

Section 2. Employee Conduct & Responsibilities

Authority

Director of Employee Relations & Compensation

Summary

This section reviews all phases of employee conduct and related responsibilities. Below are the main headings:

- 2.1. Professional Conduct
- 2.2. Conflicts of Interest Policy
- 2.3. Duties Owed to the College
- 2.4. Political Activity
- 2.5. Non-Solicitation
- 2.6. Solicitation of Cash Gifts
- 2.7. Departmental Work Rules
- 2.8. Telecommuting Policy
- 2.9. Dress Standards
- 2.10. Friends, Family and Children in the workplace
- 2.11. Additional Compensation Policy
- 2.12. Contact with Media and Reporters
- 2.13. Confidentiality of College Related Information
- 2.14. Prohibited Conduct
- 2.15. Workplace Conditions
- 2.16. College Intellectual Property
- 2.17. Computers, Cell Phones and other Electronic Devices
- 2.18. Pets on Campus

Saint Mary's strives to provide a work environment and learning community that is productive, pleasant and characterized by mutual respect. The College requires all members of its community to conduct themselves professionally, responsibly, ethically and with civility in their dealings with other members of the community and with the public.

2.1 Professional Conduct

2.1.1 Courtesy and Civility

Each employee is likely to be perceived as a representative of Saint Mary's College when interacting with co-workers, students or the public; the public forms impressions of the College based on their contacts with College employees. Accordingly, courtesy towards the public (visitors, parents, etc.), toward all members of the College community and to citizens of the surrounding towns is of the utmost importance. Not only does a positive, pleasant attitude make the time spent at the College more meaningful and foster a better working and learning environment for everyone, it also provides the opportunity to put forward a positive impression on people inside and outside the College community.

2.1.2 Support of the College Values and Respect for College Property

Employees are expected to be familiar with the College values and mission, and are expected to promote and support those values and interests by adhering to the College policies and procedures and by safeguarding the College image and physical and intellectual property. Violations of College policies, misuse of the College services or resources, misuse of the College seal or name and misuse of or intentional damage to the College assets or personal, real or intellectual property is prohibited.

2.2 Conflicts of Interest Policy

Faculty and staff, as employees of Saint Mary's College, occupy a position of trust and responsibility as members of the College community. Therefore the College and its employees have obligations to students, parents, donors and others to use College resources responsibly and for designated business purposes. In meeting its mission, values and other obligations as a non-profit institution of higher education, the College expects all of its employees to carry out their responsibilities with the highest level of integrity and ethical behavior, and without conflicts of interest.

2.2.1 Potential Conflicts of Interest

Employees of the College are expected to perform their work-related and professional duties in the best interests of the College, to the extent permitted by law. While performing these duties,

an employee must not put the interests of any individual, agency, organization, or association above the best interests of the College. This means, among other things, that an employee is not to engage in any activity or transaction that could influence or cause them not to act in the best interests of the College, including, without limitation, any personal business transaction or private arrangement for personal profit which arises out of or relates to a position of authority with the college or is available because of the confidential information obtained by reason of such position of authority. For purposes of this policy, “personal” means the employee, any member of his or her immediate family (spouse, parents, children, siblings, domestic partners) and any entity with which he or she may be associated.

2.2.2 Disclosure Responsibility

Employees must disclose to the President in writing, at the time a conflict is identified or develops, any financial, ownership or management interest in any entity engaged either in the delivery of educational services, or in the delivery of goods or services of any kind to the College. Employees with questions about the applicability of this Policy in a given situation are encouraged to contact the Provost, Vice President for Finance or Assistant Vice President of Human Resources or designee. Examples of potential conflicts of interests and forms for disclosing potential conflicts of interests are available from the Assistant Vice President of Human Resources or designee.

