties are also student employees that work in the same department or area, alternative work assignments may be made by the appropriate administrator upon request by the student employee filing the allegation.

Additional resources can be found at: StudentHealthCenter@dbq.edu

7. Informal Procedure

7. 1. Informal resolution procedures are optional and may be used when the University determines that it is appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse. Some allegations of sexual misconduct can be resolved through informal mediation between the parties as long both parties give voluntary, informed, written consent to attempt informal resolution.
7. 2. Once a report of sexual misconduct has been made and if agreed upon by both parties, informal resolution procedures will be pursued by a Title IX Coordinator and will be resolved in a prompt, equitable, and unbiased manner. The reporting party and the respondent will be advised of any delays that occur during the process. For reports involving allegations against University employees, a Title IX Coordinator and Director of Human Resources shall jointly conduct an investigation.
7. 3. Once the informal resolution procedure is complete, written notification to all parties shall be given by a Title IX Coordinator within one day of the determinations of findings.
7. 4. The University will take all necessary steps to accommodate the needs of the involved parties. Examples of accommodations may include but not limited to: order of no contact directive, residence hall relocation, and adjustment of schedule, etc. These accommodations may be applied to one, both, or multiple parties involved.
7. 5. The University shall take reasonable steps to prevent the reoccurrence of sexual misconduct of any form. If such reoccurrence takes place, those responsible for such behavior may be subject to actions under the Student Code of Conduct (Student Handbook) if they are a student. Employees or third parties may be subject to actions under the Employee Handbook policies. For examples of the range of potential actions and sanctions see the Student Handbook, Faculty Handbook, or Employee Handbook.
7. 6. The use of the informal complaint and resolution procedure is optional. The University may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. At any time, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and

resume the grievance process with respect to a formal complaint. A presumption of innocence throughout the grievance process, with the burden of proof on the institution.

8. Formal Procedure

8.1. Time Limitations

8.1.1. In order to pursue action through the University of Dubuque's grievance procedure, an aggrieved student or employee should meet with a Title IX Coordinator, or the Director of Human Resources, as the case may be, as soon as possible after the alleged act of sexual misconduct, harassment, or retaliation occurs, to discuss the allegation. The formal complaint as a document filed by the reporting party or signed by the Title IX coordinator alleging sexual misconduct against a respondent and requesting that the school investigate the allegation, the complainant must be participating in or attempting to participate in the education program or activity of the University in order to make a report to UD. If a report is made to the local police department in the State of Iowa, see Iowa Code 802.2 Statute of Limitations; Iowa Code 709.2-709.4 Citations for Crime.

8.2. Once an allegation of sexual misconduct is made, an investigation of the report shall be pursued promptly within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a prompt, equitable, and unbiased manner. There is a presumption of innocence throughout the grievance process, with the burden of proof on the institution.

8.3. To ensure a prompt and thorough investigation, as much of the following information should be provided:

8.3.1. The name, department, and position of the person or persons allegedly causing the sexual misconduct, which can include sexual or gender discrimination, sexual violence, harassment, or retaliation.

8.3.2. A description of the incident, including the date, location, and the presence of any witnesses.

8.3.4. The names of other students or employees who might have been subject to the same or similar sexual misconduct, sexual or gender discrimination, or retaliation.

8.3.5. Any other information the involved parties believe to be relevant to the sexual misconduct, sexual or gender discrimination, harassment, or retaliation.

8.4. Investigation

8.4.1. An investigation into the report shall be conducted by a Title IX Coordinator and both the Jeanne Clery Act and UD Handbook policies may apply. For reports involving University employees and/or third parties, a Title IX Coordinator and Director of Human Resources shall jointly conduct the investigation. The investigation shall be

concluded in a prompt, equitable, and unbiased manner. The reporting party and the respondent will be advised of any delays that occur during the process.

- 8.4.2. The University will investigate the allegations in any formal complaint and send written notice to both parties of the allegations upon receipt of a formal complaint.
- 8.4.3. The university may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.
- 8.4.4. At any time during the investigation, the university will take all necessary steps to accommodate the needs of the involved parties. Examples of accommodations may include but not limited to: order of no contact directive, residence hall relocation, and adjustment of schedule, etc. These accommodations may be applied to one, both, or multiple parties involved.
- 8.4.5. The university will be responsible for the burden of gathering evidence and burden of proof. This is not the responsibility of the parties.
- 8.4.6. Both parties have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- 8.4.7. The university will send written notice of any investigative interviews, meetings, or hearings.
- 8.4.8. The university provides rape shield protections for complainants deeming irrelevant questions and evidence about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
- 8.4.9. The university will protect the privacy of party's medical, psychological, and similar treatment records by stating that the university cannot access or use such records unless the institution obtains the party's voluntary, written consent to do so.
- 8.4.10. Involved parties are provided equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence and will not restrict the ability of the parties to discuss the allegations or gather evidence.
- 8.4.11. The university must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review and respond to the evidence.
- 8.4.12. The university must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- 8.4.13. The university must dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in a school's education

program or activity against a person in the United States. Such dismissal is only for Title IX purposes and does not preclude the university from addressing the conduct in any manner the institution deems appropriate.

