

## Chapter 4 – Personnel Policies

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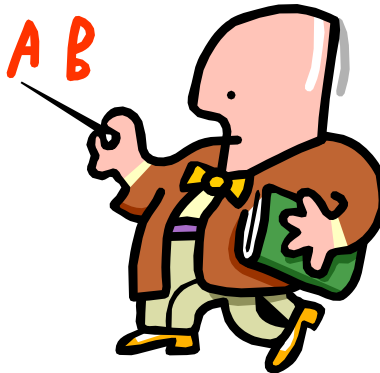
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## Chapter 4 – Personnel Policies

### AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY (BOR VI-1.00)

#### *A. Purposes of the Affirmative Action Plan*

The purpose of this report is to provide a written plan representing Salisbury University's moral and legal commitment to insure equal opportunity for employment to all its employees and applicants for employment. This plan constitutes a revision and updating of information appearing in the University's affirmative action plans dated December 1994, December 1, 1993, July 31, 1992, December 20, 1991, July 31, 1990, July 31, 1989, July 31, 1988, June 22, 1987, July 31, 1986, June 10, 1985, and, prior to that, November 15, 1983. In accordance with federal and state guidelines, essential components of the plan include a policy statement on equal opportunity and affirmative action, pertinent legal mandates, assignment of responsibility, a utilization analysis of the University's workforce, measures to achieve plan commitments, and monitoring and record keeping procedures. Updating of information and data in the plan will occur on an annual basis.

#### *B. Equal Employment Opportunity Policy: Equal Opportunity Statement*

It is the policy of Salisbury University to provide equal employment and educational opportunities without regard to race, color, religion, national origin, sex, age, marital status or handicap as required by Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, Section 504 or the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, and other equal opportunity regulations. It is also the policy of Salisbury University to provide equal employment and educational opportunities without regard to sexual orientation. More specifically, it is the University's policy to make all decisions regarding educational opportunities and employment, including recruitment, hiring, promotion and other terms and conditions of employment without discrimination. Notwithstanding the above, nothing herein shall give rise to a claim or complaint for alleged discrimination on the basis of sexual orientation because of any University action or omission taken in compliance with any Federal or Department of Defense Regulation prohibiting or restricting or otherwise creating disparate treatment in the participation of any Military, Defense, National Guard or Reserve training program. Nothing herein shall give rise to any claim or complaint of alleged discrimination against Salisbury University, the State of Maryland, its employees, agents or assigns

because of an act of alleged discrimination committed by any third party. Inquiries should be directed to the Affirmative Action Officer, Salisbury University, 1101 Camden Avenue, Salisbury, Maryland 21801-6837 (Telephone (410) 543-6025).

Furthermore, the University commits itself to an affirmative action program, as described in this plan, to provide for equal employment opportunity. The intent of this program is to achieve the following:

1. To enjoin upon all members of the Salisbury University community the responsibility to comply with affirmative action plans and assure a work and classroom environment without discrimination.
2. To determine the extent to which blacks, women, and other minorities are underutilized in the University's workforce in relation to labor market availability and identify specific actions (including the setting of goals and a timetable) designed to rectify any underutilization.
3. To identify and eliminate any employment practices or policies which might adversely affect minorities, women and others protected by applicable law.
4. To develop monitoring procedures that will serve to ensure equal opportunity in the hiring process.
5. To expand applicant pools of minorities, women and other protected groups through identification of recruitment methods and sources.

The University hereby commits itself to the policies, objectives, and goals as stated in this plan.

### **NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION (BOR VI-1.05)**

In the matter of non-discrimination on the basis of sexual orientation, Salisbury University operates under **BOR VI - 1.05 UNIVERSITY SYSTEM OF MARYLAND POLICY ON NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION**, which is reproduced in full below.

The commitment of the University System of Maryland to the most fundamental principles of

academic freedom, equality of opportunity, and human dignity requires that treatment of students, faculty, and staff of University System of Maryland institutions, and applicants for admission and employment, be based on individual abilities and qualifications and be free from invidious discrimination.

This policy specifically prohibits discrimination against students, faculty, and staff on the basis of sexual orientation in academic admissions, financial aid, educational services, housing, student programs and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services. "Sexual orientation" is defined as the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality. The Board of Regents reserves the right to observe the terms of any bona fide employee benefit plan such as a retirement, pension, or insurance plan, and to enforce or comply with any federal or State law, regulation, or guideline, including conditions for the receipt of federal funding.