2.2.3 Outside Employment

Employees must refrain from participation in a transaction or effort that could result in personal profit, except upon the written prior approval of the President. This prohibition includes, but is not limited to, work outside the College, regardless of the level of compensation to the employee, that is determined to interfere with the employee’s work-related and/or professional responsibilities of the College. While the College does not prohibit staff from holding outside employment, such employment must not create a conflict of interest with the College or interfere with the person’s employment responsibilities to the College. Such determination shall be made by the President, in consultation with the employee’s immediate supervisor, Provost and/or area Vice President and/or Vice Provost, and the Assistant Vice President of Human Resources or designee.

2.2.4 Gifts, Favors, Service, Compensation or Benefit

An employee may not accept any gift, favor, service, compensation, or benefit of any kind from any person or entity who can influence the exercise of the employee’s professional judgment to act in the best interests of the College, consistent with the person’s obligations as an employee of the College. Items of minimal value (defined as having a value of \$100 or less) are not included within the Policy. Likewise, financial inducements and rewards that flow from a person’s work-related duties and professional obligations as an employee of the College and as a member of the Saint Mary’s community, including but not limited to grants, travel money, honoraria, that may result in conflicts of interest must be disclosed to the employee’s direct supervisor prior to being pursued, received and/or accepted.

2.2.5 Reporting Relationships

Members of the same family may not be employed in a situation where one member of the family works under the administrative supervision of another, nor may one participate in any employment, salary, or other important decision regarding an immediate family member or person with whom the employee is in an amorous relationship (see College’s Amorous Relationships Policy). For purposes of this policy, “family member” includes the employee, any member of his or her immediate family (spouse, registered domestic partner, parents, children, siblings). Any exceptions to this requirement must be reviewed with the Assistant Vice President of Human Resources or designee, and approved by the appropriate area Vice President or the Provost.

2.2.6 Sanctions

Violations of the College’s Conflicts of Interest policy will result in appropriate disciplinary action up to and including suspension without pay, transfer, demotion, termination of employment, cessation or prohibition of business with a vendor, and/or other appropriate remedies. Employees with questions about the applicability of this Policy in a given situation should contact the Assistant Vice President of Human Resources or designee.

2.3 Duties Owed to the College

Employees are expected to devote their working hours exclusively to job-related duties assigned or supported by their supervisor, that contribute to the goals and objectives of Saint Mary’s

College. During working hours, employees may not engage in other employment or activities, including but not limited to personal business, another employee's personal business, non-professionally-related volunteer work, teaching, consulting or any other activity which might interfere with the performance of the employee's regular duties without first obtaining written permission from the Assistant Vice President of Human Resources or designee, who will consult with the employee's supervisor(s), which may include the appropriate area Vice President, Provost or the President. The employee's failure to obtain this permission, at least annually, may be cause for disciplinary action, up to and including termination.

2.4 Political Activity

The College's status as a California not-for-profit public benefit corporation prohibits partisan political activity by employees in the workplace or when acting in their College-related official capacities. Employees must refrain from making or offering payments, gifts or services to or for the benefit of any governmental or accrediting agency official, employee or designee who is in a position to influence directly or indirectly, any government or accrediting agency action or decision, as well as from making or soliciting contributions in the name of or on behalf of the College or with College funds, services or facilities in any form to, or in the aid of, any political party, group, candidate or partisan cause.

2.5 Non-Solicitation

Employees may not solicit, distribute, or receive solicitation materials during working time or in work areas. Work areas generally exclude eating areas, parking lots or employee lounges.

Working time excludes unpaid lunch breaks or any other specified period during the workday when employees are not engaged in performing their work tasks.

Email and list-servers are inappropriate for distribution of solicitation material not related to the College.

2.6 Solicitation of Cash Gifts

All solicitations of cash gifts from Saint Mary's College alumni, parents, friends or any other third parties must receive prior written approval from the Vice President of Advancement or

his/her designee. Appropriate College processes, as defined by the V.P. of Advancement, must be followed.

2.7 Departmental Work Rules

Departments may have their own work rules, as long as they are consistent with applicable law and not in conflict with any policy or procedure described in this Handbook. If the Assistant Vice President of Human Resources or her/his designee determines that a department rule is in conflict with this Handbook or is otherwise inconsistent with law or policy, the department must revise or abandon the rule in order to resolve the conflict.