8.4.14. The university may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the reporting party desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school or if specific circumstances prevent the institution from gathering sufficient evidence to reach a determination.

8.4.15. The university must give the parties written notice of dismissal (mandatory or discretionary) and the reason for the dismissal.

8.4.16. Failure to comply with the terms of interim protections may be considered a separate violation of the Student Code of Conduct.

8.5. A resolution shall be determined at the conclusion of the investigation. Parties involved will be given notice of the outcome in writing typically within one day of the determination.

8.6. The involved parties may appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter,
- Newly discovered evidence that could affect the outcome of the matter, and/or
- Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

All appeals will be conducted in an impartial manner by one of the persons who did not conduct the initial investigation. The university may offer an appeal equally to both parties on additional bases.

8.7. The University shall take reasonable steps to prevent the reoccurrence of sexual misconduct of any form. If such reoccurrence takes place, those responsible for such behavior may be subject to actions under the Student Code of Conduct in the Student Handbook if they are a student. Employees or third parties may be subject to actions under the Employee Handbook policies. For examples of the range of potential actions and sanctions see the Student Handbook, Faculty Handbook, or the Employee Handbook.

9. Student Conduct Hearing/Live Hearings & Cross-Examination

9.1. For reports of violations of this policy in which the involved parties involve students, the complainant/reporting party may also initiate charges through the Student Conduct Process found in the Student Handbook. As stated in that policy, any member of the University community may initiate charges against a student. In instances when a student conduct allegation is made, a conduct hearing shall be scheduled typically within 10 calendar days or within a reasonable amount of time. The investigation will be conducted in a prompt, equitable, and unbiased manner. The reporting party and the respondent will be advised of

any delays that occur during the process. The purpose of the student conduct hearing is to determine responsibility for any alleged policy violations. This policy will be followed in accordance with the Student Conduct Process as it relates to the Title IX policy as well as the Jeanne Clery Act.

9.2. Determining Responsibility in Student Conduct Process:

9.2.1. The standard used to determine accountability will be Preponderance of Evidence, whether it is more likely than not that the accused has violated the Student Code of Conduct policy. All members of the University community found to have violated this policy will be sanctioned, up to dismissal from the University.

9.2.2. The Involved Parties rights in Student Conduct Process:

- An explanation of available options for redress;
- A written explanation of the charge(s);
- Freedom from harassment by involved parties (or the supporters);
- An explanation of the University discipline system;
- Use of all available internal and external support services in dealing with the aftermath of the offense;
- Freedom from having irrelevant sexual history discussed during the disciplinary hearing;
- Written information about the outcome of the disciplinary hearing;
- The decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the university must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- Live hearing may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- The university must create an audio or audiovisual recording, or transcript of any live hearing.
- Opportunity to appeal the outcome of the hearing;
- Rape shield protections for complainants deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

9.2.3. At the conclusion of this process, the University will provide written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The reporting party and the respondent will be advised of any delays that occur during the process. The written determination to be sent simultaneously to the parties along with information about how to file an appeal.

9.2.4. Appeals shall follow the Student Conduct Procedure or the Title IX Procedure. The appellate body may not be a hearing officer from the original hearing.

9.3. Cooperation with Law Enforcement

9.3.1. The University will comply with law enforcement requests for cooperation and such cooperation may require the University to temporarily suspend the fact finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process although the delay in the University's investigation may be longer in certain instances.

9.3.2. The University will implement appropriate interim steps during the law enforcement investigation period to provide for the safety of the involved parties and the campus community and the avoidance of retaliation.

10. Retaliation

10.1. Retaliation: any adverse action, taken against a person participating in a protected activity, because of their participation in the protected activity. Subject to limitations imposed by the First Amendment, and/or academic freedom. Retaliation against an individual for an allegation, for supporting a reporting party, or for assisting in providing information relevant to an allegation is a serious violation of university policy.

10.1.1. The University of Dubuque strictly prohibits retaliation against any person for, in good faith, using this reporting procedure or for filing, testifying, assisting or participating in any investigation or proceeding involving allegations of sexual

misconduct. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee and/or dismissal if they are a student.

