



# Employee Handbook

**EFFECTIVE: JANUARY 2024**

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## INTRODUCTION

### WELCOME TO JOHN PAUL THE GREAT CATHOLIC UNIVERSITY

We're very happy to welcome you to our University. Thanks for joining us! The University would like you to feel that your employment with us will be mutually beneficial and enjoyable.

You are joining an organization that has established an outstanding reputation for quality service. Credit for this goes to every one of our employees and we hope that you will find satisfaction and take pride in your work here.

### MESSAGE FROM THE PRESIDENT

On November 2, 2000, while visiting Franciscan University in Steubenville, Ohio I saw something that would change my life. I saw a campus full of students on fire for the Lord. I had never seen that level of excitement about Jesus Christ by so many on a University campus. Sitting in front of the Blessed Sacrament in the Portiuncula chapel, I felt the Lord put on my heart to build a university like this in San Diego. I immediately gave the Lord my answer 'Impossible, a university is too big and too expensive.' By the Summer of 2003, with much prayer and reflection – I said “yes” to God.

The Catholic influence on the media today is near rock bottom. New media, which is evolving and maturing daily, is poised to radically change the landscape of the media industry. I envisioned John Paul the Great Catholic University as a critical centerpiece to the resurgence. San Diego is a hub for innovation and is geographically very close to the creative center of the industry in Los Angeles.

JPCatholic is a vocation. It is a calling from God to provide students the opportunity to encounter Jesus Christ and to develop a personal relationship with Him. Further, the University educates students to use the tools of the Creative Arts and Business Innovation to impact our culture for Christ.

God has truly blessed JPCatholic since our founding. Its Board of Trustees, faculty, staff, students, and alumni are a testament to the generosity of the Lord. As an employee and valued member of the JPCatholic community, you have the opportunity and responsibility to make a significant difference in the lives of our students and your fellow employees on a daily basis – as teachers, role-models, mentors and builders of community. You are the hands of the Lord, and you are critical to the institution's success in both the formation and education of our students. You must view your employment at JPCatholic as a privilege to contribute to our community of faith and scholarship. JPCatholic is a great place to serve. It is a group of people filled with love and driven by a shared commitment that values the good of the community over personal glory. Our community strives for excellence in everything we do.

As a community, we transform our young people into value-centered, ethical individuals, who come to know and love Jesus Christ, prepared to make a difference in our world. On behalf of John Paul the Great Catholic University, thank you for all you continue to do for our students and to advance our important mission.

Sincerely,

A handwritten signature in cursive script that reads "Derry Connolly". The signature is written in black ink and is positioned above the typed name.

Derry Connolly, Founder and President

## MISSION AND VISION

The vision of John Paul the Great Catholic University is to graduate innovative and determined students who know and love Jesus and will boldly proclaim His Gospel in culture-impacting fields.

The mission of the University is to impact culture for Christ by forming students as creators and innovators, leaders and entrepreneurs at the intersections of media, business and theology, guided by the teachings of Jesus Christ as preserved by His Catholic Church.

JPCatholic is built on three core values that define its fundamental beliefs:

**1. To put into action in our lives the teachings of Jesus Christ, being faithful to his word.**

The Catholic commitment is organically embedded in a total, active and joyous life of faith. It aspires to dynamically develop the student's personal knowledge of and relationship with God through an ongoing and active prayer life, both personal and communal, and a thorough knowledge of scripture, thus leading to an active living of God's commandments.

**2. To develop all students and staff spiritually, personally and intellectually.**

The student's vocation is intellectual development with the ultimate purpose of becoming a mature, productive, creative and responsible citizen. Recognizing that its greatest resources are its people, JPCatholic pledges to treat each person with dignity and respect. The university welcomes and respects all students, faculty and staff and appreciates diversity among its students with respect to age, intellectual talents, financial resources, creed and ethnic background.

**3. To put into practice within the university what we teach, by being innovative with our curriculum development, pioneering in our educational niche, and entrepreneurial in defining our future.**

JPCatholic provides an education that emphasizes the integration of theory with practice, enhances the professional competence and ethical judgment of the student and has a particular focus on innovation and entrepreneurship. In its internal business processes and procedures, the university practices the very principles it teaches. JPCatholic recognizes the need to maintain leadership in its niche and will continue to be boldly entrepreneurial in maintaining its position as a leading teaching university.

### A Mandatum Institution

John Paul the Great Catholic University's identity reflects all the essential elements of the renewal of Catholic identity called for by Pope Saint John Paul II's 1990 apostolic constitution on higher education, *Ex Corde Ecclesiae* (On Catholic Universities), its 2000 Application to the United States, and canon law.

All employees, Catholic and non-Catholic, and the policies that they implement will be guided by the elements of these Church teachings. Below are listed some of the requirements the University has upon various key employees and groups to ensure that the University remains bound to the key elements of Catholic teaching.

**President:** *Canon 833*, The president of a Catholic university is personally bound to make a profession of faith in the presence of the diocesan bishop or a delegate at the beginning of the term of office.

**Board:** *U.S. Application*, "To the extent possible, the majority of the board of trustees should be Catholics committed to the Church."

**Faculty:** *U.S. Application*, "The university should strive to recruit and appoint Catholics as professors so that, to the extent possible, those committed to the witness of the faith will constitute a majority of the faculty."

**The Mandatum:** *Canon 812*, It is necessary that Catholic theologians have a mandatum from the diocesan bishop.

*Mandatum text:* “I hereby declare my role and responsibility as a teacher of a theological discipline within the full communion of the Church. As a teacher of a theological discipline, therefore, I am committed to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church’s magisterium.”

*Canon 833:* Catholic theologians are personally bound to make a profession of faith in the presence of the university president if he is a priest, or the diocesan bishop or a delegate, at the beginning of their term of office.

**Students:** Catholic students have a right to receive from a university instruction in authentic Catholic doctrine and practice, especially from theologians.

**Ministry:** *U.S. Application*, “Catholic students have a right to be provided with opportunities to practice the faith through participation in Mass, the sacraments, religious devotions and other authentic forms of Catholic spirituality.” The university “shall make provision for effective campus ministry programs, including the celebration of the sacraments, especially the Eucharist and penance, other liturgical celebrations, and opportunities for prayer and spiritual reflection.”

**Honorees:** *The U.S. Bishops’ 2004 Catholics in Political Life*, “Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms that would suggest support for their actions.”

**Groups:** *U.S. Application*, “It is important for Catholic universities to implement in practical terms their commitment to the essential elements of Catholic identity, including activities of officially recognized student and faculty organizations and associations.”

#### **CORE VALUES OF CATHOLIC IDENTITY AND HUMAN SEXUALITY**

This policy is intended to cover human sexuality issues at John Paul the Great Catholic University (JPCatholic), a Catholic academic community. All University policies, procedures and practices are grounded and administered in a manner consistent with our mission and our Catholic identity. University policies seek to protect all persons right to live safely within our community and are established with charity. Students, faculty and staff come from all faiths, and the University has a mutual respect for diverse beliefs. All students, faculty and staff must adhere to all our policies or be subject to disciplinary action up to and including expulsion or termination.

The JPCatholic mission is to impact culture for Christ guided by the teachings of Jesus Christ as preserved by his Catholic Church. Our Catholic identity has its basis in Sacred Scripture, sacred Tradition, and the Magisterium (teaching authority) of the Catholic Church. JPCatholic seeks to create a spiritually stimulating campus community where students have the opportunity to encounter Jesus Christ and learn his time-enduring spiritual, moral and social teachings – the Word of God. Catholic liturgy is at the center of life on campus, with the Mass being at the very core.

In accordance with the teachings of Jesus Christ as preserved by his Catholic Church, the JPCatholic community acknowledges God’s call to love all persons in the context of God’s revealed truth and is committed to being a community that values human dignity. In agreement with the Catechism of the Catholic Church, we affirm that “human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life” (Catechism of the Catholic Church 2270). Those who have had an abortion, aided in an abortion or used contraceptive devices (Catechism of the Catholic Church 2370), all of which are grave offenses, are encouraged to obtain forgiveness and be reconciled with God and the Catholic Church through the Sacrament of Reconciliation which is readily available on and off-campus.

In accordance with the teachings of Jesus Christ as preserved by his Catholic Church, the JPCatholic community believes that God created all humans - male and female - in his image and likeness and with equal dignity, and that due to sin and human brokenness, our experience of our sex and gender is not always as God designed. In hope, we affirm God's capacity to heal and transform our brokenness. The JPCatholic policy on gender identity affirms that one's gender identity is based upon one's biological sex as defined by natural law, a naturally knowable and universally binding law of right and wrong and holds firmly that any tension between one's biological sex and experience of gender identity should not be resolved through medical intervention or adoption of dress of the opposite biological sex. We at JPCatholic take seriously Christ's call to show compassion to others, particularly to the marginalized and suffering. As a Catholic educational institution, we also have a grave responsibility to teach the truth. While our hearts go out to those who experience discomfort in their bodies or a crisis in their self-understanding, we do not subscribe to the theory that in these cases a combination of surgical intervention and social accommodation will permanently resolve underlying problems and lead to lasting happiness. Similarly, our university's mission is incompatible with any notion that gender is unrelated to bodily sex, or that sex and gender exist on a nonbinary spectrum. These proposals are decisively countered by the major world religions, by perennial philosophy, by biological science, and by the consensus of virtually every human cultural group for which we have record.

At JPCatholic we are happy to support all our students with Christian formation on many levels. For students struggling with questions of identity, this process of support and formation includes spiritual direction, counseling referrals, and professional mentoring as appropriate. To use names and pronouns not in accord with a student's biological sex, however, will not be an accommodation we can offer. We encourage students with questions about these sensitive topics to bring them to our Theology and Philosophy faculty and to familiarize themselves with relevant Catholic teaching, much of which is collected at [https://www.usccb.org/resources/Gender-Ideology-Select-Teaching-Resources\\_0.pdf](https://www.usccb.org/resources/Gender-Ideology-Select-Teaching-Resources_0.pdf).

In accordance with the teachings of Jesus Christ as preserved by his Catholic Church, the JPCatholic community believes that marriage is between one man and one woman for life. Chastity is required of all individuals not joined in a sacramental marriage between one man and one woman. When individuals have questions about their sexual orientation, they are encouraged to approach any Priest on campus or in local parishes.

All institutional decisions are made consistent with Catholic policies, including this policy, and include student admissions and retention, housing, employment hiring and retention and all other matters.

At times, it may be necessary to remove a student, faculty or staff member from specific involvement in JPCatholic community temporarily or permanently. All students, faculty and staff must adhere to this policy on Human Sexuality or be subject to disciplinary action up to and including expulsion or termination.

#### **TITLE IX EXEMPTION**

JPCatholic is a Catholic educational institution that takes seriously anti-discrimination provisions under federal and state law and is committed to providing a learning and living environment that promotes student safety, personal integrity, civility and mutual respect.

In August of 2015, JPCatholic requested a religious exemption from certain provisions of Title IX, 34 C.F.R. Section 106.12. Federal regulations provide that provisions of Title IX do not apply to a Catholic university when application of Title IX would be inconsistent with Catholic tenets. Catholic universities are allowed to request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the Catholic faith. JPCatholic requested all applicable exemptions.

In January of 2016, John Paul the Great Catholic University was granted an exemption from certain aspects of Title IX. This exemption comes from the U.S. Department of Education, Office for Civil Rights. JPCatholic is now exempt from the provisions of Title IX to the extent that they prohibit discrimination based on gender identity, sexual orientation, marital status, pregnancy and parental status. This exemption



applies to students in the areas of admissions, housing, counseling, marital status and employment.

### **CALIFORNIA EQUITY IN HIGHER EDUCATION ACT EXEMPTION**

As a faith-based campus, JPCatholic is also exempted by the state from California from California Education Code 66270, to the extent the application of California Education Code 66270 is not consistent with Catholic tenets. This exemption may apply to, but is not limited to, requirements as expressed in University policies including admissions, counseling, marital status, student code of conduct, housing policies, mission statement and employment. We retain all rights afforded to us under federal law and the laws of the State of California.

### **HANDBOOK PURPOSE**

This employee handbook is presented as a matter of information and has been prepared to inform employees about the University's philosophy, employment practices, policies, and the benefits provided to our valued employees, as well as the conduct expected from them. While this handbook is not intended to be a book of rules and regulations or a contract, it does include some important guidelines which employees should know. Except for the at-will employment provisions, the handbook can be amended at any time.

This employee handbook will not answer every question employees may have, nor would the University want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship.

We hope this guide will help employees feel comfortable with us. The University depends on its employees; their success is our success. Please don't hesitate to ask questions. Every manager will gladly answer them. We believe employees will enjoy their work and their fellow employees here. We also believe that employees will find the University a good place to work.

No one other than authorized management may alter or modify any of the policies in this employee handbook. No statement or promise by a supervisor, manager, or designee is to be interpreted as a change in policy, nor will it constitute an agreement with an employee.

Should any provision in this employee handbook be found to be unenforceable and invalid, such a finding does not invalidate the entire employee handbook, but only the subject provision. Nothing in this handbook is intended to infringe upon employee rights under Section 7 of the National Labor Relations Act (NLRA) or be incompatible with the NLRA.

We ask that employees read this guide carefully, become familiar with the University and our policies, and refer to it whenever questions arise.

## **EMPLOYMENT**

### **EQUAL EMPLOYMENT**

It is the policy of the University to provide equal employment opportunities to all qualified individuals and to administer all aspects and conditions of employment without regard to the following:

- Race and associated traits, including hairstyle
- Color
- Age
- Sex
- Gender
- Religion, including dress and grooming practices
- National origin, including language use restrictions
- Genetic information, including family medical history
- Physical or mental disability

- Military or veteran status
- Citizenship and/or immigration status
- Child or spousal support withholding
- Domestic violence, assault, or stalking victim status
- Medical conditions, including cancer and AIDS/HIV
- Denial of family or medical care leave
- Lawful conduct occurring during nonworking hours not on University premises
- Credit report or credit information
- Prior non-conviction arrest record
- Any other protected class, in accordance with applicable federal, state, and local laws

Discriminatory, harassing, or retaliatory behavior is prohibited from coworkers, supervisors, managers, owners, and third parties, including clientele. The University takes allegations of discrimination, harassment and retaliation very seriously and will promptly conduct an investigation when warranted.

Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence and termination.

### **BACKGROUND CHECKS**

The University may conduct a background check on any applicant or employee with their signed consent. The background check may consist of prior employment verification, reference checks, education confirmation, criminal background, credit history, or other information, as permitted by law (if permitted by AB 22). Third-party services may be hired to perform these checks. All offers of employment and continued employment are contingent upon a satisfactory background check. Refusal to consent to a background check may result in discipline, up to or including termination.

### **AT-WILL NOTICE**

The employment relationship between the University and employees is at-will. This means that employees are not hired for any specified period of time and their employment may be terminated at any time, with or without cause, and with or without notice, by either the University or the employee. University policy requires that all employees are at-will; any implied, oral, or written agreements or promises to the contrary are void and unenforceable, unless approved by an officer with the power to create an employment contract. There is no implied employment contract created by this Handbook or any other University document or written or verbal statement or policy.

### **ANNIVERSARY DATE AND SENIORITY**

The employee's date of hire is their official employment anniversary date. Seniority is the length of continuous service starting on that date. Should an employee leave the University and then be rehired, previously accrued seniority will be lost, and seniority will begin to accrue again on the date of rehire. Except for certain protected leaves and paid time off, seniority does not accrue during leaves of absence that exceed 30 calendar days.

### **IMMIGRATION LAW COMPLIANCE**

All employees are required to complete Section 1 of Form I-9 on their first day of employment, and produce, within three business days, acceptable proof of their identity and eligibility to work in the United States. Failure to produce the proper identifying documents within three days will result in termination.

### **INTRODUCTORY PERIOD**

The employee's first 6 months of employment with the University are considered an introductory period. This introductory period will be a time for getting to know fellow employees, managers and the tasks involved in the position, as well as becoming familiar with the University's services. The supervisor or manager will work closely with each employee to help them understand the needs and processes of their job.

This introductory period is a try-out time for the employee and the University. During this introductory period, the University will evaluate employees' suitability for employment and employees can evaluate the University as well. At any time during this first 6 months, employees may resign. If, during this period, employee work habits, attitude, attendance, performance or other relevant factors do not measure up to our standards, the University may terminate employment.

At the end of the introductory period, the supervisor or manager will discuss each employee's job performance with them. During the discussion, employees are encouraged to give their comments and ideas as well.

Completion of the introductory period does not guarantee continued employment for any specified period of time, nor does it require that an employee be discharged only for cause. Completion of the introductory period also does not imply that employees now have a contract of employment with the University, other than at-will. Successful completion of the introductory period does not alter the at-will employment relationship.