2.8 Telecommuting Policy

2.8.1 Rationale

In appropriate and approved limited circumstances, Saint Mary's may permit staff employees to telecommute (work from home or an alternate location). If such permission is provided, the telecommute period shall be for no more than 20% of the employee's work week and only after taking into consideration the campus service requirements of the position, and the needs, requirements and/or constraints of both the department and the employee. Any exception(s) to this limitation require the written approval of the Assistant Vice President of Human Resources or designee, whose decision in such matters is final. Telecommuting is a cooperative employment arrangement between the College and the employee, and must be approved in writing by the employee's supervisor, the area Vice President and the Assistant Vice President of Human Resources or designee, prior to being implemented.

2.8.2 Suitability for Telecommuting

In general, Saint Mary's does not encourage ongoing telecommuting arrangements because the employee not working on campus loses the community interaction that makes Saint Mary's a special place to work. Also, most positions are not suitable for telecommuting. Jobs best suited are those that require independent work and minimal face-to-face interaction, result in a specific, measurable work product, and benefit from quiet and uninterrupted time. These jobs typically consist of thinking and writing (writing decisions and reports), and computer-oriented tasks (programming or data analysis). Jobs typically not suitable for telecommunicating include those

that provide office or counter coverage, supervisory positions, or where face-to-face contact is an essential requirement of the job. Individuals approved to telecommute should have proven time-management skills and a demonstrated history of independent and effective work performance.

2.8.3 Telecommuting Procedures

The employee who wishes to initiate telecommuting should talk with his/her supervisor. If the supervisor thinks the arrangement is reasonable and the director of the department supports the arrangement, the employee, supervisor and/or department director should meet with the Assistant Vice President of Human Resources or her/his to discuss the proposed arrangement and, with the agreement of the Assistant Vice President of Human Resources, sign a Telecommuting Agreement (“Agreement”). A copy of this Agreement will be placed in the employee’s personnel file.

NOTE: an Agreement is not required for incidental telecommuting resulting from emergencies or for relatively brief tasks, however, supervisor approval is required in all instances.

Telecommuting is a business arrangement between the College and the employee that is not triggered by a medical condition or a disability, e.g., a leave of absence or reasonable accommodation. The initial period during any telecommute arrangement will be considered a trial period for the College to determine if the employee is satisfactorily completing his/her work and is meeting job expectations. Notwithstanding the completion of any trial period, Saint Mary’s will continue to reserve the right to terminate any telecommute arrangement and require the employee to return to regular work attendance at employee’s regular work location.

2.8.4 Telecommuting Requirements

The employee will remain obligated to comply with all College and departmental policies and procedures.

- Telecommuting is not intended to be used as a substitute or supplement for ongoing childcare or care of family members. (Saint Mary’s policy on Family and Medical Leave has provisions for care of family members under some circumstances.) Although an individual employee’s schedule may be modified to accommodate childcare needs, the focus of any telecommuting arrangement must remain on College work and meeting departmental and College needs. Prospective

telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering into a trial period.

- A telecommuting employee who is unable to perform his/her duties on a designated telecommuting day is required to follow their department's call-in procedure to notify their supervisor to notify their supervisor that they are unable to work and thus are calling-in sick, in order to ensure both that the supervisor and department is aware of the absence for that date.
- The telecommuting employee is expected to be accessible by phone or e-mail within a period of time agreed upon by the supervisor and employee. The supervisor may require a telecommuting employee to return to the office on a day normally scheduled for telecommuting, should the department needs or work situation warrant such an action.
- The College may, but is not obligated to, provide off-site equipment related to the employee's duties. In addition, the employee's personal home computer, when used for work-related purposes under any scenarios, may be subject to discovery should the matter on which the employee worked be subject to a legal process involving the College.
- Existing time-recording procedures, including time off and leave records must be maintained for all employees including telecommuters: Attendance or Absence forms must be completed by the telecommuter, signed by the employee's supervisor, and submitted as usual. All agreements must conform to the overtime and record keeping provisions of the Fair Labor Standards Act (FLSA) for staff members covered by those provisions. Therefore, although exempt employees may be managed by results, supervisors must ensure accurate recording of hours worked. Non-exempt employees who telecommute are to work overtime only when directed and approved by the supervisor in advance. Working overtime without such approval may result in termination of the agreement and/or other appropriate action.
- Telecommuting agreements must have a start and end date, and shall be for a period no longer than one (1) year.