This policy shall be published in all appropriate University System of Maryland Headquarters and individual institutions documents, and University System of Maryland Headquarters and each System institution shall adopt procedures to implement and enforce this policy, including the designation and publication of the officials responsible for receiving, investigating and resolving complaints of discrimination prohibited by this policy.

Approved by the Board of Regents, July 11, 1997

## **ACTS OF VIOLENCE AND EXTREMISM (BOR VI-1.10)**

1. Salisbury University faculty and staff operate under **BOR VI - 1.10 UNIVERSITY SYSTEM OF MARYLAND POLICY ON ACTS OF VIOLENCE AND EXTREMISM**. That policy is reproduced in full below.

The essential nature of the University requires an atmosphere of tolerance and understanding of diverse groups, ideas, and opinions.

Acts of destruction or violence which are racially, ethnically, religiously, and/or otherwise motivated against the person or property of others and which infringe on the rights and freedom of others will not be tolerated at the University System's institutions or facilities.

Individuals committing such acts at any facility of the System are subject to campus judicial and personnel action, including suspension, expulsion or termination.

In addition, the Board of Regents encourages its institutions to pursue criminal prosecution of persons committing such acts under State and federal criminal laws.

2. Faculty are also responsible for supporting the University's **Student Code of Conduct**, which appears in full in the Student Handbook, published by the Student Affairs Office.
3. Threats of Violence
  - a. Salisbury University is committed to providing a learning and working environment that provides the highest possible sense of safety and security for all members of the University community. The University is committed to upholding the laws involving threats of violence, and violations will be handled accordingly. Additionally, some threats (verbal or other) to kill or do harm do not necessarily violate Maryland criminal law but, nonetheless, are in direct conflict with the mission of the University and violate our standards of conduct. Consequently, the University reserves the right to have complaints concerning all kinds of threats of violence that have a direct or significant impact on the University heard by the appropriate University committee (emergency meetings may be required) and to take appropriate action based on the committee's findings.
  - b. Individuals who have experienced or witnessed incidents of violent acts or threats are encouraged to report the incident to the University Police. Alleged threats or acts of violence will be investigated and may result in criminal charges being filed and the accused being arrested. If the continued presence of the accused on campus is dangerous, threatening or disruptive to the conduct of the University business, the University also reserves the right to temporarily remove the person from the campus pending further action.
  - c. Policies contained in this document relate to situations where faculty members are accused of making threats of violence. Provisions to terminate tenured faculty

members from the University are defined in section II, 3, g of the *1999-2001 Salisbury State University Faculty Handbook* and no part of this policy is intended to extend those provisions. Complaints that have not been resolved by informal processes will be heard by one of the following University committees: 1) The University Faculty Welfare Committee will hear all cases except those where the central issues relate to academic freedom or tenure; and 2) The University Academic Freedom and Tenure Committee will hear all cases where the central issues relate to academic freedom or tenure.

Approved by the Faculty Senate 12/11/01

## **SEXUAL HARASSMENT (BOR VI-1.20)**

### ***A. Prohibiting Sexual Harassment***

Salisbury University encourages an atmosphere of physical, psychological and social well-being which offers all members of the University community an environment that provides opportunities to work, learn and develop with the human dignity that caring individuals bestow on one another. As a result, intimidation and harassment of any kind, and, specifically, sexual harassment, are expressly prohibited. Sexual harassment is a serious issue. When it occurs between faculty and students or supervisors and subordinates, it exploits the unequal power structure inherent in these relationships. When it occurs between students or co-workers, it may create an intimidating or hostile environment in which to learn or work. It is unacceptable conduct and will not be tolerated by the University.

Salisbury University defines sexual harassment as unwelcome sexual attention, unwelcome requests for sexual favors and other verbal or physical behavior of a sexual nature when:

1. submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or participation in an academic program;
2. submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting that person; or

3. such conduct unreasonably limits an individual's ability to fully participate in work or school, interferes with work or academic performance, or creates a hostile, offensive or intimidating work or academic environment, and has no legitimate relationship to the subject matter of the course or the demands of the workplace.

Some examples of behaviors that could be perceived as sexually harassing include, but are not limited to, sexually graphic comments, offensive e-mail transmissions, offensive or suggestive graphics visible on walls or the Internet, the display of sexually graphic objects, and persistent and unwelcome sexual advances.

Sexual harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. This policy shall not be construed so as to abridge the right to academic freedom that is consistent with the University's mission and federal and state law.

