

## 3. EXPECTATIONS OF EMPLOYEES

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### 3.1 ATTENDANCE

There will be times when it will be necessary for employees of the UA System Office to be absent from work due to illness or personal reasons. The UA System Office supports employee needs in this regard, but, must also keep business needs in mind. Employees should follow departmental guidelines in regard to reporting work absences. In general, employees who need to be absent or tardy to work for any reason are responsible for notifying their supervisor or department head as soon as possible once they determine they will be absent. Supervisors reserve the right to require additional information from employees as deemed necessary.

Any employee who is absent for three (3) consecutive, scheduled work days without notification to the appropriate supervisor may be subject to disciplinary action up to and including discharge.

#### Excessive Absenteeism

Individual departments have the authority and responsibility to define excessive absenteeism for their employees. Management should keep records to ensure that consistent standards are applied to employees in the department. Employees who are determined to be excessively absent will be subject to progressive discipline. The UA System Office HR Department should be consulted prior to management taking disciplinary action with an employee regarding excessive absenteeism.

### 3.2 CONFIDENTIALITY

The UA System Office makes every effort to protect the private information of its employees, and that of the faculty, staff, and students of the System campuses.

While complying with governmental reporting and record keeping requirements, the UA System Office strives to ensure that all personal and job-related information regarding employees is handled in a secure, confidential, and appropriate fashion. Therefore, employees should not participate in or allow the unauthorized access, use, review, disclosure, dissemination, alteration, or destruction of confidential information. Such confidential information includes, but is not limited to:

- Information from student records in violation of any System campus policy on confidentiality of student records and/or the Family Educational Rights and Privacy Act (FERPA);
- Information from employee records in violation of the UA System Office's Personnel File Privacy Policy or State or Federal laws;
- Information from internal discrimination/harassment/retaliation/Title IX/other investigations when such information is required to be kept confidential and shared only on a need-to-know basis;
- Any personally identifiable health information relating to the past, present, or future physical or mental health condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, in violation of state or federal laws (including but not limited to: HIPAA, FERPA, ADA, Section 504 of the Rehabilitation Act, or FMLA); and

- Any other System information that is not public information or subject to an open-records request (including but not limited to information contained in drafts and other non-final reports, privileged information, proprietary research or other trade information, etc.).

Some employees may be asked to sign confidentiality or non-disclosure agreements depending on their position or the type(s) information they are working with.

### **3.3 PROFESSIONAL APPEARANCE**

Employees are expected to maintain high standards of personal cleanliness and to present a neat, professional appearance. Individual departments have the authority to define appropriate professional dress standards for their employees. Some positions may require stricter standards than others.

In addition, recognizing that some individuals may have sensitivity or allergic reactions, wearing or using fragrances and/or scents in the UA System Office is discouraged. Employees who are concerned about a co-worker's use of fragrances or scents are expected to discuss their concerns directly with that individual in a sensitive and discreet manner. If such a discussion is not feasible, employees should bring the concern to their supervisor or to the Department of Human Resources.

### **3.4 DRUG-FREE WORKPLACE**

The unlawful or illegal manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee of the UA System Office while he or she is at work or at another site where the employee is carrying out assigned duties, is prohibited. No employee may report to work while under the influence of alcohol or any other illegal substance.

The possession, distribution or consumption of alcoholic beverages or controlled substances is not permitted on the worksite or other UA System Office property during working hours, unless such occurs in the course of authorized business or special UA System Office function that includes alcoholic beverages or where consumption was otherwise approved by an employee's supervisor, provided however only modest consumption shall be permitted. Notwithstanding the foregoing, any UA System Office employee required to drive a vehicle during or after such a function is prohibited to consume alcoholic beverages or controlled substances.

UA System Office employees must self-disclose all post-employment criminal convictions (except minor traffic violations), including drug and alcohol-related convictions within five (5) business days of the conviction. Such disclosure shall be made in accordance with UA System Office's Self-Disclosure of Criminal Convictions Policy found in section 1.7 of this handbook.

### **3.5 SMOKE AND TOBACCO FREE WORKPLACE**

Smoking is prohibited on all UA System Office properties. This applies to employees, visitors, volunteers, vendors, contractors, subcontractors, and members of the public and is applicable at all times. It applies to buildings and all related grounds such as entrances, exits, patios, sidewalks, stairways, parking areas, and any vehicles on the grounds, regardless of ownership.

Smoking includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, e-cigarette, or pipe. Tobacco products include all forms of tobacco including cigarettes, cigars, pipes, water pipes (hookah), smokeless tobacco products, electronic cigarettes and other vapor-producing products.

Employees who fail to comply with this policy may be subject to correction action as defined by the UA System Office Department of Human Resources. Visitors/non-employees who refuse to comply may be asked to leave the premises.

### **3.6 WORKPLACE VIOLENCE**

The UA System Office will not tolerate threats of violence, acts of violence, harassment, intimidation, retaliation or any other form of disruptive behavior from employees or from other individuals in the workplace. Violations of this policy will lead to disciplinary actions up to and including termination of employment and/or the involvement of appropriate law enforcement authorities as needed.