2.8.5 Information Security

Employees must take precautions necessary to secure confidential and/or privileged information and prevent unauthorized access to College systems and abide by all College and departmental policies. For more detail, see the Technology Use Policy and the Staff Handbook sections on Professional Conduct, Prohibited Conduct, Confidentiality of College Related Information, and College Intellectual Property.

2.8.6 Discontinuation

A telecommuting arrangement may be discontinued at any time at the request of either the telecommuter or the department head. The telecommuter agreement can be terminated by the department head or by the College. Effort will be made to provide notice of such a change to allow the employee and the department to make appropriate arrangements; there may be instances, however, where no notice is possible. The supervisor, with concurrence of the department head, is ultimately responsible for any decision to terminate a Telecommuting Agreement. When the telecommuting ends, all College property is to be returned to the department.

2.9 Dress Standards

Each employee is expected to dress appropriately for the type of work she/he does in a manner that maintains a standard of professionalism consistent with the Saint Mary's College community. Since the appropriate standard may vary by department, the department head will communicate the dress standard to employees in that department. Clothing should be generally in good condition (i.e., not frayed, torn or too revealing). If a specific type of clothing is required due to safety or other reasons, the College will provide appropriate clothing.

2.10 Friends, Family and Children (14 and under) in the workplace

Many employees enjoy bringing children (14 and under) to their work site to introduce to coworkers and to show their children their work environment. Beyond brief visits, however, the workplace is not the appropriate place for child care. Even during short, periodic visits children must not be left unattended. Similarly, when an employee is visited at work by family or friends during working hours, the visits should be brief. To maintain and preserve an environment conducive to learning and productive work, employees and students who bring children 14 and

younger to classes, the workplace or to college-sponsored and/or work or educational activities on or off campus which are not open to the public and/or do not specifically invite children, may be asked to take the child(ren) elsewhere and/or not to bring the child(ren) in the future. In addition, students shall not provide child care (their own or other people's children) in campus student residence halls or rooms or on College business premises (e.g., classrooms, offices or the library).

2.11 Additional Compensation Policy

Saint Mary's College Additional Compensation Policy is designed to allow for special compensation for work performed by full-time employees that are outside of their normal responsibilities.

1. **Non-exempt employees** who perform additional work in excess of 7.5 or 8 hours per day or 37.50 or 40 hours per week will be compensated at their applicable overtime rate. This would include non-exempt staff who work special events (i.e. Athletic or Student Life).
2. **Exempt employees** are paid a guaranteed salary for each workweek in which work is performed regardless of the hours worked. However, occasionally exempt employees may be requested to perform duties or projects that are substantially beyond and different from their primary job function. These duties may include, but are not limited to:
 - Event Staff
 - Guest Speaker / Honoraria
 - Thesis Readers/Chair
 - Interim/Acting Appointments
 - Curriculum Development
 - Special Projects or Research

Before an exempt employee performs work *in addition to* their regularly scheduled duties, the employee must receive prior written authorization from his or her immediate supervisor *and* Human Resources. The exempt employee may be required to track hours worked on the additional duties. Additional work cannot interfere or

conflict with normal working hours and primary job functions. If this occurs the supervisor is responsible for notifying Human Resources and resolving the interference or conflict and, if necessary, withdrawing authorization for the additional work. If authorization for additional work is withdrawn, the additional duties and pay will end.

Taking on additional duties as set forth in this section shall not change the at-will nature of the employment relationship between the College and the employees.

Any additional compensation will be paid by payroll and all normal applicable taxes will be deducted.

2.11.1 Volunteer Opportunities

Notwithstanding the policy above the College appreciates and encourages its employees to engage in non-compensated activities that benefit the College, the employee and its students.