- 10.1.2. Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as report or formal complaint of sexual harassment, for the process of interfering with a right or privilege secured by Title IX constitutes retaliation.
- 10.1.3. The school must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.
- 10.1.4. Complaints alleging retaliation may be filed according to the universities prompt and equitable grievance procedures.
- 10.1.5. The exercise of rights protected under the First Amendment does not constitute retaliation.
- 10.1.6. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

11. Confidentiality

- 11.1. Those who have experienced sexual misconduct should know that all University employees (Resident Assistants, Campus Safety & Security, staff members, etc.) excluding licensed professionals from the University Counseling Center and the ordained professionals in Campus Ministry, may relay disclosures of sexual assault to the police, either directly or through Campus Safety due to a continued threat to campus and/or to others that have a duty to respond. Because licensed professionals from the University Counseling Center and ordained professionals in Campus Ministry are not required to disclose knowledge of sexual misconduct reported to them, those who wish to discuss a situation in complete confidence should notify only the Counseling Center or Ordained Campus Ministry. Situations where confidentiality may be breached:
 - Involved parties choose to allow certain information to be shared with specific individual(s) and sign a release of information allowing counseling services to share that information.
 - There is serious and foreseeable harm to self or others.
 - If involved parties report witnessing or experiencing some form of child abuse firsthand, counselors are mandated by law to report suspected child abuse.
 - Court subpoena of records.
- 11.2. If one would like to report an incident or speak to someone and desire that details of the incident be kept confidential, they should speak with members of the Counseling Center,

Ordained Campus Chaplain, or Riverview Center, who will maintain confidentiality to the extent permitted by law. Both Campus counselors and Riverview Center advocates are available to help free of charge, and can be seen on an emergency basis. In addition, involved parties may speak both on and off campus with clergy and chaplains.

11.3. All inquiries, allegations, complaints, and investigations are treated with discretion. Information will be shared only as law and policy require. However, the identity of the reporting party/complainant is usually revealed to the person(s) accused of such conduct.

11.4. The Title IX Coordinators shall maintain all information in secure files pertaining to an allegation, complaint or investigation.

11.4.1. Federal Statistical Reporting Obligations (Jeanne Clery Act): Certain campus officials have a duty to report violations of this policy for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus security regarding the type of incident and its general location (on or off-campus, or in the surrounding area without addresses) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety.

11.4.2. Federal Timely Warning Reporting Obligations: Involved parties of sexual misconduct should also be aware that University administrators must issue timely warnings for certain types of incidents reported to them that pose a continued threat of bodily harm or danger to members of the campus community under the Jeanne Clery Act. The University will make every effort to ensure that the involved parties name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

11.4.3. Sexual Assault, Dating Violence, Domestic Violence, Stalking: Should the report be determined to not be a policy violation for Title IX purposes, UD will refer to the Jeanne Clery Act as well as the appropriate UD handbook policies.

12. Consequences

12.1. The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety.

12.1.1. Such measures include, but are not limited to: modification of living arrangements, interim suspension from campus pending a hearing, and reporting to the police, etc.

12.2. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense.

13. Special Provisions

13.1. Clear and Present Danger: If, in the opinion of the Dean of Student Formation, a student is a clear and present danger to the community, the Dean, in consultation with the President of the University, may suspend a student from the University pending a hearing and an appeal process.

13.2. Attempted violations

13.2.1. In most circumstances, the University will treat attempts to commit any of the violations listed in this policy or in the Student Code of Conduct as if those attempts had been completed.

13.3. The University as complainant

13.3.1. As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the reporting party/complainant.

13.4. False Reports

13.4.1. The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Violations will result in sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense.

13.5. Amnesty

13.5.1. The University community encourages the reporting of sexual misconduct and Code of Conduct violations. Involved parties may be hesitant to report to University officials because they fear that they may be charged with policy violations, such as underage drinking at the time of the incident. It is encouraged that involved parties choose to report to University officials to ensure that they receive adequate resources. While violations to policy cannot be completely overlooked, the University will provide educational options rather than punishment, in such cases.

13.6. Parental Notification

13.6.1. The University reserves the right to notify parents/guardians of dependent students regarding any health or safety emergency, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a health or safety emergency. The University also reserves the right to designate which University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

13.7. FERPA and Records

13.7.1. The outcome of a Title IX investigation involving students is NOT part of the education record of the student parties involved and is protected from release under a federal law (FERPA). Other than University suspension or probation, disciplinary sanctions shall not be made part of a student's permanent academic record, but shall become part of the student's confidential record kept in the Student Life Office. However, the University observes the legal exceptions that allow for notification of the parties involved and others whom the University determines to inform based on the law and this policy.

13.7.2. The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence," which may include: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The University may release this information to the reporting party/complainant in any of these offenses regardless of the outcome.

14. Educational Programming

14.1. The University of Dubuque recognizes sexual misconduct as an important issue. The University offers educational programming to a variety of groups such as: Campus Safety & Security, Residence Life, faculty, and staff, incoming students participating in orientation activities, resident and off-campus students, and members of student organizations.