Sexual harassment violates Salisbury University policy and may violate federal and state civil or criminal law. Persons who feel that they may have been subject to sexual harassment should immediately seek assistance and report their concerns using the Salisbury University Procedures for Pursuing Complaints of Sexual Harassment. Retaliation against a person who makes a complaint of sexual harassment or is a witness in a sexual harassment investigation is also expressly prohibited by this Policy.

In addition, due to the potential for serious harm to innocent persons, the filing of a knowingly untruthful complaint of sexual harassment is also expressly prohibited. The failure to prove to the Equal Employment Opportunity Officer or the hearing committee that sexual harassment has occurred is not, by itself, evidence that a knowingly untruthful complaint has been made.

Persons who need more information about this Policy or who desire to pursue a complaint under this Policy should contact Leon Burks, Equal Employment Opportunity Officer, at 410-543-6426.

Persons found to be in violation of this Policy may be subject to disciplinary action and/or other appropriate sanctions.

## **B. Procedures for Pursuing Complaints of Sexual Harassment**

### **1. Informal Complaint Procedure**

Some sexual harassment complaints may initially be handled more appropriately by informal procedures. Students, exempt, nonexempt and contingent employees, and faculty should feel free to raise a concern about sexual harassment to any person in a position to advise them and with whom they feel comfortable. For example, these persons could include a faculty advisor, deans, department chairs or directors, the director of human resources, the equal employment opportunity officer, the provost, or another University administrator. The Complainant and the recipient of the complaint should work together to decide additional steps necessary to resolve the complaint, and in many instances, they may conclude that no additional action need be taken. In all instances, however, the Equal Employment Opportunity Officer should, at a minimum, be advised of the existence and the resolution of the complaint. In some cases, it may be necessary to refer the complaint formally to the University for a resolution even if the Complainant would prefer that this not occur. All reasonable efforts will be made to resolve the matter to everyone's satisfaction.

All persons involved should treat complaints of sexual harassment as confidential unless the law requires otherwise.

### **2. Formal Complaint Procedures**

#### **a. Filing a Complaint**

A person wishing to initiate a formal claim of sexual harassment or other behavior in violation of the sexual harassment policy shall file his or her complaint in writing with the Equal Employment Opportunity Officer within six months of the conduct at issue. The Equal Employment Opportunity Officer is Leon Burks, located in Room 267 of Holloway Hall, at 410-543-6426. The complaint shall be signed by the Complainant, and shall include the following information: a description of the allegations, with relevant dates, places, and statements made; the names of the person(s) involved; the

names of any witnesses to the events in question; and the remedy requested. The Respondent, the person accused in the Complaint, shall be given a copy of the Complaint promptly and shall submit a written response within ten (10) days of receiving the Complaint.

Upon receipt of the written Complaint, the Equal Employment Opportunity Officer shall begin an investigation into the claims. The investigation ordinarily will include a discussion with the Complainant, a discussion with the Respondent, interviews of any witnesses to the events, a review of any pertinent documents, and any other actions deemed appropriate by the investigator. The Equal Employment Opportunity Officer shall make every effort to keep the investigation confidential, although this cannot be guaranteed, and shall seek assurances of confidentiality from all participants in the investigation.

The Equal Employment Opportunity Officer shall complete the investigation if possible within fifteen (15) days of receiving the Complaint. A written decision shall be prepared at the conclusion of the investigation, setting forth (1) a statement of the findings of fact concerning the alleged events; (2) a statement of the conclusion that a violation of University policy did or did not occur; and (3) a recommendation of a sanction. The possible sanctions include, but are not limited to, a letter of reprimand, a letter of apology, service to the University, counseling, demotion or suspension, termination of employment, or expulsion from the University. These sanctions may be imposed even after a first offense, under appropriate circumstances. This written decision shall be provided to the Complainant, Respondent and President when it is finalized.

#### **b. Formal Hearing**

If either the Complainant or Respondent disagrees with any conclusion reached by the Equal

Employment Opportunity Officer, either may request a formal hearing by filing a written request with the President of the University within fifteen (15) days of the date of the written decision of the Equal Employment Opportunity Officer. The request shall state which conclusions are disputed.

The President then shall promptly appoint a hearing committee of three persons, and one of these shall be designated by the President as the Presiding Officer. The committee members shall be chosen from the Sexual Harassment Panel, a group of twelve (12) persons from the campus community who have received training in sexual harassment policy, law and procedures. No member of the Committee shall have been involved at any earlier stage of the process. The President shall advise the parties of the identities of the Committee members. If either party has a reason to challenge the appointment of any member to Committee hearing the case, he or she shall make the concern known to the President as soon as possible. The President shall make the final decision on the makeup of the Committee.