These activities may include volunteering for commencement, baccalaureate, student productions, College-wide initiatives, social justice programs, Mission and Ministry events and many others.

2.11.2 Teaching by Staff

Positions requiring teaching

Ordinarily, those exempt and non-exempt staff positions that require teaching of regular or specialized courses are considered to be compensated as part of their base salary. In these cases, it is expected that all teaching duties, *including* advising, class preparation, instruction, grading and student/administration interactions, will take place during the normal work day.

All timekeeping by *non-exempt* staff members should always accurately reflect all working time, including staff administrative work *and* teaching duties time. Any work done beyond 7.5/8 hours in a work day or 37.5/40 hours in a work week will be paid at the applicable overtime rate of the individual based on the staff position. Attendance reports for teaching must be submitted on the 5th and 20th of each month.

Staff members teaching within their staff position must seek prior supervisor and Human Resources approval before working outside their normal work day, consistent with standard College policies.

Teaching outside the staff position

Staff who are qualified and have been asked to teach a course where some or all of the teaching duties occur *outside* the staff member's normal work duties may only do so with the advance approval of their supervisor and Human Resources. In these situations, the teaching staff member will be appointed and compensated as a Lecturer through a separate agreement. The Lecturer status shall not change the at-will status of the staff position.

It is the policy of the College, that staff devote their full effort to their primary staff function. For those staff teaching outside of their staff positions, all teaching duties, *including* advising, class preparation, instruction, grading and student/administration interactions, will take place *outside* the normal work day, or consistent with a flexible work schedule that is designed to prevent the interference of the separate duties of the regular staff position and the teaching appointment. Supervisors in consultation with Human Resources have the responsibility of determining how and whether the teaching of courses will impact the department and its productivity, and thereafter determining whether such an arrangement may be approved or can be maintained.

Again, all timekeeping by *non-exempt* staff members should always accurately reflect all working time, including staff administrative work *and* time spent on the teaching duties described above. Any work done beyond 7.5/8 hours in a work day or 37.5/40 hours in a work week will be paid at the applicable overtime rate of the individual based on the staff position. Attendance reports for teaching must be submitted on the 5th and 20th of each month.

Supervisors and staff employees requesting additional information regarding the administration of this policy may contact the Director of Employee Relations & Compensation or the Assistant Vice President of Human Resources.

2.12 Contact with Media and Reporters

On occasion, reporters for media, including newspapers, magazines, radio stations, websites or television stations, may contact College staff members directly instead of working through the

College's administrative departments designed to coordinate responses to such inquiries (i.e., the College Communications and/or Sports Information offices). *Only designated representatives of the College are authorized to make public statements on behalf of the College.* The College Communications Office is available to assist individuals who receive press inquiries, and all employees are urged to promptly notify that office when they receive media inquiries.

2.13 Confidentiality of College Related Information

Pursuant to applicable law and College policy, all employees are expected to maintain confidentiality regarding oral or written information, including but not limited to business and education records, computer terminal display information, grade reports, personnel records, medical records, financial records, benefactor records, alumni records, and other confidential and/or private oral or written information obtained as a result of their employment at Saint Mary's. Failure to do so may not only subject the College to legal liability, but, also, the employee who violates the confidentiality and/or privacy of the College, its employees or its students.

From time to time, employees or their department may receive requests from various individuals who seek access to official College records and documents. It is imperative that the College ensures that information generated and used in performing professional responsibilities be used only for Saint Mary's official business and education purposes.

This information is available only on a legitimate business or educational need-to-know basis for authorized individuals within the College. Employees are expected to take all reasonable precautions against disclosure of confidential or proprietary information to third parties during and after employment with Saint Mary's and to not use Saint Mary's confidential information except to the extent necessary in the course and scope of their employment at Saint Mary's. In many instances, especially in the case of individuals who would appear to have some official connection with the College, there will be little or no reason to question such requests. However, in the interest of protecting the College from unauthorized use of any such confidential information please refer all such requests for authorization to either Human Resources, the Registrar, or the Office of General Counsel.