Employees who commit acts of violence outside the workplace, but which are directed at the UA System Office, may also be in violation of UA System Office policy and will be dealt with appropriately.

#### **3.7.1 PROHIBITED CONDUCT**

Workplace violence includes, but is not limited to the following:

- a) Physical assault, with or without weapons;
- b) Oral or written statements that imply or suggest violence;
- c) Verbal abuse or other disruptive behavior, depending upon the nature and severity of the conduct;
- d) Gestures, utterances, behavior or expressions that communicate a direct or indirect threat of violence;
- e) Intimidation or implied threats or acts that cause a fear of harm in another individual;
- f) Behavior that a reasonable person may interpret as being violent or so traumatic that it interferes with others' ability to effectively function in their work environment;
- g) Violent acts that result in property damage or sabotage of equipment, files, reports or other records;
- h) Relationship or partner violence (i.e. abusive behavior occurring between two individuals in an intimate relationship). This may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and other forms of control;
- i) Bullying or repeated and/or severe aggressive behavior likely to intentionally hurt, control or diminish another person, physically, mentally or emotionally;
- j) Enlisting, coercing, or asking others to do the above acts.

The above list is illustrative only and not exhaustive. **No form of workplace violence will be tolerated.**

All members of the UA System Office should be alert to the possibility of violence on the part of employees, former employees, or other individuals who may be encountered on System Office property or while conducting official System Office business.

If you witness or are subjected to any conduct that you believe is workplace violence, you must speak to, write, or otherwise contact your direct supervisor, or if the conduct involves your direct supervisor, you should report it to your Department Head or Human Resources as soon as possible.

The complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The UA System Office will directly and thoroughly investigate all complaints of workplace violence and will take prompt corrective action, including discipline, up to and including discharge, if appropriate. The UA System reserves the right to contact law enforcement, if appropriate.

If you become aware of an imminent violent act or threat of an imminent violent act, immediately contact appropriate law enforcement and then contact your supervisor or Department Head.

#### **Protective or Restraining Orders**

Any employee who obtains a temporary or permanent order of protection should provide a copy of the order to the appropriate supervisor and to relevant law enforcement agencies. Additionally, the employee is encouraged to provide the following information on the abuser: a photograph or physical description, description of the abuser's automobile and license plate number and any other information that may be helpful for the security of the employee and his or her workplace.

#### **Response**

All reports or complaints under this policy will be investigated and confidentiality will be maintained where appropriate. Some behaviors may also be prohibited under law and the UA System Office may report such cases to the proper authorities. Reasonable action will be taken to ensure that individuals involved in an investigation or who provide information during an investigation do not suffer any form of retaliation because of their good faith participation.

#### **No Retaliation**

The UA System prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of workplace violence of any kind, pursuing a workplace violence complaint, or cooperating in related investigations.

### **3.7 CHILD PROTECTION**

The University of Alabama System Office places importance on creating a secure environment for children. To that end, the following child protection policy and procedures have been adopted. This policy applies to child abuse or neglect that allegedly occurs on UA System Office owned or leased property, or while System Office employees are participating in a UA System connected activity at any other location. For the purposes of this policy, a "child" is any person under 18 years of age.

With very limited exception, Alabama law (ALA. CODE § 26-14-1 et seq.) makes the reporting of known or suspected child abuse or neglect, regardless of the circumstances in which it may occur, mandatory for hospitals, clinics, medical professionals, teachers, school officials, law enforcement officials, social workers, daycare workers, mental health professionals, members of the clergy, and any other person called upon to render aid or medical assistance to a child. It is the UA System Office's position that, in addition to the mandated statutory reporting requirements for certain individuals and entities, all UA System Office personnel who have a reasonable cause to suspect that a child is being abused or neglected must immediately make a report, regardless of the setting or circumstances of the potential abuse or neglect. Neither Alabama law nor any UA System Office policy allows you to delegate the duty to report child abuse or neglect.

This policy should not be viewed as limiting any legal, ethical, and/or professional reporting obligations any UA System Office employee may have separate and apart from this policy. If UA System Office employees are subject to additional reporting obligations, the UA System Office employees should comply with those obligations as well as this policy.

### **Forms of Child Abuse and Neglect**

No form of child abuse, whether physical, emotional, or sexual, will be permitted or tolerated under any circumstances whatsoever. Child abuse is morally and legally wrong. It can come in many forms.

- Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.
- Sexual abuse may be perpetrated by an adult or another child and includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. Sexual abuse also includes any activity that is meant to arouse or gratify the sexual desires of the perpetrating adult or child. Sexual abuse may or may not involve touching.
- Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.
- Negligent treatment or maltreatment of a child includes the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

### **Reporting Procedures**

If you know or suspect that a child is a victim of child abuse or neglect, **you must act**. It is not required that you have proof that abuse or neglect has occurred. Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report.