A hearing shall promptly be conducted. The Presiding Officer shall be in charge of organizing the hearing. He or she shall make all reasonable efforts to schedule the hearing at such a time so that the Complainant and the Respondent can both be present. The Presiding Officer shall contact potential witnesses and arrange for their appearance at the hearing. Notice of the hearing shall be given at least five (5) days in advance.

The Presiding Officer may focus the hearing so that it concerns only those aspects of the decision about which the parties disagree. The decision of the Equal Employment Opportunity Officer shall be offered into evidence at the hearing, but it is entitled to no presumption of correctness. Neither the Complainant nor the Respondent shall be entitled to have an attorney at

the hearing; each may be allowed an advocate from the University community who is not an attorney. If the Committee requests legal assistance, the University's attorney may be present at the hearing to provide advice related only to the procedures to be followed during the hearing.

The Complainant, the Respondent and the Equal Employment Opportunity Officer may all fully participate in the hearing, may present opening and closing statements, may call witnesses and examine and cross-examine witnesses, and may introduce documentary evidence. The questioning of the Complainant and Respondent shall be conducted by the parties' advocates or the Committee, and not by the parties themselves. Hearing Committee members also may question witnesses. The Presiding Officer may exclude irrelevant, repetitious, or unduly prejudicial evidence. The Presiding Officer shall be in charge of gathering the documentary evidence that is presented at the hearing and transmitting it to the Equal Employment Opportunity Officer after the committee no longer needs it, so that a record is created.

Within fifteen (15) days of the conclusion of the hearing, the Hearing Committee shall issue a written report to the President containing its findings, conclusions and recommendations on the matter. The written report shall be provided to the Complainant, Respondent and the Equal Employment Opportunity Officer at that time.

Within fifteen (15) days of receiving the report, the President shall issue a final written decision. The President may accept, reject or modify the findings and proposed sanction recommended by the Hearing Committee. The President's decision shall be mailed to the Complainant, the Respondent, the Equal Employment Opportunity Officer, and the members of the Hearing

Committee. There can be no appeal from this decision.

**c. Alternative to Formal Hearing**

Instead of opting for a hearing, either the Complainant or the Respondent can appeal the decision of the Equal Employment Opportunity Officer by filing a written statement of appeal with the President of the University within fifteen (15) days of the decision, setting forth the reasons for the appeal. The President will have full discretion to address the concerns of the appeal as he or she sees fit. The President shall promptly issue a written decision, and shall convey it to the Complainant, the Respondent and the Equal Employment Opportunity Officer. This shall be the final decision on the matter.

**d. Other Options**

While there is no appeal from the President's decision provided under this Policy, certain employees may have additional rights to challenge the sanctions of suspension and termination pursuant to University policy or State law. In addition, any employee or student may have other legal rights to pursue outside of the University. The Equal Employment Opportunity Officer can provide further information.

All time limitations contained within this Policy may be extended for good cause shown.

**Sexual Harassment Policy and Procedures approved by Dr. William C. Merwin, President April 16, 1999**

**SEXUAL ASSAULT BOR VI-1.30**

***I. Purpose and Applicability***

As a constituent institution in the University System of Maryland, Salisbury University has adopted this policy on sexual assault, consistent with the requirements of (I) Section 484 (f) of the Higher Education Act of 1965, as amended by Section 486

(c) (2) of the Higher Education Amendments of 1992, and (ii) Section 11-601 of the Education Article of the Annotated Code of Maryland. This policy applies to all students and employees, both faculty and non-faculty, of the University System of Maryland or its constituent institutions.

***II. Definitions***

The following policy recognizes two levels of sexual assault.

***Sexual Assault I.***

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

***Sexual Assault II.***

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

***III. Responsibilities of the Chief Executive Officer***

Each chief executive officer of a constituent institution shall have the following responsibilities pursuant to this policy: (i) identification of the person responsible for coordinating the constituent institution's educational program to promote awareness of sexual assault; (ii) identification of the person who will serve as the initial contact after an alleged sexual assault has occurred; and (iii) adoption of procedures to be followed should a sexual assault occur, including the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.