It is a violation of College policy to share confidential information beyond those individuals who have a legitimate business or educational need-to-know in order to perform their duties at Saint

Mary's. Inappropriate sharing of confidential information may result in disciplinary action up to and including termination. In order to underscore the importance of compliance with this obligation of employment at the College, all new staff employees will be required, as a condition of employment, to sign a Confidentiality Agreement. While staff currently employed may not be required to sign a separate Confidentiality Agreement, all current employees must comply with the College's policy on the confidentiality of College information and employee and student privacy.

2.14 Prohibited Conduct

As a College employee, you have an obligation to the College and to your fellow employees to adhere to certain rules of acceptable behavior and conduct which allow all employees to work together efficiently, effectively, and harmoniously. The College expects each individual to act in a civil, ethical, truthful, professional and responsible way at all times.

Prohibited Conduct will not be tolerated by Saint Mary's. College employees who engage in prohibited conduct are subject to disciplinary action, up to and including termination. The list that follows is illustrative only; other types of conduct injurious to security, personal safety, employee welfare or the College's operations may also be prohibited. This list does not in any way alter the College's policy of at-will employment. In addition, this list does not constitute any limiting definition of "cause" or "grounds" for termination. The College does not limit its ability to discipline its employees by taking whatever action the College, in its sole discretion, deems to be appropriate and in the best interest of the College, up to and including termination. The College retains its right, inherent in the concept of employment at will, to terminate the employment relationship, with or without cause or notice.

Examples:

1. Breach of confidentiality or violation of student or employee privacy
2. Committing a fraudulent act, dishonest act or breach of trust
3. Forgery or alteration of documents
4. Unauthorized alteration or manipulation of computer files
5. Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community

Section 2 – Employee Conduct And Responsibilities

6. Authorizing or receiving compensation for goods not received, services not performed, or hours not worked
7. Theft, misappropriation or misuse of College funds or property
8. Furnishing false information or credentials on employment application, resume, vitae or subsequent falsification of records
9. Harassment of or physical violence against others
10. Violation of College policies prohibiting discrimination and harassment
11. Lying in connection with or during the course of an internal investigation
12. Rude, abusive or inappropriate conduct toward visitors, coworkers, managers, students
13. Engaging in conduct, including conduct that may be illegal, that is detrimental to the reputation of the College, whether or not related to College business; or conduct that has a negative impact on the welfare of students, employees, vendors or visitors
14. Possession, use, sale, or distribution of illegal drugs, controlled substances or drug-related paraphernalia on campus
15. Consumption of alcoholic beverages during the employee's work day or being under the influence of alcohol or other drugs to the extent that the employee is unable to perform satisfactorily the responsibilities of his/her position
16. Reporting to work or working in any condition which interferes with the employee's efficient, professional and courteous conduct of his/her job responsibilities
17. Failure to work safely or to report promptly any job-related accident or injury
18. Insubordination, including failure to comply with management's instructions, as long as instructions do not violate College policies or applicable laws and regulations
19. Failure to meet performance expectations or to follow work rules
20. Excessive or unverified absenteeism or tardiness or unreported absence of three or more days

2.15 Workplace Conditions

2.15.1 Drug-Free Workplace and Alcohol Use Policy

In accordance with applicable law, the College seeks to maintain a safe, healthy, and productive environment for its employees, students and others who may visit or work at the campus.

The use and abuse of alcohol and drugs pose a serious risk to the physical and emotional health of an individual and can negatively impact one's professional and private life, as well as the life of the College.

- Potential health risks include, but are not limited to:
- Confusion, hallucinations, paranoia, deep depression
- Cardiac irregularities and hypertension
- Neurological damage
- Organ damage, including cirrhosis of the liver
- Increased cancer risk
- Malnutrition

Therefore, the purchase, possession, use, distribution, or manufacture of illegal drugs and the possession and use of unauthorized alcoholic beverages on College premises or as part of any College activity is prohibited, except where alcohol is authorized and served at a College-sponsored function to persons age 21 or older and in compliance with applicable law. Other than as permitted under this policy, consumption of alcoholic beverages is not permitted in any classroom building or within public areas of the College. (For more detailed information on the College's alcohol and drug policies governing students, see the Student Handbook.)