A former employee who has been rehired after a separation from the University of more than one year is considered an introductory employee during their first 6 months following rehire.

### **EMPLOYMENT CLASSIFICATIONS**

The University has established the following employee classifications for compensation and benefit purposes only. An employee's supervisor or manager will inform the employee of their classification, status, and responsibilities at the time of hire, re-hire, promotion or at any time a change in status occurs. These classifications do not alter the employment at-will status.

#### Regular Full-Time Employee

An employee who is scheduled to work no less than 100% of the scheduled work hours in a workweek on a fixed work schedule (not less than 30 hours). The employee may be exempt or non-exempt and is generally eligible for all employment benefits offered by the University.

#### Regular Part-Time Employee

An employee who is scheduled to work less than 30 hours in a workweek and may be eligible for some benefits.

#### Temporary Employee

An employee who is scheduled to work on a specific need of the University. The employee will not receive any benefits unless specifically authorized in writing.

#### Exempt

Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable state law and who are exempt from overtime pay requirements. The basic premise of exempt status is that the exempt employee is to work the hours required to meet their work responsibilities.

#### Non-Exempt

Employees whose positions do not meet FLSA and state exemption tests and who are paid a multiple of their regular rate of pay for overtime hours worked. Unless notified otherwise in writing by management, all employees of the University are non-exempt.

### **PERSONNEL RECORDS**

The University will maintain various employment files while individuals remain an employee of the University. Examples of these files are employee personnel files, attendance files, I-9 files and files for medical purposes. If any changes with respect to personal information, such as a change in home address and telephone number or a change of name occur, employees are required to notify their supervisor or manager so the appropriate updates can be made to the files. The University will take reasonable precautions to protect employee files and employee personally identifiable information in its records.

Employee files have restricted access. Employees, their supervisor or manager, or their designated agents, may have access to those personnel files. If an employee (or former employee) wishes to review their personnel file, they must do so in the presence of a supervisor or manager.

Employees may review or obtain a copy of their personnel file or payroll records by making a written request to their supervisor or manager. The written request will become a permanent part of the personnel file and the University will make the contents of those records available within a reasonable time frame.

### **EMPLOYEE REFERENCES**

All employee reference check requests should be forwarded to Human Resources; only authorized members of management or Human Resources may provide this information. When the University is contacted for a reference check or employment verification, generally only positions held, and dates of employment will be confirmed. In some circumstances, past salary and eligibility for rehire may be provided as well.

### **JOB TRANSFERS**

The University aspires to promote qualified internal candidates to fill open positions whenever possible and practical. When job openings occur, current employees are encouraged to apply.

Management reserves the right to place an employee in whatever job it deems useful or necessary. All job transfers, reassignments, promotions, or lateral transfers are at the discretion of the University.

### **EMPLOYMENT OF RELATIVES**

The University does not have a general prohibition against hiring relatives. However, an employee will generally not be hired, transferred, or promoted into a position where they will be managed, directly or indirectly, by a family member or romantic partner. Other factors may also be considered when hiring a relative or romantic partner of a current employee, placing them in a particular position, or creating reporting relationships. The University may transfer an employee or otherwise change their employment status at any time for any reason, including to avoid the appearance of favoritism or other conflict of interest.

## **CONDUCT AND BEHAVIOR**

### **GENERAL CONDUCT GUIDELINES**

Employees are expected to exercise common sense and courtesy at all times, for the benefit of students, co-workers, and the University as a whole. Professionalism is expected, as is respect for the safety and security of people and property. Failure to meet these expectations may be grounds for discipline, up to and including termination.

The following are examples of unacceptable conduct, but this is not an exhaustive list.

- Failure to follow the policies outlined in this handbook.
- Actively living or advocating doctrines contrary to the Catholic faith.
- Negligent, careless, or inconsiderate treatment of clients or their information.
- Theft, misappropriation, or unauthorized possession or use of any property that does not belong to the employee.
- Unauthorized removal of University property from the premises.
- Sharing trade secrets or other confidential business information with anyone who does not have an official need to know.
- Accessing, without authorization, confidential information pertaining to clients or employees.
- Falsifying or changing any type of University, client, or employee document or record without authorization.
- Willfully, negligently, or carelessly damaging, defacing, or mishandling property of the University, a client, or an employee.

- Taking or giving bribes of any nature.
- Entering University premises without authorization.
- Violating security, safety, or fire prevention regulations, or tampering with safety equipment.
- Unauthorized use of a personal vehicle for University business.
- Conduct that is illegal under federal, state, or local law.
- Creating a disturbance on University premises.
- Use of abusive language.
- Any rude, discourteous, or unbusinesslike behavior, on or off University premises, which is not protected by Section 7 of the National Labor Relations Act and that adversely affects the University services, operations, property, reputation, or goodwill in the community, or interferes with work.
- Insubordination or refusing to follow instructions from a supervisor or manager; refusal or unwillingness to accept a job assignment or to perform job requirements.
- Leaving during scheduled work hours without permission; unauthorized absence from assigned work area during regularly scheduled work hours.
- Sleeping during regular working hours.
- Recording time for another employee or having time recorded by another employee.
- Use or possession of illegal drugs on University premises at any time.
- Use of alcohol or illegal drugs during working hours or working under the influence of intoxicants.
- Unauthorized possession of a weapon on University premises.
- Illegal gambling on University premises.
- Soliciting, collecting money, vending, and posting or distributing bills or pamphlets during working hours in work areas. Such activity by employees during non-working time, including meal and rest periods, is not restricted so long as such activity does not interfere with the regular operation of business, is orderly, lawful, in good taste, conducted in an orderly manner, and does not create a safety hazard or a mess. Non-employees are prohibited from all forms of solicitation on University property at all times.

#### Retention and Destruction of Records:

Record Type	Governing Law	Retention	Notes
Affirmative Action Plans	Executive Order 11246	2 years from date record was made or personnel actions was taken, whichever was later	
Annual reports, summary plan descriptions, plan changes, required reports to Department of Labor along with related materials to prepare such reports	Employee Retirement Income Security Act (ERISA)	6 years after the filing date	Information necessary to determine benefits for participants must be kept for as long as they are relevant
Documents containing information from credit reports	Fair and Accurate Credit Transactions Act (FACTA)	Shred paper files and destroy computer files after 1 year	FACTA does not require any record retention, but it is recommended that records be kept for one year before destruction
Employee Notices	Consolidated Omnibus Budget Reconciliation Act (COBRA) and Family and Medical Leave Act (FMLA)	6 years for COBRA and 3 years for FMLA	
Employment records (applications, promotions, transfers, layoffs, terminations, etc.)	Age Discrimination in Employment Act (ADEA)  Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964	Later of 1 year from record creation or action taken  Later of 1 year from creation or action taken	For Title VII, a copy of current EEO-1 Report must be kept for 2 years

	Rehabilitation Act of 1973, Vietnam Era Readjustment Assistance Act  Family and Medical Leave Act (FMLA)  Federal Insurance Contribution Act (FICA) Federal Unemployment Tax Act (FUTA) Internal Revenue Code (Federal Income Tax Withholding)	Later of 3 years from record creation or action taken  3 years  Later of 4 years from the date the tax is due or paid	
Form I-9	Immigration Reform and Control Act	Full length of employment; upon termination, later of 3 years from date of hire or 1 year from termination	
Leave Records	Family and Medical Leave Act (FMLA)	3 years from last entry	
Logs and Reports	Occupational Safety and Health Act (OSHA)	5 years after relevant year	Medical records and records of exposure to toxic substances for each employee must be kept 30 years from the date the employee leaves employment
Payroll Actions	Consolidated Omnibus Budget Reconciliation Act (COBRA)	6 years	
Payroll Records	Rehabilitation Act of 1973  Age Discrimination in Employment Act (ADEA), Equal Pay Act, Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA)  Federal Insurance Contribution Act (FICA) Federal Unemployment Tax Act (FUTA) Internal Revenue Code (Federal Income Tax Withholding)	2 years  3 years from last entry  Later of 4 years from date tax is due or the tax is paid	A copy of current affirmative action plan developed under the act must be kept in the files
Recruitment and selection documents, including the analysis of adverse selection based on these documents	Uniform Guidelines on Employee Selection Procedures (UGESP)	2 years after the adverse impact is eliminated where analysis indicated adverse impact	

#### **SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The University is committed to providing a work environment free of harassment in any form, including inappropriate and disrespectful behavior, intimidation, and other unwelcome conduct directed at an individual because of their inclusion in a protected class. Applicable federal and state law defines

harassment as unwelcome behavior based on someone's inclusion in a protected class. Sometimes language or actions that were not expected to be offensive or unwelcome actually are, so employees should err on the side of being more sensitive to the feelings of their co-workers rather than less.

The following are examples of harassment; behaviors not in this list may also be considered harassment:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Retaliation or threats of retaliation for refusing advances or requests for favors;
- Leering, making sexual gestures or jokes, or commenting on an employee's body;
- Displaying sexually suggestive content;
- Displaying or sharing derogatory posters, photographs, or drawings;
- Making derogatory epithets, or slurs;
- Ongoing teasing about an employee's religious or cultural practices;
- Physical conduct such as touching, assault, or impeding or blocking movements

Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a manager, or harassment by persons doing business with or for the University, such as clients, customers or vendors.

#### Retaliation

Any form of retaliation against someone who has expressed concern about any form of harassment, refused to partake in harassing behavior, made a harassment complaint, or cooperated in a harassment investigation, is strictly prohibited. A complaint made in good faith will under no circumstances be grounds for disciplinary action. Individuals who make complaints that they know to be false may be subject to disciplinary action, up to and including termination.

#### Enforcement

All managers and supervisors are responsible for:

- Implementing the University's harassment policy;
- Ensuring that all employees they supervise have knowledge of and understand the University policy;
- Reporting any complaints of misconduct to the designated University representative, the Vice President of Human Resources, so they may be investigated and resolved internally;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policy; and
- Conducting themselves in a manner consistent with the policy.

#### Addressing Issues Informally

Employees who witness offensive behavior in the workplace - whether directed at them or another employee - are encouraged, though not required, to immediately address it with the employee whose behavior they found offensive. An employee who is informed that their behavior is or was offensive should stop immediately and refrain from that behavior in the future, regardless of whether they agree that the behavior could have been offensive.

#### Harassment Complaint Procedure

Employees are encouraged to use the Complaint Procedure to report behavior that they feel is harassing, whether or not that behavior is directed at them. The Complaint Procedure provides for immediate, thorough, and objective investigation of claims of harassment. Appropriate disciplinary action will be taken against those who are determined to have engaged in harassing behavior.

#### **ABUSIVE CONDUCT**

Abusive conduct means malicious conduct in the workplace that a reasonable person would find hostile or offensive and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or

physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the sabotage or undermining of a person's work performance. A single act will generally not constitute abusive conduct, unless especially severe.

The University considers abusive conduct in the workplace unacceptable and will not tolerate it under any circumstances. Employees should report abusive conduct to a manager or Human Resources. Managers are responsible for ensuring that employees are not subjected to abusive conduct. All reports will be treated seriously and investigated when appropriate. Employees who are found to have engaged in abusive conduct will be subject to discipline, up to and potentially including termination. Retaliation against an employee who reports abusive conduct or verifies that it took place is strictly prohibited.

#### **TITLE IX (SEXUAL MISCONDUCT) POLICY**

John Paul the Great Catholic University (JPCatholic), is a Catholic educational institution that takes seriously anti-discrimination provisions under federal and state law and is committed to providing a learning and living environment that promotes student, faculty and staff safety, personal integrity, civility and mutual respect.

In August of 2015, JPCatholic requested a religious exemption from certain provisions of Title IX, 34 C.F.R. Section 106.12. Federal regulations provide that provisions of Title IX do not apply to a Catholic university when application of Title IX would be inconsistent with Catholic tenets. Catholic universities are allowed to request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the Catholic faith. JPCatholic requested all applicable exemptions.

In January of 2016, John Paul the Great Catholic University was granted an exemption from certain aspects of Title IX. This exemption comes from the U.S. Department of Education, Office for Civil Rights. JPCatholic is now exempt from the provisions of Title IX to the extent that they prohibit discrimination based on gender identity, sexual orientation, marital status, pregnancy and parental status. This exemption applies to students in the areas of admissions, housing, counseling, marital status and employment.

Recognizing that its greatest resources are its people, JPCatholic pledges to treat each person with dignity and respect. JPCatholic welcomes and respects all students, faculty and staff and appreciates diversity among its students with respect to age, intellectual talents, financial resources, creed and ethnic background. Our Catholic identity has its basis in Sacred Scripture, sacred Tradition, and the Magisterium (teaching authority) of the Catholic Church. JPCatholic seeks to create a spiritually stimulating campus community where students, faculty and staff have the opportunity to encounter Jesus Christ and learn his time-enduring spiritual, moral and social teachings – the Word of God.

John Paul the Great Catholic University's ("JPCatholic") values include fostering an open learning and working environment influenced by accountability, civility, and respect. JPCatholic considers sex discrimination in all its forms to be a serious offense and a violation of this policy, and federal law. Title IX specifically prohibits sex discrimination, harassment and all other sexual offenses. Sex discrimination includes discrimination on the basis of pregnancy. Harassment, whether verbal, physical, or visual, that is based on sex, is a form of prohibited sex discrimination. Sexual harassment also includes sexual violence.

JPCatholic will not tolerate sex discrimination or harassment of applicants, students, employees, guests, visitors, or invitees whether by students, faculty, staff, administrators, contractors, or outside vendors. This policy applies regardless of national origin, immigration status, or citizenship status. JPCatholic's prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, housing, and student services.

JPCatholic recognizes not only its legal responsibilities but also its moral and ethical responsibilities to prohibit discrimination and harassment on the basis of sex and to take appropriate and timely action to ensure an environment free of such inappropriate conduct and behavior. JPCatholic will respond appropriately to reports of sexual misconduct that do not fit within the scope of conduct covered by the



Title IX grievance process. This may include, for example reported sexual misconduct that occurs outside a schools' education program or activity, occurs outside the United States or causes harm in the school environment that does not fit within the definitions below.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states that: 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.

JPCatholic has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official university program or activity (regardless of location). Conduct that occurs in a private location and is not part of an institution's education program or activity is not considered a Title-IX complaint. Title IX only applies within the geographic boundaries of the United States. JPCatholic will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects. Additionally, JPCatholic will not tolerate retaliation in any form against an applicant, student, or employee for reporting a violation of this policy or assisting in the investigation of a complaint.

For a student complainant and a student or employee respondent, the Title IX policy applies first. Conduct that is outside of Title IX's definition of prohibited harassment on the basis of sex is covered by our harassment policy or handled under the Student Code of Conduct definitions and procedures found in the Student Handbook. The affirmative consent definition is used for sexual assault conduct. Non-Title IX conduct may also be decided during a live hearing of Title IX conduct to avoid having two disciplinary hearings.

For an employee complainant and a student or employee respondent, the Title IX policy applies first. Conduct that is outside of Title IX is covered by our harassment policy or the Student Code of Conduct definitions and procedures found in the Student Handbook. The affirmative consent definition is used for sexual assault conduct. Non-Title IX conduct may also be decided during a live hearing of Title IX conduct to avoid having two disciplinary hearings.

Title IX would not apply to a third party complainant or to a third party respondent unless the third party is a participant in JPCatholic's programs and activities, is enrolled at JPCatholic, or employed by JPCatholic.

#### Definitions of Offenses Which Fall Under Title IX Sexual Misconduct When Based on Sex

Actual knowledge: When JPCatholic receives notice of alleged misconduct that meets the definition of sexual harassment under Title IX regulations, JPCatholic has actual knowledge and must respond appropriately.

Complainant: The person who has experience the alleged sexual harassment. This person is considered a complainant regardless of whether they choose to file a formal complaint of sexual harassment under Title IX

Consent: In accordance with the teachings of Jesus Christ as preserved by his Catholic Church, the JPCatholic community believes that marriage is between one man and one woman for life. Chastity is required of all individuals not joined in a sacramental marriage between one man and one woman. Therefore, regardless if conduct is consensual, disciplinary action will be taken for any act that violates Catholic moral teaching on sexuality such as fornication, pornography, or excessive and inappropriate public displays of affection. Also prohibited are the promotion or advocacy of such conduct or expression, and scandal or any activity that may undermine the practice of virtue, degrade the dignity of the human person, give scandal or offense to others, or tempt you or others to sin.

The definition of consent is an essential component of this Policy. JPCatholic defines sexual consent as follows:

Consent is words or actions that a reasonable person in the respondent's perspective would understand as agreement to engage in the sexual conduct at issue. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in sexual activity. Lack of protest, lack of resistance, or silence do not by themselves constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. Consent is positive cooperation absent of coercion, intimidation, force or threat of force. There must always be active consent on both sides. Consent to one thing does not imply consent to another. If limits are made clear, pressuring someone into changing their mind is not consent. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No."