***IV. Educational Programs to Promote Awareness of Sexual Assault***

Each institution in the University System of Maryland shall make available to its students, faculty and employees programs to promote awareness of what constitutes sexual assault, how to prevent it, and

what the institution's procedures are for handling reports of alleged sexual assault. In addition to general educational programs for the campus community, each institution shall provide specialized training on the topic of sexual assault and the provisions of sexual assault procedures to those individuals who might be involved in providing services to or interacting with alleged victims so as to ensure timely, accurate and sensitive assistance to all concerned. The USM policy, together with the institution's procedures concerning sexual assault, shall be distributed to all students, faculty members and employees and shall be posted in appropriate locations at the institution and published in appropriate institution and System publications.

### ***V. Off-Campus Reporting of Sexual Assaults***

When a report of sexual assault is made to the institution's initial contact, that person will encourage the alleged victim to contact law enforcement and medical personnel as soon as possible following the incident to receive guidance in the preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants. Campus authorities will assist in notification of off-campus authorities at the request of the alleged victim. Additionally, campus personnel will retain the right to contact law enforcement personnel directly where an issue of campus security is involved. Campus personnel will also assist the alleged victim in obtaining medical attention, if the victim chooses, including providing transportation to the hospital or other emergency medical facility. Each institution shall designate one or more nearby hospitals which are equipped with the Maryland State Police sexual assault evidence collection kit.

### ***VI. Campus Disciplinary Procedures***

#### ***A. Student Disciplinary Procedures***

1. In addition to any criminal or civil remedies available under law, any act of sexual assault is a violation of this University System of Maryland Policy on Sexual Assault and is subject to disciplinary proceedings under the institution's judicial system. The range of judicial system penalties for students shall include, but not be limited to, one or more of the following: alteration of class schedule, disciplinary reprimand, loss of privilege, restitution, disciplinary probation, disciplinary suspension, disciplinary dismissal, and disciplinary expulsion.

2. The on-campus procedures shall provide that (1) the accuser and the accused are afforded the same opportunities to have others present during a campus disciplinary proceeding; (2) both the accuser and the accused are informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault; and (3) the offense must be reported according to federal reporting mandates and Maryland State law.

#### ***B. Faculty and Employee Disciplinary Procedures***

In addition to any criminal or civil procedures available under law, any act of sexual assault is a violation of the University System of Maryland Policy on Sexual Assault and is subject to appropriate faculty and employee disciplinary procedures. The range of employment penalties for faculty and employees shall include, but not be limited to, one or more of the following: counseling, reprimand, suspension, or termination of employment.

### ***VII. Services for Victims***

Faculty, employees and students who are victims of sexual assault shall be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program. Each institution shall designate existing counseling, mental health and student services, both on campus and in the community, which are available to victims of sexual assault.

After a sexual assault has been reported at the institution, and upon the request of the alleged victim, the victim shall be offered an alternative academic, living or employment situation if such alternative is available, feasible, and appropriate to the facts of the sexual assault reported.

### ***VIII. Implementation and Reporting Procedures***

Each chief executive officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures and any subsequent changes in such designations and procedures to the chancellor.

Institutional procedures that are part of this policy are on file in the Office of the Chancellor.

Approved by BOR December 1, 1995  
Amended by BOR December 4, 1999

## **INCLUSIVE LANGUAGE (SU)**

As an institution that stands for equality of educational and employment opportunity, Salisbury University affirms its commitment to creating a campus environment free of arbitrary discrimination and bias, both subtle and overt. All personnel, when representing the university to its public, are urged to use language that indicates respect for human diversity.

In accordance with that aim, those preparing official university publications or written communications shall avoid biased language of two kinds: 1) using generic masculine words or titles to refer to all persons; and 2) using terms or expressions that reinforce demeaning attitudes or assumptions about persons or groups on the basis of race, color, religion, national origin, sex, age, marital status or handicap.

When illustrations are included in publications, they shall be chosen to reflect diversity according to guidelines suggested in style sheets of appropriate academic professional organizations. Care shall be taken to ensure that women, minorities and disabled persons are portrayed in non-stereotypical ways.