In making a report, your actions should be as follows:

1. **Immediately** report the information to the nearest UA System campus police department. Your oral report should include all available information regarding the known or suspected abuse or neglect, including but not limited to: the name of the child, his or her whereabouts, the names and addresses of the parents, guardian, or caretaker and the character and extent of the injuries. The report should also contain, if known, any evidence of previous injuries to said child and any other pertinent information that might establish the cause of such injuries, and the identity of the person or persons responsible for the same. However, you should not delay making a report to gather this information. Do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with city, county, state or other appropriate officials.
2. In addition to making an oral report, you must also complete a Child Abuse or Neglect Report Form found on the UA System Office's [website](#) and deliver the same to the nearest UA System campus Police Department. It shall be the responsibility of UA System campus Police Department

to notify the Office of Counsel of the suspected child abuse and to coordinate the investigation with local law enforcement and state officials. Further, it shall be the responsibility of the UA System campus Police Department to either report the incident to the State of Alabama Department of Human Resources or to ensure that the local law enforcement agency has made the report. The UA System campus Police Department shall advise the reporter that such report has been made. Finally, the UA System campus Police Department shall be responsible for maintaining all records and reports related to the incident and to brief university officials regarding progress or resolutions as needed.

#### **Prohibition on Retaliation and Immunity from Liability**

Any person who makes a good faith report of child abuse or neglect shall not be subjected to retaliation. Further, any person or entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability – civil or criminal – that might otherwise be incurred or imposed.

#### **Failure to Report**

Pursuant to ALA. CODE § 26-14-13, any mandatory reporter who fails to report child abuse “shall be guilty of a misdemeanor and shall be punished by a sentence of not more than six months' imprisonment or a fine of not more than \$500.00.” UA System Office employees who are subject to additional reporting obligations, may also be subject to additional punitive actions, including increased fines and/or imprisonment.

Any UA System Office employee who willfully fails to report a case of suspected child abuse is subject to disciplinary action, up to and including, dismissal.

### **3.8 STATE ETHICS LAW**

All employees of the UA System Office are expected to comply with the State Ethics Law. UA System Office employees may not use their positions to obtain personal gain for themselves, their families, or businesses with which they or their family members are associated, unless authorized by law.

Additionally, UA System Office employees may not solicit or receive a thing of value, such as gifts, favors, services, or tickets to entertainment, social, or sporting events, offered only to UA System or UA System Office employees, or use UA System Office equipment, facilities, time, human labor, or other System property under the employee's control for the employee's private or business benefit.

The Ethics Law also requires all employees making a certain salary to complete a Statement of Economic Interests by April 30 of each year. All employees who are required to submit that Statement must also complete Alabama Ethics Laws training within (90) days of their employment with the UA System Office.

Employees should contact the Office of Risk Management or the Office of Counsel for additional guidance, and/or should refer to the [Alabama Ethics Commission](#) website for more information about state ethics laws.

### **3.9 POLITICAL ACTIVITIES OF UA SYSTEM OFFICE EMPLOYEES**

The pursuit of or engagement in political activities by a System Office employee must comply with Board Rule 304 and existing state and federal laws. Board Rule 304 gives authorization to employees of the UA System Office to engage in political activities provided that it does not result in a conflict of interest or interfere with their performance of assigned duties at the UA System Office.

Employees may give public support of a political candidate or cause provided the employee makes it known they are speaking in their private and individual capacity and not on behalf of the UA System Office. Employees may not lend or appear to lend the support of the System Office through use of their name, their position, or department reference in connection with any contribution or solicitation to a political campaign or organization, nor to any causes that become matters of civic concern.

Employees may not use or permit the use of any UA System Office resources, including official stationery, time, or property for or on behalf of any political candidate, campaign, or organization, nor for any contribution or solicitation of any contribution to any political candidate, campaign or organization.

No employee may seek or hold public office and remain employed with the UA System Office if such activities could or would result in a conflict of interest or interfere with the employee carrying out his/her UA System Office responsibilities.

Employees who desire to seek election to public office must first obtain written consent from the Chancellor through their appropriate reporting channels. Employees who have questions about their involvement in political activities should seek guidance from their supervisor.

Failure by a UA System Office employee to abide by the rules related to political activities of UA System Office Employees is grounds for dismissal.

### **3.10 No SOLICITATION/No DISTRIBUTION**

Employees shall not solicit in work areas or during working time (i.e. when either the employee soliciting or the employee being solicited is in work areas or during working time).

Employees shall not distribute any literature or other non-work materials in work areas or during working time.

Examples of prohibited activities by employees during working time or in work areas include, but are not limited to solicitations or distributions related to the following:

- Raffles
- Charity drives
- Sports pools
- Bake sales
- Sales of items to raise funds for non-UA System Office related organizations or entities
- E-mail solicitations
- Commercial or personal business sales

Solicitation, canvassing, vending, peddling, or distribution by non-employees on UA System Office property is strictly prohibited.

Normal business contacts with UA System Office officials and personnel by authorized vendor representatives is not prohibited. The UA System Office also reserves the right to allow a few limited charitable exceptions, such as access for the United Way campaign and blood drives.