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will not by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonable should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - a. asleep or unconscious;
  - b. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - c. unable to communicate due to a mental or physical condition.

*Dating Violence*: Dating Violence is actual, attempted or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

*Discrimination*: Discrimination is any unlawful distinction, preference or detriment to an individual as compared to others that is based on an individual's protected status and that is sufficiently serious to unreasonably interfere with or limit:

- an employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment, access to training);
- a student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing);
- an authorized volunteer's ability to participate in a volunteer activity; or
- a guest's or visitor's ability to participate in, access, or benefit from JPCatholic's programs.

Domestic Violence: Domestic Violence is a felony or misdemeanor crime of violence committed in the following way:

- by a current or former spouse or intimate partner of the Complainant;
- by a person with whom the Complainant shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- 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 in which the crime of violence occurred.

Gender-Based Harassment: Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on gender that interferes with or limits a person's ability to participate in or benefit from JPCatholic's employment or educational activities and opportunities.

Hostile Environment: Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a Hostile Environment, particularly when the conduct is physical. Conduct creates a Hostile Environment if the conduct is sufficiently serious that it interferes with or limits the reporting party's ability to participate in or benefit from a JPCatholic program or to perform his or her work. Sexual harassment is considered a form of conduct that creates a hostile work environment.

Examples of a hostile environment include, but are not limited to:

- verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- physical assault or stalking;
- displays of electronic transmissions of derogatory, demeaning or hostile materials;
- unwillingness to train, evaluate, assist or work with a student or employee;
- engaging in behavior that is invasive or disruptive to a student or employee for the purpose of initiating a sexual or romantic relationship with that person; or
- sex-based bullying.

Non-consensual Sexual Penetration Nonconsensual sexual penetration is the sexual penetration or attempted sexual penetration of any bodily opening with any object or body part without effective consent.

Nonconsensual sexual penetration includes the following Clery Act definitions:

- Clery Act definition of 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;
- Clery Act definition of incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
- Clery Act definition of statutory rape: sexual intercourse with a person who is under the statutory age of consent.

Non-consensual Sexual Intercourse: Non-consensual Sexual Intercourse is any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman, that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

The following are examples of non-consensual sexual intercourse: rape, sexual intercourse when a person is unconscious due to drugs and alcohol or using a date rape drug to affect sexual intercourse with a person.

Quid Pro Quo Sexual Harassment: Quid Pro Quo Sexual Harassment exists when there are:

- unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; AND
- submission to or rejection of such conduct results in adverse educational or employment action.

Respondent: The person accused of the alleged sexual harassment. There is a presumption that the respondent did not violate policy unless and until a determination is made after a hearing.

Retaliation: Retaliation is acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity.

Protected activity includes an individual's good faith:

- participation in the reporting, investigation or resolution of an alleged violation of this Policy;
- opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or
- requests for accommodations on the basis of religion or disability.

Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Responding Party, the Reporting Party or any other individual or group of individuals.

Sexual Assault: Sexual Assault is a forcible sex offense which includes rape, sodomy, fondling, incest, sexual assault with an object, or statutory rape directed against another person without the consent of the victim including instances where the victim is incapable of giving consent.

- Rape: Non-consensual penetration – actual or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. This includes forcible penetration and/or penetration against that person's will or not forcibly or against the person's will
- Fondling: The touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation: Sexual Exploitation occurs when a student or employee takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student or employee;
- non-consensual video or audiotaping of sexual activity;
- going beyond the boundaries of consent (such as letting friends hide in the closet to observe one having consensual sex);
- engaging in voyeurism;

- knowingly transmitting a Sexually Transmitted Infection (STI) or Human Immunodeficiency Virus (HIV) to another person;
- exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; and
- sexually based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment: Sexual Harassment includes certain types of unwelcome sexual conduct, sexual assault, dating violence, domestic violence and stalking. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the university conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct. This is commonly referred to as quid pro quo sexual harassment, meaning that a school employee offers something to an individual in exchange for sexual conduct;
2. 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 university's educational program or activity. This includes conduct that has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment. This includes conduct by one student toward another student; or
3. Sexual Assault, dating violence, domestic violence or stalking.

To determine whether a person has been effectively denied equal access to an education program or activity, JPCatholic must evaluate whether a reasonable person in the complainant's position would be effectively denied equal access to education compared to a similarly situated person who is not suffering the alleged sexual harassment. An effective denial of equal access to educational opportunities may include skipping class to avoid a harasser, a decline in a student's grade point average or having difficulty concentrating in class. Effective denial of equal access to education does not require that a person's total or entire educational access has been denied. No concrete injury is required to prove an effective denial of equal access.

Individuals have different perceptions regarding sexual behavior. For that reason, JPCatholic will consider the conduct in question from both a subjective and objective perspective. Specifically, JPCatholic will evaluate the conduct from the perspective of a reasonable person in the reporting party's position, considering all the circumstances. Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of employment or education.

Sexual Violence: Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the individual's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence and sexual assault often refer to similar kinds of conduct. A few different acts fall into the category of sexual violence including rape, sexual battery, sexual abuse, sexual coercion, dating violence, and domestic violence.

Stalking: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for her, his, or others' safety; or
- suffer substantial emotional distress

Stalking can occur online or through messaging platforms, commonly known as cyber-stalking, when it occurs in the University's education program or activity.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Supportive Measures: At any time during the investigation and adjudication process, JPCatholic may implement supportive measures for the parties or witnesses for the protection of those involved and to ensure equal access to the University's educational programs and activities. These may include separating the parties, placing limitations on contact between the parties, emergency suspension, or making alternative living, class-placement, or workplace arrangements. Such measures are not considered disciplinary in nature. The University will also take reasonable and legal action to implement any court restraining or no-contact order. Both parties must honor any supportive measures; violating them is a violation of University policy separate from the allegations of the complaint.

Title IX grievance process: This is the term used for JPCatholic's process for addressing formal complaints of sexual harassment under Title IX. A formal complaint is a document alleging sexual harassment and requesting an investigation and/or resolution under grievance procedures. It must be signed by the alleged victim or the Title IX Coordinator. If filed by an alleged victim, the alleged victim must be a current or attempted participant in JPCatholic education programs or activities.

The Title IX Coordinator may file a formal complaint as follows:

- When there is an important institutional interest in adjudicating a report irrespective of the alleged victim's wishes
- Typically involves serious misconduct, repeated misconduct, or misconduct by employees
- If alleged victim does not wish to file a formal complaint, Title IX Coordinator's decision to do so must not be clearly unreasonable

The grievance process includes the following steps:

- Investigation to collect relevant inculpatory and exculpatory evidence
- Live hearing before a decision-maker who finds facts under the evidentiary standard more likely than not (preponderance of the evidence) and determines the existence (or not) of a policy violation and any resulting sanctions and or remediation.
- Appeal

The grievance process is governed by the following general principles:

- Complainants and Respondents will both be treated equitable, both with rights and options.
- No stereotypes based on a party's status as a complainant or respondent.
- Presumption respondent did not violate policy unless and until a determination is made after a hearing.
- All JPCatholic participants will be conflict and bias-free. A conflict is said to occur when a reasonable person would question the individual's ability to be impartial.

If the grievance process results in a finding of sexual harassment, the respondent will receive discipline as determined by those with authority over the respondent. The standard JPCatholic uses for evidence is a preponderance of the evidence – whether it is more likely than not to have occurred. For the complainant, remedies will be given that are reasonably necessary to restore or preserve access to education programs and activities.

Other Misconduct Offenses Which Fall Under Title IX Sexual Misconduct When Based on Sex:

1. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

2. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the JPCatholic community, when related to the admission, households, students new to the university, or any other group-affiliation activity;
3. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally;
4. Violence between those in an intimate relationship to each other; and
5. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.

## **Sexual Misconduct Complaint Resolution Procedures: Filing a Complaint and Investigation Process**

### **Overview:**

The following complaint resolution procedures for reporting Sexual Discrimination, Sexual Harassment, and Sexual Violence (together referred to as “Sexual Misconduct”) apply to complaints made to JPCatholic by students, employees, faculty, or third parties against students, employees, faculty or third parties. JPCatholic has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official university program or activity (regardless of location). Conduct that occurs in a private location and is not part of an institution’s education program or activity is not considered a Title-IX complaint. Title IX only applies within the geographic boundaries of the United States. These procedures are JPCatholic’s exclusive means of resolving complaints of Title IX Sexual Misconduct.

Sexual Misconduct complaint resolution procedures provide for prompt, fair, and impartial investigations and resolutions. Any JPCatholic employee involved in administering these procedures will discharge their obligations fairly and impartially. If employees determine that these procedures cannot be fairly and impartially applied because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to fulfill the role in administering these procedures fairly and impartially.

Sexual Misconduct complaint resolution procedures will be implemented by JPCatholic officials who receive annual training on the issues related to Sexual Misconduct and how to conduct an investigation that protects the safety of victims and promotes accountability.

### **Filing a Complaint:**

Any person who believes that they have been the subject of Sexual Misconduct, and desires JPCatholic to investigate and resolve the matter, should report the incident. To file a Sexual Misconduct (Title IX) complaint, contact Anna Velasco, Title IX Coordinator and Vice President of Human Resources. She can be reached at [AVelasco@jpcatholic.edu](mailto:AVelasco@jpcatholic.edu) or (858)653-6740, extension 1508. To anonymously report a Sexual Misconduct complaint, send information to Anna Velasco at 220 West Grand Ave., Escondido, CA 92025. See the Confidentiality, Privacy, and Reporting section below for more information on privacy rights. When JPCatholic receives notice of alleged misconduct that meets the definition of sexual harassment under Title IX regulations, JPCatholic has actual knowledge and must respond appropriately.

JPCatholic will make reasonable and appropriate efforts to preserve an individual’s privacy and protect the confidentiality of information when investigating and resolving a complaint. If the complainant does not wish to pursue resolution and/or requests that his or her complaint remain confidential, under Title IX, JPCatholic will still investigate and take reasonable action in response to the complainant’s request. However, the Title IX Coordinator will inform the complainant that JPCatholic’s ability to respond will likely be limited.

Regardless of the complainant’s request, under Title IX, JPCatholic must evaluate the complainant’s request that there be no formal or informal resolution and/or that the complainant remain confidential in the context of JPCatholic’s commitment to provide a reasonably safe and non-discriminatory environment for its students and employees. The Title IX Coordinator is responsible for evaluating confidentiality requests.

JPCatholic reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the university community. As needed, and regardless of the complainant's request, under Title IX, JPCatholic shall take prompt and effective action to limit the effects of the Sexual Misconduct and to prevent its reoccurrence.

It is a violation of this policy to retaliate against any member of the JPCatholic community who reports or assists in making a Sexual Misconduct complaint or who participates in the investigation of a complaint in any way. Persons who believe they are receiving Retaliation, in violation of this policy, should make a complaint in the manner set forth in this section.

JPCatholic has no period of limitation for filing Sexual Misconduct complaints but does encourage persons to make complaints as soon as possible. Later reporting may limit JPCatholic's ability to investigate and resolve the matter.

All Sexual Misconduct complaints will be promptly and thoroughly investigated in accordance with procedures described in this policy. JPCatholic will take disciplinary action where appropriate.

### **Investigation – Preliminary Matters**

In all complaints of Sexual Misconduct, JPCatholic will undertake an appropriate inquiry and take immediate action. Once an investigation is open, JPCatholic will provide both the complainant and respondent written notification which will include, the identities of parties, specific policy provisions, precise conduct, and the date and location of the alleged violation.

If a complainant has obtained an order of protection, temporary restraining order, or other no contact order against the respondent from a criminal, civil, or tribal court, the complainant may provide such information to the Title IX Coordinator. If provided, JPCatholic will take all reasonable and legal action to implement the court order.

At any stage of the investigation, JPCatholic may implement appropriate interim steps pending the final outcome of the investigation or in special circumstances even if a report is not filed. JPCatholic's interim measure decision-makers will be University staff that are uninvolved and separate from the investigation process. Interim measures will be afforded to both the complainant and respondent and both complainant and respondent may request such measures. These measures will be processed separately. Interim options include modifications to: academic schedules, campus housing, student leadership, working situations, as well as providing academic support or making special arrangements for withdrawing or dropping classes without penalty, if requested and reasonably available. No contact measures may also be implemented. Any interim remedies imposed should avoid any lasting negative effects on either party before any findings of responsibility are made as much as is possible in the circumstances presented. JPCatholic will make every effort to avoid depriving any student of her or his education. JPCatholic will periodically revisit the interim measures to see if adjustments need to be made.

The Title IX Coordinator may also take any further protective action deemed appropriate, concerning the interaction of the parties, pending the investigation, including directing appropriate university officials to alter academic, housing, and/or employment arrangements, together with such other protections as the Title IX Coordinator shall deem appropriate. Consistent with Title IX, when taking steps to separate the complainant and the respondent, JPCatholic may minimize the burden on the complainant and may not, as a matter of course, remove the complainant from his or her classes, housing, or employment while allowing the respondent to remain. Violations of the Title IX Coordinator's directive and/or protective actions will constitute separate violations of the Sexual Misconduct policy that may lead to additional disciplinary action.

During the investigation process, both complainant and respondent may ask a support person or advisor to accompany them at all stages of the process. The advisor may be, but need not be, an attorney. In cases involving multiple complainants or respondents, the support person or advisor cannot be another



complainant or respondent. The support person or advisor does not serve as an advocate on behalf of the complainant or respondent and may not be actively involved in any proceedings. All support persons and advisors must agree to maintain the confidentiality of the process.

Some instances of Sexual Misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, JPCatholic will assist the complainant in doing so. The potential for a criminal investigation, however, does not relieve JPCatholic of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the University will proceed with its own investigation and resolution of the complaint.

The complainant and respondent have equal rights during the investigation and resolution of a complaint. These rights include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence;
- Similar and timely access to all information considered by the investigators;
- Equal opportunity to review any statements or evidence provided by the other party; and
- Equal access to review and comment upon any information independently developed by the investigators.

### **Investigation – Initial Steps and Meetings**

Once the Title IX Coordinator has been notified of an allegation of Sexual Misconduct and determines a formal investigation is necessary, the Title IX Coordinator will provide both complainant and respondent written notice with sufficient details of the allegations so that both parties will have sufficient time to prepare for the initial interview.

Sufficient details mean the following:

- identity of the parties,
- specific policy provisions,
- precise conduct,
- date and location of alleged incident(s)

The Title IX Coordinator will then schedule a meeting, typically within one to two business days, with the complainant to advise the complainant of JPCatholic's Sexual Misconduct policy and forms of support or immediate interventions available to the complainant, including referral to appropriate law enforcement agencies, medical options, and/or counseling services. If the conduct is criminal in nature (for example, assault, rape, or attempted rape), JPCatholic strongly recommends that the complainant report the incident to law enforcement officials. The Title IX Coordinator, or any member of the Student Life staff, will assist the complainant with reporting the incident to law enforcement officials, if desired.

Absent extraordinary exigency, the parties will receive the written notice at least one to two business days before they are interviewed by the investigator. At the initial interview with the complainant, the Title IX Coordinator will ascertain from the complainant how complainant wishes to proceed, whether by formal or informal resolution, or whether the complainant does not wish to pursue resolution of any kind. If the complainant wishes to proceed with either formal or informal resolution, the Title IX Coordinator will determine the name of the respondent as well as the date, location, and nature of the alleged Sexual Misconduct.

At the initial interview with the respondent, the Title IX Coordinator will gather sufficient information to determine if an investigation is warranted. The Title IX Coordinator will also ensure the complainant has been fully advised of her/his rights and has access to sufficient support.

If the complainant wishes to proceed with formal or informal resolution, the Title IX Coordinator will promptly commence an investigation. JPCatholic Title IX Investigators will be assigned to investigate the allegations. The Title IX Coordinator is available to help each party navigate through the investigative

process, answer questions about the process, and follow up throughout the investigation to ensure appropriate processes are followed.

### **Investigation – Informal and Formal Resolution:**

Informal resolution, such as mediation, may be used to investigate and resolve a Sexual Misconduct complaint. However, informal means may only be used with both party's voluntary, informed, written consent to attempt informal resolution. The complainant will not be required to resolve the issue directly with the respondent. Moreover, either party may terminate the informal process at any time and resume the grievance process with respect to the formal complaint.

Formal Resolution: The purpose of a Title IX investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes Sexual Misconduct and a violation of this Policy. During the investigation, the investigators may receive counsel from JPCatholic administrators, JPCatholic attorney's or insurance carriers, the Title IX Coordinator, and/or other parties as needed.