1. This policy is mandatory with respect to the public documents of the university. That is, the university is obligated to ensure that the form of the following documents reflects inclusive language.
  - a. The Faculty Handbook
  - b. The Advising Handbook
  - c. The Academic Administrators' Handbook
  - d. The Undergraduate Catalog
  - e. The Graduate Catalog
  - f. Recruitment and Admissions Materials
  - g. Student Financial Aid Materials
  - h. Brochures with Campus wide Distribution
  - i. Publications of Career Services
  - j. Publications of Counseling Services
  - k. Press Releases
  - l. Publications for Alumni
  - m. Fund-raising Materials
2. This policy is suggested and encouraged with respect to the content of individual

documents related to instruction and collegial communication that faculty and administrators prepare and use. That is, faculty and administrators are asked to exercise their own judgment and to practice the spirit of inclusiveness in the language they use with students and their colleagues. Individual documents of instruction and collegial communication include but are not limited to:

- a. Course Syllabi
  - b. Problems and Exercises
  - c. Cases and Case Studies
  - d. Drills and Quizzes
  - e. Tests and Examinations
  - f. Lab Manuals and Handbooks
  - g. Simulations and Games
  - h. Lectures and Speeches
3. Deans, department chairs and administrators will review their unit's contributions to the public documents of the University for the use of inclusive language and a balance of illustrations. The University Curriculum Committee will review and if necessary offer editorial suggestions for all new course titles and course descriptions which appear in public documents. It is the responsibility of the Public Relations Office to ensure that the changes decided upon by the appropriate university committees or by university authorities are integrated into the public documents of the university.
  4. All those involved in making changes should follow the guidelines set forth in the following documents:
    - a. The Style Sheet of the Salisbury University Public Relations Office.
    - b. Guidelines for Nonsexist Language of the American Psychological Association (APA).
    - c. Guidelines for Nonsexist Use of Language of the National Council of Teachers of English (NCTE) (revised, 1985).

## **THE ROLE OF ALCOHOL AT EVENTS SPONSORED BY THE UNIVERSITY AND UNIVERSITY-RELATED ORGANIZATIONS (SU)**

The University seeks to foster a culture of conversation where meaningful experiences are shared and bonds of community are formed. If the

inclusion of alcohol is deemed appropriate at any on- or off-campus event sponsored by any university department or student organization, it should be included in a way that is compatible with the kind of culture the university strives to promote. It should not be included in a way that encourages underage drinking or inhibits the participation of either underage students or those who choose not to drink.

The members of any university department or student organization who are contemplating the inclusion of alcohol at a sponsored event should discuss the issue among themselves and, if alcohol is to be included, should discuss the concrete steps to be taken to ensure that considerations described above are addressed.

The distribution and use of alcohol must be in compliance with state law and university policy (see **SU Student Handbook**). Faculty/staff advisors and student leaders are especially encouraged to consult the *Faculty Handbook* and the *Guide to Policies and Procedures for Registered Student Organizations* for additional information on state alcohol laws and the potential for criminal or civil liability.

## **USE OF ALCOHOLIC BEVERAGES (BOR VI-8.00)**

In the matter of the use of alcoholic beverages by faculty and staff, Salisbury University operates under the **Executive Order 01.01.1985.05 STATE OF MARYLAND SUBSTANCE ABUSE POLICY**. That policy is reproduced in full below.

The State of Maryland Executive Department

### **EXECUTIVE ORDER 01.01.1991.16 State of Maryland Substance Abuse Policy**

WHEREAS, Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative impact on the operation of business and government; and

WHEREAS, Surveys indicate that nationally, 65 percent of the 18-25 year-old adult working population have used illicit drugs; and

WHEREAS, It is estimated that at least 15 percent of the American workforce works under the influence of drugs or alcohol daily; and

WHEREAS, Every employer, including the State of Maryland, experiences a loss in productivity due to drug related absenteeism, injuries on the job, decreased work quality, and wasted dollars; and

WHEREAS, Substance abusing employees function below established standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees; and

WHEREAS, The illegal use of the workplace as a drug market endangers the health, safety, and welfare of State employees; and

WHEREAS, In order to serve the citizens of Maryland properly, the state must maintain a work environment which is free of drugs; and

WHEREAS, The Federal Omnibus Drug Abuse Act of 1988 requires that any state which is a recipient of federal funds must establish a Drug-Free Workplace, including a policy on the use of substances, an employee drug awareness program, and a procedure for employees to report their own convictions; and

WHEREAS, A drug-free workplace is fundamental to efficient, effective, and responsible government.