14.2. Sexual misconduct educational programming may address matters such as: a definition of what constitutes sexual misconduct, the causes of and myths involved with sexual misconduct, the relationship between sexual misconduct and alcohol use, what to do if you are assaulted, the nature of a rape examination, an explanation of the University sexual misconduct policy, how to file charges within the University and/or with the local police department, and campus community resources to assist both the reporting party and the accused.

14.3. To learn more about the training, the Title IX team receives, please contact the Title IX coordinator.

15. Definitions and Examples of Sexual Misconduct.

15.1. Sexual Misconduct: any sexual behaviors that violates the University of Dubuque's Code of Conduct and/or Title IX Policy. Prohibited conduct under this Sexual Misconduct Policy includes:

15.1.1. Sexual or Gender Discrimination: behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex, sexual orientation, or gender.

15.1.1.1 Examples of sexual discrimination under Title IX include, but are not limited to, sexual harassment, failure to provide equal opportunity in education programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

15.1.2. Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

15.1.2.1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

15.1.2.2. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

15.1.2.3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

15.1.2.4. Retaliatory Harassment: Any harassing action (as defined above), taken against a person participating in a protected activity, because of their participation in the protected activity. Subject to limitations imposed by the First Amendment and/or academic freedom. Retaliation against an individual for an allegation, for supporting a reporting party, or for assisting in providing information relevant to an allegation is a serious violation of university policy.

15.1.3. Sexual Exploitation: when a person takes non-consensual or abusive sexual advantage of another for self-serving advantage or benefit, or to benefit or advantage anyone other than the one being directly exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

15.1.3.1. Examples of sexual exploitation include, but are not limited to: Invasion of sexual privacy; Prostituting another person; Non-consensual digital, video or audio recording of nudity or sexual activity; Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity; Engaging in voyeurism; Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person; Intentionally or recklessly exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals; and Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

15.1.4. Sexual Assault: The term "sexual assault" means any sexual act directed

against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

15.1.4.1. Rape: The 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 consent of the victim.

15.1.4.2. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

15.1.4.3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

15.1.4.4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

15.1.5. Stalking: Stalking is a course of conduct, directed at a specific person, on the basis of actual or perceived membership in a protected class, that would cause a reasonable person to feel fear. Repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another or suffer substantial emotional distress. Any other university policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

15.1.6. Dating Violence: Violence committed by a person:

15.1.6.1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

15.1.6.2. Where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons involved in the relationship.

15.1.7. Domestic Violence: The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, 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 receiving grant monies, 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 the jurisdiction.

15.1.8. Consent: an informed, freely, and actively given communication that is mutually understood between all persons involved in the sexual encounter. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or consent does not imply consent to future sexual acts.

15.1.8.1. Consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.

15.1.8.2. Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct.

15.1.8.2.1. Effective consent cannot be given by an individual under the legal age of consent in Iowa, mentally disabled individuals in dependent care and/or who are (by diagnosis) unable to process and communicate effective consent, person's incapacitated as a result of drugs, alcohol, or date rape drug [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy], someone who is unconsciousness or someone in a state of blackout. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand parameters of their sexual interaction.

15.1.8.2.2. Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.

15.1.8.2.3. The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.

15.1.8.2.4. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).

15.1.8.3. Iowa Age of Consent Law:

- 15.1.8.3.1. Section 709.4 A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances... 2(c) The other person is fourteen or fifteen years of age and any of the following are true... (4) The person is four or more years older than the other person.
- 15.1.8.3.2. Section 709.15 forbids sexual intercourse between a school employee and person who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a student enrolled in or who attended a public or nonpublic elementary or secondary school within thirty days of any violation.
- 15.1.8.3.3. Iowa Age of Consent is 16 years old. In the United States, the age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. Individuals aged 15 or younger in Iowa are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape.
- 15.1.8.3.4. Iowa statutory rape law is violated when a person has consensual sexual intercourse with an individual under age 16. A close in age exemption allows teens aged 14 and 15 to consent to partners less than 4 years older. Regardless of age, it is also illegal for a school employee to engage in sexual intercourse with a current student or even a student who attended school within 30 days of such a violation.
- 15.1.8.3.5. Iowa has a close-in-age exemption. A close in age exemption, also known as "Romeo and Juliet law", is designed to prevent the prosecution of underage couples who engage in consensual sex when both participants are significantly close in age to each other, and one or both are below the age of consent. Depending on the situation, the Iowa close-in-age exemption may completely exempt qualifying close-in-age couples from the age of consent law, or merely provide a legal defense that can be used in the event of prosecution.

** Parts of this policy are based on the NCHERM Model Sexual Misconduct Policy.*

**This policy has been reviewed and edited August 2021.*