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses and/or other evidence. The respondent will have an opportunity to respond to the allegations and present supporting witnesses and/or other evidence. The investigators will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

At the conclusion of the investigation, the investigators will prepare a written report. The report will explain the scope of the investigation and identify findings of fact. The investigators will present the report to the Title IX Coordinator, who will review the draft, revise as necessary, and finalize it. This report will be shared with both parties prior to a determination on a hearing to ensure that the report is complete and accurate from the parties' perspectives. Both parties will have 10 days to respond to the report in writing in advance of the university's decision to hold a hearing.

JPCatholic will dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in a school's educational program or activity against a person in the United States. Such dismissal is only for Title IX purposes and does not preclude JPCatholic from addressing the conduct in any manner JPCatholic deems appropriate. JPCatholic may also dismiss a formal complaint if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

JPCatholic intends to complete a typical investigation within a timely manner following receipt of the report. The time to complete an investigation can be impacted by availability of witnesses, current academic calendar, and business needs of the University. Further, both the complainant and respondent will be updated throughout the investigative process, including with timely notice of meetings where either or both the reporting party and the responding party may be present. If the investigators find it is likely that Title IX sexual harassment has occurred, there will be a live hearing with cross-examination of each witness. At the live hearing, the decision maker 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. This cross-examination must be conducted directly, orally, and in real time by the party's advisor and never by a party personally. Only relevant cross-examination may be asked of a party or witness. Before either party 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. Evidence is relevant if it tends to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.

Sexual history is generally not relevant unless it is offered to prove that someone other than the respondent committed the conduct or if specific incidents of the complainant's prior sexual behavior with the respondent are offered to prove consent. The investigator will never assume that a past sexual relationship between the parties means the complainant consented to the specific conduct under investigation. Where the parties have a prior sexual relationship and the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question.

If a party does not have an advisor present at the live hearing, JPCatholic will provide, without fee, 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. The standard of evidence to determine responsibility is the preponderance of the evidence – is it more likely to have occurred or not. The decision maker must issue a 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 written determination must be sent simultaneously to the parties along with information about how to file an appeal. A party must submit their written appeal within 10 days of being notified of the decision, including the grounds for the appeal.

Either party can request that 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. JPCatholic must create an audio or audiovisual recording, or transcript, of any live hearing.

JPCatholic offers both parties an 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 was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter
- Title IX Coordinator, investigator or decision maker had a conflict of interest or bias that affected the outcome

### Sexual Harassment Hearing Procedures

#### **Purpose and Nature of Hearing Procedures:**

These procedures supplement the JPCatholic's Sexual Harassment Policy (the "Policy") and specify how JPCatholic will conduct hearings regarding formal complaints of Sexual Harassment. To the extent there is a conflict between these procedures and the Policy, the Policy shall control.

The hearing is an opportunity for the parties to address the decision maker. The parties may address any information in the investigative report, submit supplemental statements in response to the report or provide verbal impact and mitigation statements. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or exclude additional evidence presented at the hearing. In addition, parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

#### **Hearing Officer:**

The hearing officer oversees the hearing process, rules on questions of relevance and admissibility, resolves all procedural disputes, and renders a determination of responsibility for the allegations in the formal complaint at the conclusion of the hearing process and in the manner specified in the Policy. The hearing officer has discretion to interpret, apply, and modify these procedures in any manner that is not clearly unreasonable and is consistent with the Policy.

#### **Prehearing:**

Review of Investigation Report and Evidence: Prior to commencement of the hearing, the hearing officer will review the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in the Policy. This review may also include consideration of any written response to the

investigation report in advance of the Pre-Hearing Conference as provided in the Notice of Hearing. This review of materials is provisional and intended to provide background and orientation to the hearing officer in planning and conducting the hearing. The hearing officer must exclude from consideration in deliberation any evidence developed during the investigation that is deemed inadmissible at the hearing.

*Pre-Hearing Submission of Questions:* During the pre-hearing conference, the parties' advisors may submit questions to be asked of the other party or witnesses. The questions shall be submitted in writing to the hearing officer. The hearing officer will evaluate whether the questions are relevant, explaining the rationale for any exclusion of evidence, and share each party's questions and related relevancy decisions with the other party. This does not prevent the parties' advisors from asking additional questions at the live hearing.

### **Hearing Procedure:**

*Convening the Hearing:* Immediately prior to convening the hearing, the hearing officer will ensure that an audio recording of the hearing is being made by JPCatholic, and that the hearing room is cleared of all individuals who are not permitted to be present during the hearing. The hearing officer will then convene the hearing and clearly state for the record the date, time, and location of the hearing; the names of the Complainant and Respondent; the parties present at the hearing; any accommodations that have been provided at the request of a party or in JPCatholic's discretion; whether all or a portion of the hearing is being conducted virtually as specified in the Policy; and any other introductory matters that the hearing officer deems appropriate.

*New Evidence:* After convening the hearing, the hearing officer will ask each party whether it seeks to admit any non-testimonial evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect. The hearing officer will determine whether admission of such evidence is appropriate pursuant to the Policy. If the hearing officer determines that the evidence may be admitted, the party may submit and discuss the evidence during the party's statement (see Section below).

*Statement of the Investigator:* The hearing officer will call the investigator to give an overview of the investigation process. Thereafter, the investigator will be subject to questioning by the hearing officer, followed by questioning from each party's advisor commencing first with questioning from the advisor for the Complainant followed by questioning from the advisor for the Respondent.

*Statements of the Parties:* After questioning of the investigator is complete, the hearing officer will invite the Complainant to provide a statement to the hearing officer regarding the events in question and identify and comment on any non-testimonial evidence the Complainant believes is relevant. After the Complainant has made a statement, or waived the right to make a statement, the Complainant will be subject to questioning by the hearing officer, followed by questioning from the advisor for the Respondent.

After questioning of the Complainant is complete, the hearing officer will invite the Respondent to provide a statement to the hearing officer regarding the events in question and to identify and comment on any non-testimonial evidence the Respondent believes is relevant. After the Respondent has made a statement, or waived the right to make a statement, the Respondent will be subject to questioning by the hearing officer, followed by questioning from the advisor for the Complainant.

*Testimony of Witnesses:* After questioning of the parties is complete, witnesses will be called to testify in the order determined by the hearing officer. Unlike the parties, witnesses will not be invited to make a statement but, instead, will be subject to questioning from the hearing officer followed by questioning from each party's advisor commencing first with questioning from the advisor for the Complainant followed by questioning from the advisor for the Respondent. Witnesses will be present only during their testimony.

*Behavior during the live hearing/rules of decorum:* JPCatholic requires all parties, advisors and witnesses to maintain appropriate decorum throughout the live hearing. Participants are expected to abide by the decision maker's directions and determinations, maintain civility and avoid emotional outbursts and raised voices. Repeated violations of appropriate decorum will result in a break in the live hearing, the length of which will be determined by the decision maker. The decision maker reserves the right to appoint a

different advisor to conduct cross-examination on behalf of a party after an advisor's repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

Investigation Materials: After the questioning of witnesses is complete, the hearing officer will identify any portion of the evidence developed during the investigation that the hearing officer has determined should be excluded from the hearing record based on rulings made at the pre-hearing conference, during the hearing itself, due to the refusal of a party or witness to submit to questioning by a party advisor, or for any other reason. The hearing officer will then provide the parties a final opportunity to raise any additional objections to inclusion of any other portions of the investigation record into evidence and resolve any such objections. All evidence from the investigation and hearing not specifically excluded by the hearing officer shall be deemed admitted into the hearing record and may be considered by the hearing officer as part of the deliberation.

Closing Argument: After the questioning of the witnesses is complete, the hearing officer will invite the Complainant to make a closing argument. After the Complainant has made a closing argument, or waived the right to make a closing argument, the hearing officer will invite the Respondent to make a closing argument.

Deliberation: After closing arguments are complete, the hearing officer will conclude the hearing and deliberate and render a determination as specified in the Policy.

Access to and Use of Investigation Evidence: During the hearing, the parties and their advisors shall have access to the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in the Policy. Such evidence may be utilized in the questioning of witnesses where relevant. Non-testimonial evidence utilized during the hearing shall be marked and referred to in such a manner as to make it clearly identifiable by audio (i.e., such as sequential marking of "exhibits").

Rulings on Evidence: Throughout the hearing, the hearing officer will independently and contemporaneously screen all questions for relevance and resolve any contemporaneous evidentiary objections raised by the parties. If the hearing officer does not exclude a question, it is presumed the hearing officer has deemed the question relevant and admissible. Although formal rules of evidence do not apply, the hearing officer may, in the hearing officer's discretion, utilize evidentiary principles similar to those specified in the Federal Rules of Evidence to the extent such evidentiary principles are not contrary to the Policy.

Timing and Continuances: The hearing officer will have discretion to set the overall length of the hearing and may set time limits for statements of the parties, questioning of parties and witnesses, and closing arguments. A hearing will not exceed seven (7) hours in length absent extraordinary circumstances. Once a hearing is commenced, it will be continued only for good cause as determined by the hearing officer.

Role of Advisors: Advisors to the parties must play a passive role in the hearing with the sole exception that advisors are permitted to question parties and witnesses as specified in the provisions of the Policy related to hearing processes. Advisors are not permitted to speak for their advisee, make objections, present arguments, or engage in any other active role.

Disruptions: All parties, advisors, and other persons present at a hearing are required to act professionally, maintain decorum, and abide by the Policy, these procedures, and any other rules specified by the hearing officer. Any party, advisor, or other person who materially disrupts the proceeding or violates applicable policies, procedures, and rules, may be barred from further participation and/or have their participation limited, as the case may be, by the hearing officer.

Questioning: Wherever these procedures contemplate questioning of a party or witnesses, the hearing officer has discretion to permit more than one round of questioning. In addition to ruling on questions of relevancy, the hearing officer may limit cumulative and redundant questioning.

Discretion in Application: JPCatholic retains discretion to interpret and apply these procedures in a manner that is not clearly unreasonable, even if JPCatholic's interpretation or application differs from the interpretation of the parties. The hearing officer may consult with appropriate officials with respect to application of these procedures.

Despite JPCatholic's reasonable efforts to anticipate all eventualities in these procedures, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express language of these procedures, in which case JPCatholic retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

**Possible Sanctions:**

Possible Student sanctions: Possible sanctions for Students found by a preponderance of the evidence to have violated this Policy include, but are not limited to, the following: verbal warnings, educational assignments, activity or location restrictions, fine, loss of privileges, spiritual direction or counseling, community service, housing probation, temporary or permanent suspension; expulsion; and/or restriction on eligibility to represent the university at any official function, termination from on campus employment; or removal from leadership positions. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year.

Possible Employee sanctions: Possible sanctions for Employees found by a preponderance of the evidence to have violated this Policy include, but are not limited to, the following: verbal warnings, written warning, final written warning, counseling, spiritual direction, educational assignments, termination, reassignment of duties, and suspension with or without pay. An employee may be suspended for any length of time determined appropriate by Human Resources. Following a suspension, the individual will be required to meet with the Dean of Students or other Student Life representative (student) or Human Resources (employee) to discuss re-entry and expectations going forward.

Other Remedial Steps for Students and Employees: Other remedial steps may include counseling, academic, transportation, work, or living accommodations for the complainant or separation of the parties, and training for the respondent and other persons. JPCatholic will consider the concerns and rights of both the complainant and the respondent.

Once the investigation and hearing are completed and a final decision is made, both the complainant and respondent will be informed of the outcome in writing within three (3) business days. The decision is final. It may be appealed using the appeal procedure described below.

Resolution and Timeframe for Resolution: JPCatholic is committed to providing prompt, fair, and impartial investigation and resolution of reports of violations under this policy. JPCatholic will make the investigative reports available to both complainant and respondent prior to their release and finalization of its decision. Both complainant and respondent have equal access to the information used for JPCatholic's final report and will have an opportunity to respond to the report in writing in advance of the live hearing or final decision where there is no live hearing. JPCatholic desires to resolve all reports within a timely manner.

All timeframes expressed in this policy are meant to be guidelines rather than inflexible requirements. Extenuating circumstances may arise that require the extension of timeframes. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, any intervening school break or vacation, or other unforeseen circumstances. JPCatholic intends to complete a typical investigation within sixty (60) days following receipt of the report. Further, both the complainant and respondent will be updated throughout the investigative process, including with timely notice of meetings where either or both the reporting party and the responding party may be present. If the investigation and resolution exceed this time frame, JPCatholic will attempt to notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

In all cases of allegations of policy violations, the complainant and respondent will receive simultaneous notification, in writing, of any of the following:

- any result of a disciplinary proceeding;
- procedures for the reporting party and responding party to appeal the result of the disciplinary proceeding;
- any change in the result of a disciplinary proceeding; and
- when the results of any disciplinary proceeding become final.

**Appeal Process and intersection with other policies and documentation:**

Appeal of Finding(s): JPCatholic offers the complainant and respondent an 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 was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter
- Title IX Coordinator, investigator or decision maker had a conflict of interest or bias that affected the outcome

Appeals must be filed in writing with the Title IX Coordinator within 10 (ten) days of receipt of notification of the outcome of the investigation and must include all of the below-listed information. The appeal will then be evaluated by the Title IX Coordinator. JPCatholic reserves the right, after reviewing the below information submitted by the appealing party, to deny the appeal without further review if it determines that the above grounds do not exist as a basis for the appeal.

An appeal may not be based solely upon the appealing party's disagreement with the University's initial finding. Please include the following in the appeal:

- name of the complainant;
- name of the respondent;
- a detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and
- requested action, if any.

JPCatholic's current Appeal Officer is Dr. Derry Connolly, President. The appealing party may request a meeting with the Appeal Officer but the decision to grant a meeting is within the Appeal Officer's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity. The Appeal Officer will resolve the appeal typically within 10 (ten) days of receiving it and may take any and all actions determined to be in the interest of a fair and just decision. The decision of the Appeal Officer is final. The Appeal Officer will issue a statement of the appeal, including any changes made to the previous written determination.

Appeals granted for procedural error or new evidence should be remanded back to the original investigator and/or decision maker (hearing officer) for reconsideration. Appeal officer should provide rationale and specific instructions defining the scope of the issues, and instructions for returning the case to the appeal officer. The appeal officer will then make a final determination. In rare cases where a procedural error cannot be cured (as in cases of bias), the appeal officer may order a new hearing with a new decision-maker. Decisions from the new hearing may be appealed. In cases where an appeal results in reinstatements or resumption of privileges, all reasonable attempts will be made to restore the respondent to prior status.

The written statement of the appeal will be provided to the complainant, respondent, and the Title IX Coordinator.

Documentation: Throughout all stages of the investigation, resolution, and appeal, the investigators, the Title IX Coordinator, the Live Hearing decision maker, and the Appellate Officer, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under this policy, which may include written findings of fact, transcripts, and audio recordings.

Sexual Misconduct/Title IX allegations and findings are kept separate from a student's academic record and maintained as part of an employee's records.

*Intersection with Other Procedures:* These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Title IX Sexual Misconduct policy. To the extent there are any inconsistencies between these complaint resolution procedures and other University complaint, or disciplinary procedures, the procedures provided herein will control Title IX Sexual Misconduct complaints.

*Report Confidentially:* If one desires that details of the incident be kept confidential, they should speak with on-campus mental health counselors, a priest during confession or off-campus rape crisis resources who can maintain confidentiality. JPCatholic counselors will not report the situation to the university for investigation without consent. However, when the situation involves a crime, they will notify the appropriate JPCatholic personnel for the sole reason of including the crime in the annual crime statistics disclosure. The victim's name will not be divulged in this situation.

*Non-confidential Reporting Options:* Persons are encouraged to speak to officials of the institution to make formal reports of incidents (directors, deans, vice presidents, or other administrators with supervisory responsibilities, faculty, and human resources). Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the respondent. The most direct way to officially report is directly to the Title IX Coordinator, Anna Velasco, at [avelasco@jpcatholic.edu](mailto:avelasco@jpcatholic.edu).

Reporting to the Department of Education. Persons may also choose to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). If individuals choose to contact the OCR directly about an alleged violation of the Sexual Misconduct Policy, there is an electronic complaint form available at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or call at 1-800-421-3481.

#### **Other Inappropriate Conduct:**

Conduct that does not constitute prohibited discrimination or harassment under the law or under any of the University's policies still may be inappropriate for the University environment or workplace. Even if the University determines an individual's behavior does not rise to the level of prohibited discrimination or harassment under this policy, the University may impose appropriate disciplinary action, up to and including separation of service.

Generally, disciplinary action will be imposed under this paragraph if the University believes the behavior or conduct was inappropriate, unprofessional, objectionable, inconsistent with reasonable rules of conduct, inconsistent with the spirit of the University's harassment-free and discrimination-free philosophy or policy or is not in the best interest of the University or its students.