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1989.05 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

1. Definitions. In this Executive Order the following words have the meanings indicated.
  - a. "Substance" means alcohol or drugs.
  - b. "Alcohol" means ethyl alcohol or ethanol.
  - c. "Drug" means:
    - 1) A controlled dangerous substance;
    - 2) Any other substance which must be dispensed by a licensed health care professional; or
    - 3) An over-the-counter drug.
  - d. "Abuse" means:
    - 1) The use of an illegal drug;
    - 2) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the state employee or could impair the job performance of an applicant for state employment;
    - 3) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a state employee or

- could impair the job performance of an applicant for state employment; or
- 4) The use of alcohol if it impairs job performance of the state employee or could impair the job performance of an applicant for state employment.
- e. "Workplace" means any place where an employee is performing work for the State of Maryland.
  - f. "Employee" means:
    - 1) A classified, unclassified, contractual, key employee, or other employee or official in the Executive Branch;
    - 2) A volunteer who provides a service to or for a unit in the Executive Branch; or
    - 3) A member of a board or commission in the Executive Branch.
  - g. "Sensitive Employee" means an employee whose classification or position has been designated sensitive by the employee's appointing authority or personnel system.
  - h. "Conviction" means:
    - 1) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of *nolo contendere*, and the imposition of sentence; or
    - 2) The staying of the entry of judgment and the placing of the defendant on probation after a finding of guilty or the acceptance of a plea of *nolo contendere*.
  - i. "Alcohol Driving Offense" means:
    - 1) Driving or attempting to drive while:
      - a) Intoxicated; or
      - b) Under the influence of alcohol; or
    - 2) Operating or attempting to operate a vessel while:
      - a) Intoxicated; or
      - b) Under the influence of alcohol.
  - j. "Controlled Dangerous Substance Offense" means:
    - 1) A controlled dangerous substance violation, under Article 27 of the Annotated Code of Maryland;
    - 2) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;
    - 3) Driving or attempting to drive while:
      - a) Under the influence of drugs or drugs and alcohol; or
      - b) Under the influence of a controlled dangerous substance; or
    - 4) Operating or attempting to operate a vessel while:
      - a) Under the influence of drugs or drugs and alcohol; or
      - b) Under the influence of a controlled dangerous substance.
2. General Policy. The State of Maryland establishes and adopts the following substance abuse policy for the Executive Branch of State Government.
    - a. The State of Maryland is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress.
    - b. All employees in the workplace must be capable of performing their duties.
    - c. Employees experiencing substance abuse problems are encouraged to seek assistance through:
      - 1) Their employer;
      - 2) Self referral to the employer's Employee Assistance Program; or
      - 3) Self referral to an alternative certified rehabilitation program.
    - d. An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.
    - e. Employees are prohibited from:
      - 1) Abusing alcohol or drugs;
      - 2) Committing a controlled dangerous substance offense; or
      - 3) Committing an alcohol driving offense.
  3. Alcohol Abuse Policy.
    - a. Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action.
    - b. An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of *nolo contendere*, or a probation before judgment to the employee's appointing authority within five (5) work days.
    - c. A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:
      - 1) Convicted of an at-the-workplace alcohol driving offense; or
      - 2) Found under the influence of alcohol while at-the-workplace.
    - d. A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:

- 1) On the first conviction be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;
  - 2) On the second conviction, at a minimum, be suspended for at least five (5) days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;
  - 3) On the third conviction, be terminated.
4. Drug Abuse Policy.
- a. Working under the inappropriate influence of prescription drugs or over-the-counter drugs is a violation of this policy and shall subject the employee to disciplinary action.
  - b. Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.
  - c. An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of *nolo contendere*, or a probation before judgment to the appointing authority within five (5) work days.
  - d. A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
  - e. A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program designated by an employee assistance program, as provided for by the appointing authority's drug testing protocol.
  - f. A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:
    - 1) Be suspended for five (5) work days; and
    - 2) Be required to participate successfully in a drug treatment program designated by an employee assistance program.
5. General Sanctions. Any employee otherwise in violation of this Executive Order shall be subject to appropriate progressive disciplinary actions up to and including termination.
6. Law Enforcement.
- a. When an appointing authority learns or, based on observation or reliable information suspects, that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the appointing authority shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.
  - b. All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.
7. Employee Education. All appointing authorities shall educate and inform their employees about:
- a. The dangers of drug and alcohol abuse in the workplace and the community at large;
  - b. The State of Maryland's policy of maintaining a drug-free workplace;
  - c. Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
  - d. The penalties that may be imposed upon employees for violations of this Executive Order.
8. Implementation.
- a. The Secretary of Personnel and the head of every other personnel system in the Executive Branch shall adopt such policies and regulations as are necessary or desirable for the implementation of this Executive Order.
  - b. All appointing authorities are responsible for implementing and enforcing and monitoring compliance with the requirements of this Executive Order.
  - c. All employees are required to acknowledge receipt of a copy of this Executive Order by returning an acknowledgment of receipt to their supervisor for insertion in their personnel file.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st day of April, 1991.