#### **What is your obligation as faculty/staff if you know about sex discrimination at JPCatholic?**

Your obligation to report instances of sex discrimination is governed by several federal laws, including Title IX, Title VII, and the Clery Act. At JPCatholic, staff and faculty are required to report all incidents of sex discrimination, including the behaviors listed above, to the Title IX Coordinator within 24 hours of becoming aware of the incident. Counselors, health care providers and clergy are exempt from mandatory reporting. A reporter may initially be able to omit personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.). The Title IX Coordinator will then guide the reporter regarding how much detail is needed. It is recommended that when someone starts to make a disclosure, staff and faculty should clarify what that they are required to do with the information that is shared.

#### **Resources for Complainants of Sexual Harassment or Sexual violence:**

Initially, make sure you get to a place where you feel safe. Call somebody you trust. There is a National Sexual Assault hotline at (800) 656-HOPE; your call is anonymous and confidential. Seek medical attention as soon as possible if you have any injuries.



*Confidential Resources:* To meet with a priest on campus, contact Taylor Williams, Director of Student Life at [twilliams@jpcatholic.edu](mailto:twilliams@jpcatholic.edu). Details can be found at <https://jpcatholic.edu/studentlife/spiritual-life/spiritual-direction.php>

To meet with a professional counselor on campus, contact Joseph Sleman, Mental Health Counselor, at [jsleman@jpcatholic.edu](mailto:jsleman@jpcatholic.edu)

To meet with a local resource center, contact Women's Resource Center on their crisis number (760) 757-3500.

*Non-confidential Resources:* File a criminal complaint with the Escondido Police located at 1163 Centre City Parkway, Escondido, CA 92026. Crisis number is 911; non-emergency number is (760) 839-4722

File a complaint with the Title IX Coordinator, Anna Velasco at [avelasco@jpcatholic.edu](mailto:avelasco@jpcatholic.edu), (858) 653-6740. Her office is located at 220 West Grand, Escondido, CA 92025.

### **COMPLAINT PROCEDURE**

The University has established a procedure for a fair review of complaints related to any workplace controversy, conflict, or harassment. Employees may take their complaint directly to the person or department listed in Step 2 if the complaint is related to their supervisor or manager or if the employee feels the supervisor or manager would not provide an impartial resolution to the problem.

#### Step 1

The complaint should be submitted orally or in writing to a supervisor or manager within three working days of the incident or as soon as possible. Sooner is better, as it will assist in a more accurate investigation, but complaints will be taken seriously regardless of when they are reported. Generally, a meeting will be held within three business days of the employee's request, depending upon scheduling availability. Attempts will be made to resolve the issue during the meeting, but regardless of whether there is an immediate resolution, the supervisor or manager will give the employee a written summary of the meeting within three business days. Resolution may take longer if further investigation of the complaint is required. If the employee is not satisfied with the resolution, they may proceed to Step 2.

#### Step 2

The employee may submit an oral or written request for review of the complaint and Step 1 resolution to the Vice President of Human Resources or a designated investigator. This request should be made within three working days following the receipt of the Step 1 resolution. The Vice President of Human Resources or the designated investigator will review the complaint and resolution and may call an additional meeting to explore the problem. If warranted, additional fact-finding will be undertaken. A final decision will be rendered within 10 working days after receiving the Step 2 request, and a written summary of the resolution will be provided to the employee who filed the complaint.

### **ANTI-HARASSMENT TRAINING**

In keeping with JPCatholic's commitment to a professional work environment free of unacceptable harassment (whether unlawful or not), the University requires that every employee undergo interactive sexual harassment prevention training as follows:

- All employees shall undergo at least one (1) hour of such training within six (6) months of hiring and at least every two (2) years thereafter.
- Employees hired as, or promoted to, a supervisory or management position must undergo at least two (2) hours of interactive sexual harassment training at least once every two (2) years
- Temporary workers: If the worker is providing services to the University through a third-party temporary services provider, such provider is obligated to properly train the worker. Where no third-party provider is involved, temporary workers engaged for fewer than six (6) months must undergo one (1) hour of training by the University either (i) within the 30-calendar-day period after their hire date, or (ii) by the point when they have worked 100 hours, whichever occurs first.

An employee who fails to comply with this section may be subject to disciplinary action, up to and including termination of employment.

### **CORRECTIVE ACTION**

A high level of job performance and professionalism is expected from each employee. If an employee's job performance does not meet the standards established for the position, they violate University policies or procedures, or their behavior is otherwise unacceptable, corrective action may ensue. Corrective action may include, but is not limited to: coaching, oral or written warnings, performance improvement plans, paid or unpaid suspension, demotion, and termination. The type and order of actions taken will be at management's sole discretion and the University is not required to take any disciplinary action before making an adverse employment decision, including termination.

## **COMPENSATION**

### **PAY PERIODS**

The standard seven-day payroll workweek for the University will begin at 12:00 a.m. Sunday. The designated pay period for all employees is semi-monthly. Paydays are Semi-monthly (15th and last working day of the month). Except as otherwise provided, if any date of paycheck distribution falls on a weekend or holiday, employees will be paid on the preceding scheduled workday.

### **TIMEKEEPING**

All non-exempt employees are required to use the timekeeping system to record their hours worked. For this policy, all forms of timekeeping will be referred to as clocking in or out.

Employees should clock in no sooner than five minutes before their scheduled shift and clock out no later than five minutes after their scheduled shift. Additionally, employees are required to clock in and out for their designated lunch periods. The length of the lunch period will be designated by the employee's manager; alteration or waiver of the lunch period requires manager approval. Lunch periods are unpaid time when employees are relieved of all duties. Waiver of the lunch period requires prior approval of the employee's manager. Under no circumstance may the waiver of the lunch period result in overtime work.

Accurate timekeeping is a federal and state wage and hour requirement, and employees are required to comply. Failing to enter time into the timekeeping system in an accurate and timely manner is unacceptable job performance. Employees may not ask another employee to clock in or out for them. Should an employee miss an entry into the timekeeping system, they must notify their manager as soon as possible for correction.

Non-exempt employees are not permitted to work unscheduled time without prior authorization from their manager. This includes clocking in early, clocking out late, or working through scheduled break or lunch periods.

### **REPORTING TIME PAY**

Non-exempt employees who report to work and are then sent home by the University without completing their assigned shift are generally entitled to reporting time pay. Non-exempt employees who are required to call in to see if they must report for a scheduled on-call shift that day and then told that they are not needed will also be entitled to reporting time pay.

Employees will be paid for half of their regularly scheduled shift, but no fewer than two hours and no more than four hours. All time worked prior to dismissal counts toward these totals. Reporting time pay will be paid at the employee's regular rate of pay. Reporting time hours, except for any actual hours worked, will not count toward overtime calculations.

If an employee is required to report to work a second time in any one workday and is furnished fewer than two hours of work on the second reporting, they will be paid for two hours at their regular rate of pay.

Reporting time pay will not apply if operations cannot begin or continue due to threats to employees or property, or when civil authorities recommend that work not begin or continue; when public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities or sewer system, when the interruption of work is caused by an Act of God or other cause not within the University's control. Employees who are regularly scheduled to work a shift of less than two hours do not qualify for reporting time pay.

### **OVERTIME**

The University complies with all applicable federal and state laws regarding payment of overtime work. Non-exempt employees will be paid overtime (one and one-half times the regular rate of pay) for all hours worked over eight in one work day, over 40 in one work week and for the first eight hours of work performed on the seventh consecutive work day in one work week, without regard to the total number of hours worked in the previous six days.

Overtime is paid at the rate of double the regular rate of pay for every hour worked after the completion of eight hours worked on the 7th consecutive workday in any workweek. In addition, overtime is paid at the rate of two times the regular rate of pay for every hour worked after the completion of 12 hours worked in one workday.

If the University approves an employee's request to make up work time, the hours of that makeup work performed in the same week that the work was lost do not count towards computing the total number of hours worked in a day, so long as the total number of hours worked does not exceed 11 hours.

Employees are required to work overtime when assigned. Any overtime worked must be authorized by a supervisor or manager, in advance. Working unauthorized overtime or the refusal or unavailability to work overtime is unacceptable work performance, subject to discipline including but not limited to termination.

### **PAYROLL DEDUCTIONS**

The University complies with the salary basis requirements of the Fair Labor Standards Act (FLSA) and does not make improper deductions from the salaries of exempt employees. There are, however, certain circumstances where deductions from the salaries of exempt employees are permissible. Such circumstances include:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability
- When an exempt employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide sick leave plan that provides compensation for salary lost due to illness
- To offset amounts received as witness or jury fees, or for military pay
- When an employee is on unpaid leave under the Family Medical Leave Act
- During an employee's first and last week of employment, if they work less than a full week

If an employee believes that an improper deduction has been made, they should immediately report this to their manager or the person responsible for payroll processing. Reports will be promptly investigated and if it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.

### **PAY ADJUSTMENTS, PROMOTIONS AND DEMOTIONS**

All pay increases are based upon merit, market factors, and the profitability of the University. There will not be an automatic annual cost of living or salary adjustment. Employee pay also may be adjusted downward. Salary decreases may take place when there is job restructuring, job duty changes, job transfers, or adverse business economic conditions. Demotion is a reduction in responsibility, usually accompanied by a reduction in salary. If demotion occurs, employees will maintain their seniority with the University.

## **PERFORMANCE EVALUATION**

Employees will generally receive an appraisal of their job performance annually. This evaluation may be either written or oral. Such evaluation may not occur at exactly the same time each year, but thereabout, at the discretion of the employee's manager.

If the employee receives an evaluation sheet or other written document, they will be required to sign it. An employee's signature does not necessarily indicate that the employee agrees with all the comments, but that they have been given the opportunity to examine the evaluation and discuss it with their manager. The completed and signed evaluation form will be placed in the employee's personnel file and the employee will receive a copy of the performance evaluation.

In addition to performance evaluations, informal counseling sessions may be conducted from time to time.

## **WORK ASSIGNMENTS**

On occasion employees may be required to perform duties that are not part of their job description or usual tasks. This may happen because a co-worker is absent, a position is temporarily vacant, the business or department is particularly busy, or for other reasons. Employees are expected to perform these additional duties in a timely fashion and to the best of their ability. Should questions about process or procedure arise, employees should speak with their manager. Unless informed otherwise, employees will be paid at their regular rate of pay.

## **EXPENSE REIMBURSEMENT**

The University will cover all reasonable, business-related expenses. Any cost that does not fall within the guidelines below must be approved by the appropriate manager *before* the expense is incurred. Employees may not be reimbursed for expenses that were not approved in advance and are deemed unnecessary or extravagant.

The following types of expenses may be reimbursable under this policy:

- Lodging
- Travel expenses including airfare, reasonable airline luggage fees, train fare, bus, taxi, and related tips
- Meals, including tips up to 20%
- Laundry and dry-cleaning expenses during trips more than five days
- Car rental, parking fees, and tolls
- Mileage on a personal vehicle at the current IRS reimbursement rate
- Conference and convention fees
- Business entertainment expenses, up to pre-approved limits

The following expenses are examples of expenses not reimbursable under this policy:

- Airline club dues
- Traffic fines
- Tips more than 20%
- In-flight movies, mini-bar expenses, and other forms of personal entertainment
- First-class airfare

No policy can anticipate every situation that might give rise to legitimate business expenses. Reasonable and necessary expenses not listed above may be reimbursable. When prior approval is required, managers should use their best judgment to determine if an unlisted expense is reimbursable under this policy.

### Credit Cards

University-issued credit cards are to be used for purchases on behalf of the University and for any travel expenses incurred while traveling on University business only. At no time may an employee use a

University credit card for purchases intended for personal use; such expenses will require that the University be reimbursed and may lead to revocation of credit card privileges and other discipline. Credit card expenses require the same reimbursement documentation as other expenses.

#### Documentation

Requests for reimbursement of business expenses must be submitted on the Expense Report Template. To comply with IRS regulations, all business expenses be supported with adequate records; employees are responsible for keeping these records as expenses are incurred. These records must include:

- The amount of the expenditure
- The time and place of the expenditure
- The business purpose of the expenditure
- The names and the business relationships of individuals for whom the expenditures were made

Requests for reimbursement lacking this information will not be processed and will be returned to the employee. While original receipts are preferred for all expenses, they are required for those greater than \$25.00. Requests for exceptions to this policy should explain why the exception is necessary and be approved by management.

#### Approvals

Expense reimbursement forms, together with required documentation, must be submitted to the employee's manager for review and approval. Once the expense reimbursement has been approved, it should be submitted for processing no more than 30 days after the expenses occurred. Managers approving expense reports are responsible for ensuring that the expense report have been filled out correctly with the required documentation and that the expenses submitted are allowable under this policy.

#### **ADVANCES AND LOANS**

The University does not give advances or loans to employees.

### **BENEFITS**

#### **HOLIDAYS**

Regular full-time employees are entitled to the following paid holidays observed by the University:

- Good Friday
- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving and the day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

Other days or parts of days may be designated as holidays with or without pay. No holiday pay will be paid to an employee who is on an unpaid status, on any leave, or absent due to workers' compensation. If a holiday falls on a Sunday, the holiday may be observed on the following Monday. If the holiday falls on a Saturday, the holiday may be observed on the preceding Friday. Employees who work on a holiday will be paid their regular rate of pay for the hours worked, and will not be paid a higher rate, or the holiday pay.

## **SICK LEAVE**

All employees will earn one hour of paid sick leave for every 30 hours worked and it will accrue on a pay period basis. Exempt employees will be presumed to work 40 hours per week unless they are regularly scheduled to work fewer hours, in which case accrual will be based on their actual schedule.

Employees are eligible to use accrued sick leave on the 90<sup>th</sup> day of employment. When sick leave is used, it will be paid at the employee's regular rate of pay. Sick leave may be used in increments of two hours or more. If the need for sick leave is foreseeable, employees must provide advance notice. If the need for sick leave is unforeseeable, the employee must provide notice as soon as practicable.

The University limits the use of paid sick leave to a maximum of 40 hours per year. Total sick leave accrual is capped at 80 hours. Unused accrued sick leave will carry over to the next benefit year.

Sick leave may be used for diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member or *designated person*, or by an employee who is a victim of domestic violence, sexual assault, or stalking. Employees are limited to choosing one designated person per 12-month period.

Unused sick leave will not be paid out at the end of employment. Employees rehired within one year of separation will have their previously accrued sick leave restored.

## **PAID TIME OFF**

To help employees foster a work-life balance, the University offers paid time off (PTO). PTO may be used for any purpose, including but not limited to vacation, personal matters, and recovery from injury or illness. PTO should be scheduled with the appropriate manager with as much notice as is possible to not disrupt the workplace. Eligible employees include:

- Full-time non-exempt according to the following schedule: 6 months to 1 year, 5 days off. 1-3 years, 7 days off. 3-4 years, 9 days off. 4-5 years, 10 days off. 5-10 years, 15 days off. 10 years on, 20 days off. The number of paid days off will be increased as follows: 5 days for birth or adoption of their child and 2 days for their wedding.
- Full-time exempt according to the following schedule: employees may take time off when they choose as long as they have their manager's approval and have reached 90 days off. Time off is limited to consecutive workdays. 91<sup>st</sup> day to one year, 5 consecutive days off. 1-2 years, 8 consecutive days off. 2-5 years, 10 consecutive days off. 5-8 years, 12 consecutive days off. 8-10 years, 14 consecutive days off. 10 years and over, 15 consecutive days off. The number of consecutive days off will be increased as follows: 5 days for the birth/adoption of their child and 2 days for their wedding.

PTO begins to accrue immediately upon hire and may be used after completion of an employee's introductory period.

Employees will not be paid wages in lieu of unused PTO. Unused PTO will be carried over each year up to the maximum accrual bank of 1.5 the amount they are entitled to. Unused PTO will be paid out upon employment separation.

Part time employees are not eligible for paid time off.

## **TUITION REMISSION**

The Tuition Remission Program allows for a tuition-only remission benefit for eligible employees and dependent children who attend undergraduate classes at JPCatholic. All charges and fees other than tuition are the responsibility of the student.

Employees are eligible if they are employed 75% time or more. Employees may use this benefit from the start date with the university. The child must be a legal dependent of the eligible employee as defined by

the Internal Revenue Service Code. There is no tuition remission for spouses or extended family such as nieces, nephews, grandchildren, grandnieces or grandnephews.

The student must meet the conditions of admission to JPCatholic. The student must complete the financial aid application process for any state, federal or private grants for which they may be eligible. Failure to complete this process will result in the student being responsible for the billed tuition.

The tuition remission benefit will be applied to any residual tuition, after application of all monies received from any state, federal and/or private grants and scholarships sources. Eligible employees and dependent children are ineligible for JPCatholic academic scholarships. All charges and fees other than tuition are the responsibility of the student.

If the eligible employee resigns or is dismissed, this benefit will terminate on the effective date of the separation from the university. An enrolled student may continue their education at JPCatholic after the separation date but would be responsible for the tuition due for quarters after the one in which the separation occurred.

In the event of the eligible employee's death or total disability, the benefit ends at the close of the quarter in which the death or total disability occurred.

#### **HEALTH AND WELFARE BENEFITS**

The University complies with all applicable federal and state laws regarding benefits administration. All regular employees scheduled and generally working at least 30 hours a week are entitled to health insurance and other University-sponsored health benefits, when in effect. The University reserves the right to change or terminate health plans or other benefits at any time.

New qualifying employees will be eligible for coverage the 1st of the month following the hire date. New employees may elect not to be covered, with the permission of the University, provided the percentage of employees not covered is within the benefit plan specifications.

#### **CONTINUATION OF BENEFITS**

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), or a state mini-COBRA law, employees may be allowed to continue their health insurance benefits, at their own expense, for a set number of months after experiencing a qualifying event. Length of coverage may be dependent upon the qualifying event.

To qualify for continuation of health benefits, the covered individual must experience a qualifying event that would otherwise cause them to lose group health coverage. The following are qualifying events:

##### For Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in numbers of hours worked

##### For Spouses

- Loss of coverage by the employee because of one of the qualifying events listed above
- Covered employee becomes eligible for Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

##### For Dependent Children

- Loss of coverage because of any of the qualifying events listed for spouses
- Loss of status as a dependent child under the plan rules

See Human Resources for additional information.

## **STATE DISABILITY INSURANCE**

The State of California has a partial wage-replacement insurance plan for California workers. The cost of this insurance is fully paid by the employee through payroll deductions. The SDI program includes both Disability Insurance and Paid Family Leave.

### Disability Insurance (DI)

Employees who lose wages when an illness, injury or pregnancy-related disability prevents them from working and who meet all the state eligibility requirements can collect disability insurance benefits.

The benefits are calculated as a percentage of employee salary up to a weekly maximum as specified by law, for up to 52 weeks.

Employees are responsible for filing their claim and other forms promptly and accurately with the Employment Development Department. A claim form may be obtained from the Employment Development Department online, by telephone, or in person.

### Paid Family Leave (PFL)

Employees may be eligible for partial wage replacement benefits under the Paid Family Leave Act for up to a maximum of eight weeks for the following reasons:

- To bond with a new child after birth or placement for adoption or foster care
- To care for a serious health condition of an employee's child, parent, parent-in-law, grandparent, grandchild, sibling, or spouse
- To participate in a qualifying event related to a family member's deployment to a foreign country

The Paid Family Leave Act provides benefits based on past earnings. The cost of the insurance is fully paid by the employee. The 12-month period begins on the first day an employee submits a claim.

To be eligible for benefits, employees may be required to provide medical and/or other information that supports a claim for time off to bond with a new child or to care for a family member with a serious health condition. The employee is responsible for filing their claim for family leave insurance benefits and other forms promptly and accurately with the Employment Development Department. A claim form may be obtained from the Employment Development Department by telephone, letter, the Internet or in person. All eligibility and benefit determinations are made by the Employment Development Department.

Employees may not be eligible for Paid Family Leave benefits if they are receiving Disability Insurance, Unemployment Compensation Insurance or Workers' Compensation benefits.

The Paid Family Leave Act does not provide a right to leave, job protection or return to work rights. Further, this policy does not provide additional time off; rather, family leave insurance may provide compensation during an approved leave pursuant to any employer-provided leave.

## **CALIFORNIA FAMILY RIGHTS ACT**

The California Family Rights Act (CFRA) allows a California employee to take 12 weeks of unpaid leave for family care and medical leave. To be eligible, an employee must have worked more than 12 months for the University and have worked at least 1,250 hours in the 12 months immediately before taking leave.

Eligible employees may take CFRA leave for the following reasons:

- To bond with a new child after the child's birth, adoption, or placement in foster care with the employee ("baby bonding leave")
- To care for a family member who has a serious health condition. For this leave reason, family members include parents, parents-in-law, children, spouses, grandparents, grandchildren, siblings, and the person the employee identifies as their designated person (employees are limited to choosing one designated person per 12-month period)



- For the employee's own qualifying serious health condition that makes the employee unable to perform their job
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent

Leave may be taken on an intermittent or reduced schedule basis if needed for an employee's own serious health condition or for the care of a family member with a serious health condition.

Baby bonding leave should generally be requested in increments of two weeks or more. The University will grant two of an employee's requests for baby bonding leave of less than two weeks.

Employees should provide the University with 30 days' notice of the intent to take family or medical leave. When this is not possible, notice should be given as soon as practical. The University may request certification from a healthcare provider to confirm an employee's need for medical leave to care for themselves or a family member.

Employees who take leave will be reinstated to the same or an equivalent position upon return. Health coverage, if provided, will continue as if the employee was not on leave. Other benefits or seniority will accrue if they would during other types of leave. FMLA and CFRA will run concurrently if an employee is entitled to both and the reason for leave is covered by both entitlements.

Pregnancy disability leave is separate from this policy. An employee in California may take both pregnancy disability leave and baby bonding leave. Please contact Human Resources for additional details on which leave laws may apply to your circumstances.

#### **TEMPORARY DISABILITY LEAVE**

The University recognizes that a temporary disability may prevent employees from coming to work for a period of time. In such cases, the University may grant a temporary disability leave. This leave does not have a minimum or maximum time frame. Rather, the University will attempt to reasonably accommodate the needs of the employee as well as the needs of the University. If a leave is granted, any extensions will be subject to the same considerations.

Employees requesting a temporary disability leave must document their request in writing. That request should be accompanied by a doctor's statement identifying how the temporary disability limits the employee's ability to work, the date and the estimated date of return and, where appropriate, diagnosis and prognosis. Should the employee's expected return date change, the employee should notify the University as soon as possible. Prior to returning to employment with the University, employees will be required to submit written medical certification of their ability to work, including any restrictions. Upon returning to work, if employees qualify, they will be reinstated to their former position or one that is substantially the same, depending upon the availability of any position at that time.

The leave will be unpaid, except that employees must use any available paid sick leave concurrently and may choose to use other accrued paid time off concurrently once their sick leave has been exhausted.

#### **PREGNANCY LEAVE**

The Pregnancy Disability Leave (PDL) Act allows an employee who is disabled due to pregnancy, childbirth, or related medical conditions to take a pregnancy-related disability leave for the period of actual disability, up to a maximum of four months. The duration of the leave is determined by the employee's physician. Part-time employees are entitled to leave on a prorated basis. Employees will be required to provide medical certification supporting the need to time away under pregnancy disability leave.

Employees who take leave for pregnancy, childbirth, or a related medical condition will be treated like an employee with any other disability and will be eligible for temporary disability benefits in the same amount as any other employee on leave.

Regular and temporary full- and part-time employees of the University are eligible for pregnancy leave without regard to length of employment. Any accrued but unused sick leave will be substituted for unpaid pregnancy disability leave. Employees may elect to substitute any other accrued but unused paid time off for unpaid pregnancy disability leave.

Upon request of the employee and recommendation of the employee's physician, the employee's work assignment may be changed to protect the health and safety of the employee and her child. Temporary transfers due to health considerations will be granted when possible. The transferred employee must be qualified for the position, and they will have an equivalent rate of pay and benefits received in the position they occupied immediately before the leave.

The University will maintain health coverage during the period of actual disability, up to a maximum of four months, in addition to the requirement to maintain health coverage during an approved leave under the California Family Rights Act (CFRA) of up to 12 weeks, if applicable.

At the end of the employee's pregnancy disability leave, an employee who has a physical or mental disability (related to pregnancy or otherwise) may be entitled to reasonable accommodation, including additional leave, for that disability.

### **REPRODUCTIVE LOSS LEAVE**

Employees who have been employed for at least 30 days may take up to five unpaid days off when they experience a reproductive loss. A reproductive loss includes failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

Leave is limited to 20 days per 12-month period for employees who experience multiple losses. Generally, leave must be completed within three months of the loss. The days off don't need to be consecutive. Employees may choose to use any available paid leave, including accrued sick leave, during a reproductive loss leave. This leave is in addition to all other leave rights and does not run concurrently with CFRA or PDL.

Employees should notify the University as soon as practicable of their need for leave.

### **MILITARY LEAVE**

Employees on a military leave of absence are entitled to be restored to their previously held position or similar position, if available, without loss of any rights, privileges or benefits provided they meet the requirements specified in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

USERRA generally applies to employees who are in the:

- Army, Navy, Air Force, Marines, and Coast Guard (both active and reserve components)
- Army and Air National Guard
- Commissioned Corps of the Public Health Service
- Federal Emergency Management Agency reserves
- Any other category designated by the President in time of war or emergency

In certain circumstances, a letter from the employee's commanding officer may be requested to establish the dates of duty.

### **MILITARY FAMILY LEAVE**

An employee who works an average of 20 or more hours per week whose spouse is a member of the Armed Forces, National Guard or Reserves that has been deployed during a period of military conflict is eligible to receive up to 10 unpaid days off when their spouse is on leave from military deployment.

An employee must provide their supervisor with a notice of intention to take leave within two business days of receiving official notice that their spouse will be on leave from deployment. Employees taking family

military leave must also provide the University with written documentation certifying their spouse will be on leave from deployment.

#### **CALIFORNIA BEREAVEMENT LEAVE**

Employees who have worked for at least 30 days may take up to five days of unpaid bereavement leave upon the death of a family member. Family members include the employee's spouse, child, parent, sibling, grandparent, grandchild, and parent-in-law.

The days of leave don't have to be consecutive but must be taken within three months of the date of death. Employees may choose to use their available paid leave, if any, during bereavement leave. Proof of the need for leave may be required unless the employee is using their state-mandated sick leave.

#### **CIVIL AIR PATROL LEAVE**

The University will provide not less than 10 days of leave per year for voluntary members of the California Wing of the Civil Air Patrol for volunteers to respond to an emergency operational mission.

The employee volunteer must be employed for at least 90 days immediately before the leave begins. Employees are required to give the University as much notice as possible of the intended leave dates. Upon return, the employee is entitled to their position or position with equivalent seniority, benefits, pay and other terms of employment unless conditions unrelated to leave render such restoration impractical.

#### **VOLUNTEER EMERGENCY RESPONDER LEAVE**

Employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel will be allowed to take temporary unpaid leaves of absence for the purpose of performing emergency duties. Employees will also be allowed up to 14 days of unpaid leave per calendar year for training.

Employees who are volunteer emergency responders should inform their supervisor so that they are aware that the employee may need to take time off for emergency duty. When an employee is called to an emergency and needs to miss work, they should alert their supervisor before doing so whenever possible.

#### **JURY SERVICE LEAVE**

If an employee is summoned to report for jury duty, they will be granted a leave of absence when they notify and submit a copy of the original summons for jury duty to their supervisor or manager. The University reserves the right to request that they seek to be excused from or request postponement of jury service if the absence from work would create a hardship to the University.

Any fees received for jury duty, including travel fees, are to be retained by the employee. Employees are to report to work on any day, or portion thereof that is not actually spent in the performance of jury service. For each week of jury duty, a certificate of jury service must be certified by the Court and filed with the University no later than Wednesday of the following week.

The leave is unpaid, but employees are allowed to use any available paid time off towards the absence. Exempt employees will be paid in accordance with the Fair Labor Standards Act (FLSA) requirements.

#### **WITNESS LEAVE**

If an employee is absent from work to serve as a witness in a judicial proceeding in which they are the victim, or in response to a subpoena or other order of the court, the employee will be granted leave without pay for such time as it is necessary to comply with the request. The University may request proof of the need for leave.

#### **VOTING LEAVE**

If an employee cannot vote because of their scheduled work hours, then the employee will be given additional time off to vote in any state or federal election.

Employees must apply for leave at least two days before Election Day. The University may specify the time during the day that leave can be taken. Generally, time off will be at the beginning or end of their shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed upon.

Up to two hours will be compensated at the employee's regular rate of pay. Additional time off, when necessary, will be unpaid. Exempt employees will be paid in accordance with the Fair Labor Standards Act.

#### **CRIME VICTIM LEAVE AND ACCOMMODATIONS**

An employee who is the victim of crime or abuse, or whose family member has died because of a crime, will be allowed to take time off work to attend court proceedings or to seek a restraining order or other relief for their or their child's health, safety, or welfare.

A victim, or employee whose family member has died because of a crime, will also be granted time off from work to seek medical attention for related injuries; to obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency to get psychological counseling or mental health services; or to take action to increase their safety, including temporary or permanent relocation.

Employees should provide reasonable notice of their absence if the need for leave is foreseeable. If an employee is unable to give advance notice, the University may require documentation of the need for leave after it has been taken.

This leave is unpaid, but employees may use any accrued paid time off towards the leave. Exempt employees will be paid in accordance with state and federal wage and hour laws.

The University will make reasonable accommodations for victims of domestic violence, sexual assault, or stalking, including but not limited to the implementation of safety measures. Employees should contact HR for additional information.

#### **BONE MARROW DONATION LEAVE**

Employees will be granted up to five working days of paid time off for the purpose of donating bone marrow. Employees are required to utilize any earned vacation or sick leave, but if this leave has been exhausted, the University will continue to pay regular wages for up to five working days. Leave can be taken intermittently.

Any applicable benefits including the employees' health coverage, accrued paid time off (e.g., vacation, sick leave, etc.), and other benefits will be maintained during the leave. Bone marrow donation leaves of absence do not run concurrently with leaves under the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA). Upon returning to work from a donor leave, the employee will be restored to the same or an equivalent position. The University may request proof of the need for leave.

#### **ORGAN DONATION LEAVE**

Employees will be granted up to 30 working days of paid leave, followed by up to 30 days of unpaid leave for organ donation. Employees are required to use any earned but unused sick leave or vacation time (up to a maximum of two weeks), but if this leave has been exhausted or the leave exceeds two weeks, the University will continue to pay regular wages for up to 30 days.

Any applicable benefits, including the employee's health coverage and accrued paid time off, will be maintained during the leave. Organ donation leaves of absence must be granted in addition to time under the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA). Upon returning to work from a donor leave, the employee will be restored to the same or an equivalent position. The University may request proof of the need for leave.

## **REHABILITATION LEAVE**

The University is committed to aiding our employees. Any employee who wishes to voluntarily enter and participate in an alcohol and/or drug rehabilitation program may be granted a reasonable accommodation. This accommodation may include time off without pay and/or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the University. In general, it is the employee's responsibility to notify their supervisor or manager of the need for accommodation.

This policy does not prevent the University from refusing to hire or disciplining, up to and including discharge, an employee who is unable to perform his or her duties or cannot perform the duties in a manner that would not endanger his or her health or safety or the health or safety of others because of the current use of alcohol or drugs.

## **LITERACY EDUCATION ASSISTANCE**

The University will reasonably accommodate and assist any employee who reveals a problem with literacy and requests assistance in enrolling in an adult literacy education program if it does not impose an undue hardship on the University.

The University will make reasonable efforts to safeguard the privacy of the employee as to the reason for their request under this policy. Approved time off of work to enroll and participate in an adult literacy education program will be unpaid; exempt employees will be paid in accordance with the Fair Labor Standards Act (FLSA).

## **SCHOOL LEAVE FOR ACTIVITY ATTENDANCE**

The University will grant employees who are the parent, guardian, or grandparent of a child in grades K-12, or of a child attending a licensed daycare facility, up to 40 hours of leave without pay per calendar year to participate in activities of their child's school or daycare facility. This leave should not exceed 8 hours in any calendar month, except in case of emergency. Requests for such leave must be made in advance of the planned absence and employees may be asked for proof of the need for leave.

The employee must use available vacation or personal leave for school visitation, and must take leave without pay if no paid leave is available. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

## **FAMILY AND MEDICAL LEAVE ACT**

### Leave Entitlements

Under the Family and Medical Leave Act (FMLA), an eligible employee can take up to 12 weeks of unpaid, job-protected leave in a 12-month period. To be eligible, an employee must meet the following three criteria:

- Have worked for the University for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the University has at least 50 employees within 75 miles of the employee's worksite.

Eligible employees can take leave for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform their job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

#### Using Leave

An employee does not need to use leave in one block. When it is medically necessary or the University otherwise approves, employees may take leave intermittently or on a reduced schedule. Employees on FMLA leave may be required to report periodically to the University regarding their status and intent to return to work. An employee who fails to return to work at the expiration of the leave without an approved extension will be considered to have resigned.

Employees must inform the University if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employees may choose, or the University may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, they must comply with the University's normal paid leave policies.

Employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify their manager as soon as possible.