## **SMOKING IN CAMPUS BUILDINGS AND FLEET VEHICLES (SU)**

In accordance with Executive Order 01.01.1992.20, smoking or carrying any lighted tobacco product is prohibited in all university buildings and facilities

and in all space rented or leased by the university. Further, smoking in residence halls is prohibited by law.

### **Smoking in Fleet Vehicles**

University policy prohibits smoking in all fleet vehicles.

### **Smokeless Tobacco in Campus Buildings**

Students, faculty, staff and campus visitors are prohibited from using or discarding smokeless tobacco products or tobacco waste in classrooms, restrooms, hallways, lounges, labs, study, and work areas, or any other common area of campus buildings.

Persons violating this policy may be asked to discontinue use or leave the facility. This request may be made by any university official, faculty or staff member. Persons not responding to requests to abide by this policy will be subject to judicial action.

### **AIDS (BOR VI-11.00)**

- A. In all matters relating to persons who have AIDS or who are infected with HIV, Salisbury University will observe requirements of applicable federal and state laws.
- B. Salisbury University will observe confidentiality as to information about individuals who know or suspect that they have AIDS or HIV infection unless an exception is granted by the affected person, a report of infection is required by law or a report of possible infection of others is required by law or infection control policy. However, such information will be shared among institution officials and the university's legal counsel on a need-to-know basis.
- C. The university provides AIDS and HIV education to all students through the required, general education course PHEC 106. AIDS and HIV education is also provided to all new students through the New Student Seminar. The Students Affairs Office conducts regular AIDS and HIV education programs in cooperation with academic departments and these programs are open to all. The University Health Center makes AIDS and HIV education materials available to all employees of the university upon request.
- D. The university has established the position of environmental safety specialist within the Department of Public Safety. This position has responsibility for developing and implementing infection control policies campus-wide. The university has also established an ad hoc

committee on AIDS to evaluate campus needs with respect to AIDS and HIV protection and education.

- E. The Department of Nursing and Health Sciences has developed policies for the disposal of hazardous bio-medical waste. These policies are posted in the medical technology laboratory, are available on all material safety sheets in the laboratory and are distributed to every student who uses the laboratory.
- F. The University Health Center maintains a current list of agencies and organizations to which persons seeking further information about AIDS, including persons concerned that they may have AIDS or are infected with HIV, may be referred for counseling and other related services.
- G. Faculty members, employees or students with any form of HIV infection will be permitted to continue their activities at the university without change as follows:
  - 1. Regular activities can continue unchanged to the extent permitted by an individual's health status, including their risk of contraction of infectious diseases from others.
  - 2. Regular activities can continue unchanged to the extent consistent with the university's interest in preventing infection of others.
- H. Salisbury University subscribes to the current medical position that there is no health risk from living-quarter contact with persons with AIDS or HIV infection, but will consider requests to change living arrangements to minimize contact with persons with AIDS or to minimize contact of the HIV-infected with others persons who have infectious diseases.

### **DRUG-FREE WORKPLACE (BOR VII-1.10)**

Salisbury University, as an employer, strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances.<sup>16</sup> Unlawful manufacture, distribution, dispensation, possession or use of controlled substances by University employees in the workplace is prohibited under university policy.

In addition to any legal penalties under federal and state law, employees found to be in violation of this policy may be subject to corrective action under applicable university personnel policies. Sanctions shall be considered and imposed on a case-by-case

basis and may range from required counseling to termination of employment. It is a condition of employment at Salisbury University that all employees, including classified, contractual, faculty and administration whether full or part time, abide by the provisions of this notice and policy and notify the employer of any drug statute conviction for a workplace violation no later than five (5) days after such conviction. The university shall in the event of such conviction impose a sanction upon the employee and/or require treatment for the employee.

The university supports programs aimed at the prevention of substance abuse by university employees. Employees are encouraged to seek assistance for substance-dependency problems. Employee-assistance counseling and leaves of absence to attend rehabilitation programs are appropriate means for dealing with these problems. To determine the availability of such prevention programs including counseling, inquiries should be directed to the university's Human Resources Office or the Counseling Services Office.

**Approved February 14, 1989**