#### Documentation

The University may require a certification from a health care provider, and periodic recertification, supporting the need for leave. If certification is requested, employees will have 15 days to provide it. If we determine that the certification is incomplete, we will provide a written notice indicating what additional information is required.

Employees do not have to share a medical diagnosis but must provide enough information so that the University can determine if the leave qualifies for FMLA protection. Sufficient information could include a doctor's note informing the University that the employee is or will be unable to perform their job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary.

If we become aware that an employee's need for leave is for a reason that may qualify under the FMLA, we will notify the employee if they are eligible for FMLA leave and, if eligible, provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, we will provide a reason for ineligibility. The University will notify employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

#### Benefits

While employees are on FMLA leave, health insurance coverage will continue as if the employees were not on leave. Employees are responsible for their portion of the medical insurance premium cost, if any. Failure to pay the employee portion of the health insurance premiums in advance (or on the schedule established by the payroll department) may result in the termination of coverage. If eligible, the employee will receive notification of continuation of benefits.

The University reserves the right to seek reimbursement from the employee for the medical insurance premiums paid by the University while the employee was on FMLA leave if the employee fails to return from FMLA. The University will not seek reimbursement if the failure to return is due to continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would otherwise qualify for FMLA leave, or other circumstances beyond the employee's control.

The University will not interfere with an employee's FMLA rights or retaliate against them for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Employees who believe they have not received the benefits to which they are entitled under FMLA are strongly encouraged to speak to another member of management or Human Resources for clarification or resolution. Failing that, an employee is able to file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private action. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

#### **SCHOOL LEAVE FOR DISCIPLINARY MATTERS**

The University will grant unpaid time off for employees who are parents or guardians of school-age children who need time off to attend disciplinary events at school such as hearings and/or meetings for other events including suspension and expulsion. Employees are required to give reasonable notice to the University that they need to take time off.

The employee must use available vacation or personal leave for school visitation, and must take leave without pay if no paid leave is available. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

#### **PERSONAL LEAVE OF ABSENCE**

Regular full-time employees who have been with the University for more than six months may request a personal leave of absence without pay. The employee must submit their request in writing and state the date they would like the leave to begin, the date they expect to return, and the reason for the leave. The University will consider all factors, including the necessity of the leave and the impact on business operations, and provide written approval or denial of the request at its sole discretion.

If approved, employees must use their leave of absence for the approved purpose. Sick leave, vacation time, seniority and other benefits will not accrue during an unpaid leave of absence. Holidays that occur during the leave of absence will not be paid. If an employee fails to return to work on the scheduled date of return, the University will assume the employee has resigned.

### **HEALTH, SAFETY, AND SECURITY**

#### **NON-SMOKING**

California law prohibits smoking in any public building or within 20 feet of a main entrance, exit, or window of a public building. The University does not permit smoking in any University buildings, facilities, work sites, or vehicles. Employees wishing to smoke should do so during their break times, outside University buildings in designated areas, and in accordance with local ordinances.

#### **DRUG AND ALCOHOL**

The University is dedicated to providing employees with a workplace that is free of drugs and alcohol. While on University premises, whether during work time or non-work time, employees are prohibited from being under the influence of drugs or alcohol. There are limited exceptions for the use of prescription drugs (not including marijuana), if they do not create safety issues or impair an employee's ability to do their job, and the moderate use of alcohol at University-sponsored or sanctioned events.

Employees are strictly prohibited from possessing illegal drugs, cannabis, or excessive quantities of prescription or over-the-counter drugs while on University premises, performing University-related duties, or operating any University equipment. Any drugs confiscated that are suspected of being illegal will be turned over to the appropriate law enforcement agency.

Employees taking medication should consult a medical professional to determine whether the drug may affect their personal safety or ability to perform their job and should advise their manager of any resulting job limitations. Once notified, the University will make reasonable efforts to accommodate the limitation.

The University reserves the right to test any employee for the use of illegal drugs, marijuana, or alcohol, in accordance with applicable law. Employees in safety-sensitive positions may be subject to regular or random drug testing. Drug or alcohol tests may also be conducted after an accident in which drugs or alcohol could reasonably be involved, or when behavior or impairment on the job creates reasonable suspicion of use. Under those circumstances, the employee may be driven to a certified lab for testing at the University's expense. Refusal to be tested for drugs or alcohol will be treated the same as a positive test result.

Violation of this policy may result in discipline, up to and including termination.

To the extent that any federal, state, or local law or regulation limits or prohibits the application of any provision of this policy, then that particular provision will be ineffective in that jurisdiction only, while the remainder of the policy remains in effect.

## **REASONABLE ACCOMMODATIONS**

### Disability

If the University is made aware of an employee's disability and resulting need for accommodation, Human Resources or the employee's manager will engage with them in the interactive process. This process will determine what, if any, accommodations are necessary and reasonable to assist the employee in doing the essential functions of their job. Whether an accommodation is reasonable will be determined based on a few factors, including whether it will effectively assist the employee in doing the essential functions of their job, the cost, and the effect on business operations. In most cases, employees will be required to provide documentation from an appropriate healthcare provider. Human Resources will provide employees with the necessary form.

All employees are required to comply with safety standards. Employees who pose a direct threat to the health or safety of themselves or others in the workplace may be temporarily moved into another position or placed on leave until it is determined if a reasonable accommodation will effectively mitigate the risk.

### Pregnancy

The University will provide reasonable accommodation to pregnant employees for known limitations related to pregnancy, childbirth, or other related medical conditions, provided that such accommodations would not create an undue hardship. Examples of potential accommodations include:

- Seating
- Additional break time to use the bathroom, eat, and rest
- Leave or time off to recover from childbirth
- Limitations on strenuous activities
- Flexible hours

If you need an accommodation, notify your manager or HR. If the need for a particular accommodation is not obvious, you may be asked to provide additional information, such as how it will address limitations caused by pregnancy, childbirth, or related medical conditions. If additional discussion is necessary, the University will engage with you in the interactive process to accurately understand your limitations and find reasonable accommodations.

If leave is provided as a reasonable accommodation, it may run concurrently with other leave(s) provided by federal, state, or local law.

This policy reflects an employee's right to accommodations under the federal Pregnant Workers Fairness Act and does not override any additional rights or accommodations provided by state or local law.



## **INJURY AND ACCIDENT RESPONSE AND REPORTING**

If an employee is injured or witnesses an injury at work, they must report it immediately to the nearest available manager. Employees should render any assistance requested by that manager. When any accident, injury, or illness occurs while an employee is at work, regardless of the nature or severity, the employee must complete an injury reporting form and return it to Human Resources as soon as possible. Reporting should not be allowed to delay necessary medical attention. Once the accident is reported, follow-up will be handled by Human Resources or the designated Safety Officer, including a determination as to whether the injured employee may return to work.

Questions asked by law enforcement or fire officials making an investigative report should be answered giving only factual information and avoiding speculation. Liability for personal injury or property damage should never be admitted in answering an investigatory question asked by law enforcement or fire officials.

In addition to compliance with safety measures imposed by federal Occupational Safety and Health Act (OSHA) and state law, the University has an independent interest in making its facilities a safe and healthy place to work. The University recognizes that employees may be able to notice dangerous conditions and practices and therefore encourages employees to report such conditions, as well as non-functioning or hazardous equipment, to a manager immediately. Appropriate remedial measures will be taken when possible and appropriate. Employees will not be retaliated or discriminated against for reporting of accidents, injuries, or illnesses, filing of safety-related complaints, or requesting to see injury and illness logs.

## **WORKERS' COMPENSATION**

The University carries insurance that covers work-related injuries and illnesses. The workers' compensation insurance carrier governs the benefits provided. These benefits will not be limited, expanded, or modified by any statements of University personnel or University documents. In the case of any discrepancy, the insurance carrier's documents will control.

## **WORKPLACE VIOLENCE AND SECURITY**

The University expects all employees to conduct themselves in a non-threatening, non-abusive manner at all times. No direct, conditional, or veiled threat of harm to any employee, customer, business partner, or University property will be acceptable. Acts of violence or intimidation of others will not be tolerated. Any employee who commits, or threatens to commit, a violent act against any person while on University premises, will be subject to discipline, up to immediate termination.

Employees share the responsibility of identifying and alleviating threatening or violent behaviors. Any employee who is subjected to or threatened with violence, or who is aware of another individual who has been subjected to or threatened with violence, should immediately report this information to a manager. Threats will be investigated, and appropriate remedial or disciplinary action will be taken.

## **DRIVING SAFETY**

Employees are not authorized to transport other employees, vendors, faculty, visitors or students for official University business unless they are an approved driver. Employees who drive on University business are expected to drive safely and responsibly and to use common sense and courtesy. Employees are also subject to the following rules and conditions:

1. A valid driver's license must be maintained as a condition of continued employment for positions that require driving. The University may request to see an employee's license at any time.
2. Employees may not use a University vehicle without express authorization from management.
3. If University vehicles are generally used for University business, employees must receive authorization from management to use their personal vehicle instead.
4. Employees who drive their own vehicles for work must maintain the minimum amount of insurance required by state law as a condition of continued employment. The University may request proof of insurance at any time.
5. Employees must wear seat belts at all times, whether they are the driver or a passenger.

6. Except for a phone being used only for navigation purposes, employees are required to turn off cell phones or put them on silent before starting their car. Employees are permitted and encouraged to communicate to clients, associates, and business partners the reason why calls may not be returned immediately.
7. Employees who are using a device for navigation purposes should complete all set up before starting the vehicle.
8. Use of electronic devices for purposes other than navigation is strictly prohibited. This includes, but is not limited to, making or receiving phone calls, sending or receiving text messages or e-mails, browsing the internet, reading books, and downloading information from the web. If an employee needs to engage in any of these activities while driving, they must pull over to a safe location and stop the vehicle prior to using any device.
9. Employees should not engage in other distracting activities such as eating, shaving, or putting on makeup, even in stopped or slow-moving traffic.
10. The use of alcohol, drugs, or other substances that in any way impair driving ability is prohibited. This includes, but is not limited to, over-the-counter cold or allergy medications and sleep aids that have a residual effect.
11. Employees must follow all driving laws and safety rules, such as adherence to posted speed limits and directional signs, use of turn signals, and avoidance of confrontational or offensive behavior while driving.
12. All passengers must be approved by management in advance of travel.
13. Employees must not allow anyone to ride in any part of the vehicle not specifically intended for passenger use or any seat that does not have a working seat belt.
14. Employees must promptly report any accidents to local law enforcement as well as the University.
15. Employees must promptly report any moving or parking violations received while driving on University business or in University vehicles.

#### **INCLEMENT WEATHER AND OUTAGES**

This policy establishes guidelines for University operations during periods of extreme weather and similar emergencies. The University will remain open in all but the most extreme circumstances. Unless an emergency closing is announced, all employees are expected to report to work. However, the University does not advise employees to take unwarranted risks when traveling to work in the event of inclement weather or other emergencies. Each employee should exercise their best judgment regarding road conditions and other safety concerns.

#### Designation of Emergency Closing

Only by the authorization of designated managers will the University cease operations due to emergency circumstances. If severe weather conditions develop during working hours, it is at the discretion of Management to release employees. Employees will generally be expected to remain at work until the appointed closing time.

#### Procedures during Closings

If weather or traveling conditions delay or prevent an employee's reporting to work, their immediate supervisor should be notified as soon as possible. If possible, such notification should be made by a telephone conversation directly with the supervisor. If direct contact is not possible, leaving a detailed voicemail message or message with another employee is acceptable.

An employee who is unable to report to work may use any accrued time off or take the day off without pay.

#### Pay and Leave Practices

When a partial or full-day closing is authorized by Management, the following pay and paid leave practices apply:

- Non-exempt hourly employees will be sent home for partial days with the option of using paid time off for the remainder of the day. If paid time off is not available, employees will be excused from work without pay and without disciplinary action.
- Exempt employees will be expected to continue work from home if their job duties allow. The University will pay the exempt employee's regular salary regardless, as outlined in the Payroll Deductions policy.
- Exempt and non-exempt employees already scheduled to be off during emergency closings are charged such leave as was scheduled.

#### Other Work Options

Supervisors may approve requests for employees to temporarily work from home, if doing so allows completion of work assignments.

## **WORKPLACE GUIDELINES**

### **HOURS OF WORK**

Employees are expected to be at their work area and ready to work at their scheduled time. Employees will be given their work hours upon hire and at the time of any change in position. If the normal work hours are changed or if the University changes its operating hours, employees will be given notice.

### **OFF-THE-CLOCK WORK**

Non-exempt employees must accurately record all time worked, regardless of when and where the work is performed. Off-the-clock work (doing work that is not reported in the timekeeping system) is prohibited. No member of management may request, require, or authorize non-exempt employees to perform work without compensation. Any possible violations should be reported promptly to a member of management.

### **MEAL PERIODS**

Employees are entitled to take a non-compensated meal period each workday of 30 minutes. No employee will be scheduled to work more than five consecutive hours in a workday without taking a meal period. In no case may any meal period be waived to shorten an employee's work hours or to be used in lieu of time without pay. Any employee who is scheduled to work not more than six hours in any workday may, by mutual agreement between the University and the employee, work without a meal period.

When the work period is 10 hours per day, a second meal period of at least 30 minutes will be provided. If the total hours worked is 12 or fewer, the second meal period may be waived by mutual consent of the University and the employee only if the first meal period was not waived. If the nature of the work prevents relief from all duties, then the on-duty meal period will be compensated.

### **REST PERIODS**

Employees will take a 10-minute rest period during each half of a full workday or major fraction thereof. However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half hours. Any variances in rest periods are subject to advance management approval.

### **LACTATION ACCOMMODATION**

The University provides a supportive environment to enable breastfeeding employees to express their milk during work hours. Accommodations under this policy include a private place (other than a bathroom) as well as unpaid time to express milk. If a dedicated lactation space is not possible, a multi-use area will be made available, and a lactating employee will be given priority.

Employees should request lactation accommodations through their manager or Human Resources in person or by phone or email. Managers who receive requests for lactation accommodations should contact Human Resources or a member of the leadership team if they have any doubt about their ability to accommodate the request. The University will respond to the request either by providing the requested accommodations

in full or by providing what is possible and giving the employee a written explanation as to why any other part of the request could not be granted.

When possible, employees should take their lactation breaks concurrently with their meal and rest breaks, if applicable. Employees will be paid for the duration of their standard rest breaks, and additional time will be unpaid. Exempt employee pay will not be affected by lactation break time.

Any form of discrimination or harassment related to breastfeeding is unacceptable and will not be tolerated. Employees who believe they are not being provided with accommodations as required by law may file a complaint with the Labor Commissioner.

#### **ATTENDANCE AND TARDINESS**

Employees are expected to be at work and ready to go when their scheduled shift begins or resumes. If an employee is unable to be at work on time, or at all, they must notify their manager no later than 30 minutes before the start of their scheduled work day. If an employee's manager is not available, the employee should contact another member of management. If an employee is physically unable to contact the University, they should ask another person to make contact on their behalf. Leaving a message with a co-worker or answering service is not considered proper notification. Excessive tardiness or absences are unacceptable job performance.

When an employee calls in absent, they should provide their expected time or date of return. The University reserves the right to require proof of the need for absence, if allowed by law. If an employee is absent for three consecutive days and has not provided proper notification, the University will assume that the employee has voluntarily quit their position and will proceed with the termination process.

If an employee becomes ill during their scheduled work day and feels they may need to leave before the end of their shift, they should notify their manager immediately. If an employee is unable to perform their job at an acceptable level, they may be sent home until they are well enough to work.

Absences should be arranged as far in advance as possible. When an employee needs to be absent during the workday, they should attempt to schedule their outside appointment or obligation so that their absence has the smallest impact possible on business operations.

All employees are encouraged to participate in weekday Mass, Monday – Friday at 11:00 AM however attendance is not mandatory and non-exempt employees are required to clock-out before Mass and clock-in following Mass if attending during their scheduled shift.

#### **TELECOMMUTING/WORK FROM HOME POLICY**

All employees are expected to work in the office for their required shifts. Work from home requests will be handled on a case-by-case basis. Not all positions will be eligible. The only basis for a decision is whether it will be beneficial for the University.

A home office is considered an extension of the University's main office. All policies and procedures governing employee conduct, performance and safety are in full force and effect during your home work hours. A telecommuting agreement can be withdrawn or terminated with or without notice by either party. If your performance suffers while you are participating in a telecommuting arrangement and your manager decides it is in the best interest of the University for you to return to the office, you will be required to do so. If you choose not to return on the expected date, you will be considered to have voluntarily resigned. JPCatholic can revoke the telecommuting arrangement whether or not your performance has suffered.

Your total number of work hours is not expected to change during a telecommuting arrangement. Your daily work schedule is subject to negotiation with and approval by your manager. Your manager will require you to be accessible by telephone or email. You will be expected to check in with the office daily in the event of an emergency, pressing need for information, a change of project deadline or a change in business conditions.

## **PERSONAL APPEARANCE AND HYGIENE**

Employees are expected to present a professional, modest image, both through behavior and appearance. Accordingly, employees must wear work-appropriate attire during the workday or any time they are representing the University. Clothing does not need to be expensive but should be clean and neat in appearance. Employees should consider their level of customer and public contact and the types of meetings they are scheduled to attend in determining what attire is appropriate.

The following are generally not acceptable:

- Bare feet or flip flops
- Spandex, sweats, or work out attire. Leggings, yoga pants or tight jeggings are not permitted to be worn alone as bottom apparel. All leggings, yoga pants and jeggings are to be worn with a skirt or dress that covers the body to near the knees.
- Sagging pants, shorts, or skirts
- Sexually provocative clothing or exposed undergarments
- Clothing with offensive slogans or pictures
- Clothing showing excessive wear and tear
- Any clothing or accessories that would present a safety hazard
- Visible tattoos that are not appropriate in content
- Form fitting, skin tight or revealing cleavage or midriff
- Men are not to wear clothes or makeup/cosmetics usually worn by women

All employees are expected to maintain appropriate oral and bodily hygiene. Hair (including facial hair) should be clean and neat. Accessories should not interfere with an employee's work. The excessive use of perfume or cologne is unacceptable, as are odors that are disruptive or offensive to others or may exacerbate allergies.

Managers are responsible for enforcing dress and grooming standards for their department. Any employee whose appearance does not meet these standards may be counseled. If their appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to change into something more appropriate.

Reasonable accommodation will be made for employees' sincerely held religious beliefs and disabilities when such accommodations do not cause an undue burden. Employees who would like to request an accommodation or have other questions about this policy should contact their supervisor.

## **CONFIDENTIALITY**

Employees may not disclose any confidential information or trade secrets to anyone outside the University without the appropriate authorization. Confidential information may include internal reports, financials, client lists, methods of production, or other internal business-related communications. Trade secrets may include information regarding the development of systems, processes, products, design, instrument, formulas and technology. Confidential information may only be disclosed or discussed with those who need the information. Conversation of a confidential nature should not be held within earshot of the public or clients.

When any inquiry is made regarding an employee, former employee, client, or customer, the inquiry should be forwarded to a manager or Human Resources without comment from the employee.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. In addition, nothing in this policy is intended to infringe upon employee rights under Section 7 of the National Labor Relations Act.

The security of University property is of vital importance to the University. University property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for the University to preserve and protect its confidential information, as well as

the confidential information of customers, suppliers, and third parties. All employees are responsible for ensuring that proper security is always maintained.

"Confidential Information" means all information, not generally known, belonging to, or otherwise relating to the business of the University or its clients, customers, suppliers, vendors, affiliates or partners, regardless of the media or way it is stored or conveyed, that the University has taken reasonable steps to protect from unauthorized use or disclosure. Confidential Information includes but is not limited to trade secrets as well as other proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategic plans; manufacturing techniques; formulae; processes; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compensation data; compilations of data; and developments, whether patentable and whether copyrightable.

JPCatholic is subject to the terms and obligations of the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA is a federal law that pertains to the release of and access to educational records. The law applies to all schools that receive funds under an applicable program of the US Department of Education. Students have three primary rights under FERPA. They have the right to inspect and review their education records; the right to have some control over the disclosure of information from their education records; and the right to seek to amend their education records, under certain circumstances. Go to [www.ed.gov/policy/gen/guid/fpco](http://www.ed.gov/policy/gen/guid/fpco) to learn more.

Employees must maintain the confidentiality of all education records. For the safety and privacy of our students, employees should never:

- Use the social security number or student ID number in a public posting of grades or any other information.
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- Discuss the progress of any student with anyone other than the student, the student's advisor, or the Dean of Students without the written consent of the student. All inquiries from other parties should be referred to the Registrar's Office.
- Provide anyone with student schedules or assist anyone other than University personnel in finding a student on campus. All inquiries from other parties should be referred to the Registrar's Office.
- Provide anyone outside of the University with lists or files of student information without express authorization from an Officer of the University.

For more information, please refer to the University Catalog. Further questions concerning FERPA may be referred to the Registrar's Office.

### **SOLICITATION AND DISTRIBUTION**

Solicitation during work time and in work areas is prohibited. Solicitation is defined as the act of asking for something, selling something, urging someone to do something, petitioning, or distributing persuasive materials. This could include, but is not limited to, asking for donations for a child's school (including through sales of a product), attempting to convert someone to or from a religion, distributing political materials, or collecting signatures. Work time includes time when either the person soliciting, or being solicited to, is scheduled to be performing their work duties. Work areas include areas where employees generally do work, such as cubicles, offices, or conference rooms, and does not include areas such as the lunch or break room.

This policy does not prevent employees from using their approved breaks and rest periods to solicit outside of working areas and is not intended to infringe an employee's Section 7 rights. Those not employed by the University are prohibited from solicitation on University property at all times.

### **CONFLICT OF INTEREST**

A conflict of interest arises when an employee is engaged in activity that could be detrimental to the University. This includes when an employee improperly uses their position with the University for personal

gain or the gain of someone with whom they have a relationship. *Improper use* includes behavior that is illegal, as well as behavior that is unethical or questionable to a reasonable person. These are some examples of a conflict of interest:

- An employee requesting or requiring gifts or discounts in exchange for starting or continuing a business relationship with a client or vendor
- An employee selecting a relative's company as a supplier when they have not produced the best proposal
- An employee taking a second job working for a competitor and sharing confidential University information with the competitor
- An employee taking a second job that interferes with their ability to do their work for the University at their full potential, whether due to scheduling, exhaustion, or some other factor

Because how things appear, whether accurate or not, has a significant impact on the University's reputation, employees should also avoid the appearance of a conflict of interest. If questions arise as to whether a certain activity or behavior is a conflict of interest, employees should speak with their manager or HR.

### **BUSINESS GIFTS**

Employees are prohibited from directly or indirectly requesting or accepting a gift for themselves or the University that has a value of \$50 or more. If an employee is offered or given anything of value from any client, prospective client, vendor, or business partner in connection with University business, they should alert their manager immediately.

### **OUTSIDE ACTIVITIES**

Employees may engage in outside employment during non-working hours, provided doing so does not interfere with their job performance or constitute a conflict of interest. Prior to accepting outside employment, employees should notify their manager in writing. The notice must include the name of the company, the title and nature of the position, the number of working hours per week, and the time of scheduled work hours. If the position constitutes a conflict of interest or interferes with the employee's job at any time, they may be required to limit or end their outside employment.

### **REPORTING IRREGULARITIES**

Employees should immediately report any actual or suspected theft, fraud, embezzlement, or misuse of University funds or property, as well as suspicious behavior. An employee who is aware of such activity but does not report it will be considered part of the problem and disciplined accordingly.

### **INSPECTIONS AND SEARCHES**

Any items brought to or taken off of University premises, whether property of the employee, the University, or a third party, are subject to inspection or search unless prohibited by state law. Desks, lockers, workstations, work areas, computers, USB drives, files, e-mails, voice mails, etc. are also subject to inspection or search, as are all other assets owned or controlled by the University. Any inspection or search conducted by the University may occur at any time, with or without notice. Failure to submit to a search will be grounds for discipline.

### **HARDWARE AND SOFTWARE USE**

The following guidelines have been established for using the Internet and email in an ethical and professional manner. For this policy, University Internet includes productivity software, instant messaging applications, the University cloud and networks, the intranet, and any other tool or program provided by or through the University or its internet connection.

- University Internet and email may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing, or obscene nature.
- Telephones should only be used for University business. Employees should be professional and conscientious at all times when using University phones or when using a personal phone for University business.

- Use of personal cell phones or other devices should be held to a reasonable limit. Reasonableness will be determined by management.
- Disparaging, abusive, profane, and offensive language are forbidden.
- Employees must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, except with permission or as a single copy for reference only. Almost every piece of content is or could be copyrighted (a notice of copyright is not required), so employees should proceed with caution when using or reproducing materials.
- Unless necessary for work, employees should avoid sending or receiving large files, watching videos, mass-forwarding emails, or engaging in other activities that either consume large amounts of bandwidth or create electronic clutter.
- Employees may not download any programs, applications, browser extensions, or any other files without prior approval or upon request of a manager.
- Each employee is responsible for the content of all text, audio, or images they place on or send over the University's internet and email system. Employees may not send messages in which they are not identified as the sender.
- Email is not guaranteed to be private or confidential. The University reserves the right to examine, monitor, and regulate email messages, directories, and files, as well as internet usage.
- Internal and external email messages are considered business records and may be subject to discovery in the event of litigation.

All University-issued hardware and software, as well as the email system and Internet connection, are University-owned. Therefore, all University policies are always in effect when they are in use. Access to the internet through the University's network is a privilege of employment that may be limited or revoked at any time.

## **SOCIAL MEDIA**

### The Guiding Rule

Conduct that negatively affects an employee's job performance, the job performance of fellow employees, or the University's legitimate business interests—including its reputation and ability to make a profit—may result in disciplinary action up to and including termination. Posts showing that an employee is living a life contrary to the Catholic faith or advocating ideas contrary to the Catholic faith may result in disciplinary action up to and including termination.

Below are some guidelines for the use of social media. These guidelines are not intended to infringe on an employee's Section 7 rights and any adverse action taken in accordance with this policy will evaluate whether employees were engaged in protected concerted activity.

### Avoiding Harassment

Employees must not use statements, photographs, video, or audio that could reasonably be viewed as malicious, obscene, threatening, or intimidating toward customers, employees, or other people or organizations affiliated with the University. This includes, but is not limited to, posts that could contribute to a hostile work environment on the basis of race, sex, sexual orientation, disability, religion, national origin, or any other status protected by state or federal law.

### Avoiding Defamation

Employees must not post anything they know or suspect to be false about the University or anyone associated with it, including fellow employees and clients. Writing something that is untrue and ultimately harmful to any person or organization is defamation and can lead to significant financial liability for the person who makes the statement.

### Confidentiality

Employees must maintain the confidentiality of University trade secrets and confidential information. Trade secrets include, but are not limited to, information regarding the development of systems, products, and technology. Private and confidential information includes, but is not limited to, customer lists, financial



data, and private personal information about other employees or clients that they have not given the employee permission to share.

### Representation

Employees must not represent themselves as a spokesperson for the University unless requested to do so by management. If the University is a subject of the content being created—whether by an employee or third party—employees should be clear and open about the fact that they are employed with the University but that their views do not necessarily represent those of the University.

### Accounts

Employees must not use University email addresses to register for social media accounts unless doing so at the request of management. Employees who manage social media accounts on behalf of the University should ensure that at least one member of management has all the login information needed to access the account in their absence.

### **PERSONAL CELL PHONE USE**

The use of personal cell phones, or work cell phones for personal matters, should be held to a reasonable limit during work hours and not interfere with an employee's productivity or the productivity of their coworkers. Reasonableness will be determined by management.

### **SERVICE AND ASSISTANCE ANIMAL POLICY**

In accordance with the Americans with Disabilities Act (ADA), JPCatholic allows the use of service animals in its facilities. A service animal as defined by the ADA is a dog or miniature horse individually trained to:

- Direct people who are blind,
- Alert people who are deaf,
- Protect and alert people who struggle with seizures, or
- Perform other special tasks directly related to the person's disability

Other assistance animals, such as those that provide emotional support, are excluded from the ADA definition, and are treated separately as “reasonable accommodation requests.”

A request for a service or assistance animal should be made to Human Resources and should include:

- Affirmation that the service animal is required due to disability (if not readily apparent),
- A description of the specific tasks or work the animal has been trained to perform (if not readily apparent), and
- Documentation that the service animal is in compliance with all required California State, San Diego County, and Escondido City requirements associated with licensing, vaccinations, and other health regulations.

Assistance animals are defined as animals utilized by individuals with disabilities for emotional support, well-being, or comfort. Because they are not individually trained to perform work or tasks, support animals are not service animals. Unlike a service animal, assistance animals do not assist with daily living tasks. Therefore, assistance animals generally stay only in residence: they do not always accompany the individual with a disability.

Requests for an assistance animal are addressed as reasonable accommodation requests under the standard University policies and processes relating to the request and documentation of disability accommodations. If the disability and need for an assistance animal is not readily apparent, the employee will be asked to submit reliable documentation of a disability and their disability-related need for an assistance animal.

The employee is responsible for the health of the animal (with verification from a licensed veterinarian if necessary), as well as maintaining cleanliness at all times, including the sanitary disposal of animal wastes. The service animal is to be kept on a leash or harness all the time, unless this would substantially limit the service the animal provides, or the student or employee cannot use a leash or harness due to the disability.

A service or assistance animal must be removed immediately if it becomes aggressive, overly disruptive, or poses a serious health risk to others on campus. This can include excessive barking, growling, running around unleashed, and/or biting. The University may prohibit the use of service animals in certain locations because of health and safety restrictions.

The employee is responsible to make sure that any mess or damages caused by the service or assistance animal be taken care of. Employees will be held responsible for any damages to university property caused by the service animal.

#### **PERSONAL PROPERTY**

The University is not liable for lost, misplaced, or stolen property. Employees should take all precautions necessary to safeguard their personal possessions. Employees should not have their personal mail sent to the University, as it may be automatically opened, and should check with their manager before having larger items delivered to the workplace.

#### **PARKING**

All parking is at an employee's own risk. Employees and visitors should lock their vehicles and take appropriate safeguards to protect their valuables, including removing them from the vehicle if appropriate under the circumstances. Employees are not to park in areas reserved for visitors.

All staff members must have a parking permit. All cars must be registered in California as required by law.

#### **EXTERNAL COMMUNICATIONS**

Occasionally employees may be contacted by outside sources requesting information about University matters, including information regarding current or former employees, University projects, or other workplace issues. To avoid providing inaccurate or incomplete information to outside sources, and the possible negative exposure that may result from providing information about the University to outside sources, any employee asked to speak for or on behalf of the University by any outside source should immediately contact the appropriate University official, as detailed below.

Employees violating this policy may be subject to discipline, up to and including termination of employment.

This policy is in no way intended to prohibit an employee from documenting and speaking with outside third parties regarding perceived or alleged unacceptable or illegal working conditions. The policy is also in no way intended to deter any employee from speaking with any individual regarding labor organizing.

#### *MEDIA CONTACTS*

The University will respond to media inquiries in a timely and professional manner only through the designated spokesperson. If an employee is contacted by a representative from any media organization (e.g., television, radio, or newspaper reporters) to speak for or on behalf of the University, the employee should notify the media representative that they are not authorized to make a public comment on behalf of the University and all inquiries from the media must be referred to Derry Connolly, President at [dconnolly@jpcatholic.edu](mailto:dconnolly@jpcatholic.edu). No employee may communicate with media agents on behalf of the University without prior authorization from Derry Connolly.

#### *OUTSIDE ATTORNEYS AND INVESTIGATORS*

If an employee is contacted by an outside attorney or investigator regarding University business, including information regarding current or former employees, University projects, or other workplace issues, the employee should inform the inquiring party that they are not authorized to speak on behalf of the University and immediately obtain the individual's name and telephone number. The individual's name and telephone number should then be provided to the Human Resources Department. Nothing in this policy restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

#### *EMPLOYMENT REFERENCES AND VERIFICATIONS*

Employees contacted by outside sources requesting an employment reference or employment verification for a current or former employee should not provide any information to the requesting individual or organization. Instead, employees are expected to direct all inquiries for a personal letter of recommendation or employment verification to the Human Resources Department. No employee, other than the Human Resources representative, is authorized to provide employment references or employment verifications for any current or former employee. The University's authorized representative(s) may verify dates of employment and last position held but will not disclose any other information unless the current or former employee provides written authorization to the University to provide additional detail.

### **EMPLOYMENT SEPARATION**

#### **RESIGNATION**

The University requests that employees provide at least two weeks' written notice of their intent to resign. This notice should be submitted to an employee's manager. Dependent upon the circumstances, an employee may be asked to not work any or all of their notice period, in which case they will be allowed to use up to two weeks of accrued paid time off, if available, from the time notice is given. An exit interview may be requested.

#### **TERMINATION**

All employment with the University is "at-will." This means that either the University or the employee can terminate the employment relationship at any time, with or without notice, and for any reason allowed by law or for no reason at all. An employee's at-will status can only be changed by written contract, signed by both the employee and the President or CEO.

#### **PERSONAL POSSESSIONS AND RETURN OF UNIVERSITY PROPERTY**

All University property, such as computer equipment, keys, tools, parking passes, or University credit cards, must be returned immediately at the time of termination. Employees may be responsible for any lost or damaged items. When leaving, employees should ensure that they take all of their personal belongings with them.