For purposes of this policy, illegal drugs are drugs that cannot be obtained legally, as well as drugs that are legally obtained, but used for illegal purposes or abused. Local, state and federal laws establish severe penalties for unlawful possession or distribution of illicit drugs and unauthorized alcohol. Some examples of those laws are:

- Purchase, possession or consumption of alcohol by a person under age 21 is prohibited.

Section 2 – Employee Conduct And Responsibilities

- Providing or selling alcohol to someone under age 21 or to any obviously intoxicated person is prohibited.
- Except under authority of a California Alcoholic Beverage Control License, selling alcoholic beverages, either directly or indirectly, is prohibited.
- Purchase, possession or use of illegal drugs is prohibited.
- Driving on campus or driving a College-owned, -leased or -rented vehicle under the influence of alcohol, illegal drugs, prescription drugs or over-the-counter products that impair driving ability is prohibited.

If prescribed or non-prescribed drugs which the employee must take for reasons of health interfere with his/her job performance or endanger the safety of others, the employee must take a medical leave of absence, make other arrangements to be away from his/her position or, *in some circumstances* request an accommodation in the work environment and/or the job until the condition improves. If the employee requests an accommodation, the College will require appropriate professional documentation regarding the employee's drug or alcohol related condition and will determine if the accommodation requested is reasonable under the circumstances presented.

The College reserves the right to require testing for drugs or alcohol when the College has a reasonable suspicion that an individual employee is impaired by drugs or alcohol or following an accident or safety violation. *Reasonable suspicion means suspicion based on information or observation of, among other things, the appearance, behavior, speech, attitude, mood and/or breath odor of an employee.*

Whenever a violation of this policy or the active use of any drug, including alcohol, adversely affects either the employee's job performance, or the job performance or safety of others, the College will take disciplinary or other corrective measures including termination and possible referral for criminal prosecution.

Employees concerned about their life and health relative to alcohol and/or drug use, are urged to contact the College's Employee Assistance Program (EAP) at 1-888-492-9355. The EAP assures all employees of confidential counseling for drug and alcohol problems, as well as for stress, marriage, children, emotional and relationship problems.

2.16 College Intellectual Property

Any work created by a Saint Mary's employee, or under a Saint Mary's employee's direction, in connection with his/her work at the College shall be the sole property of Saint Mary's, with any and all copyrights and other proprietary interests in those works belonging to the College. In addition, Saint Mary's policy on the general confidentiality of College related information applies to all such works. All materials furnished to employees by Saint Mary's College, and all materials prepared by employees in connection with their employment by the College, including but not limited to computer software and documentation, shall be returned promptly to the College upon termination of employment.

2.17 Computers, Cell Phones and Other Electronic Devices

Saint Mary's provides access to electronic information and computing resources for students, Christian Brothers, faculty and staff. The College has developed a comprehensive policy on these issues, entitled "Technology Use Policy," which is included as appendix A to this Handbook. Each employee is expected to be familiar with, and must abide by, this Policy.

Note in particular that personal information and messages relayed and/or stored in these systems are subject to restrictions placed upon College-related information and messages. *Employees and students should not have expectations of privacy concerning any communications using College equipment.*

The College's technology resources may not be used for commercial ventures, political causes, outside organizations unrelated to the employee's employment at the College, or other non-job related solicitations. Furthermore, those resources are not to be used to create, access or transmit offensive or disruptive messages, including messages of a sexual nature or derogatory comments about age, race, sexual orientation, gender, religious or political beliefs, national origin or disability. Employees are expected to reimburse the College for personal use of College equipment such as cell phones.

Cellular phones, PDA's, pagers, and other electronic devices shall not be used in a manner that causes disruption in the classroom, library or within any College-owned, controlled or operated facility. This includes the use of cellular devices with photographic capabilities. Utilizing these devices for the purpose of photographing individuals in secured and/or private areas including but not limited to lavatories, dressing rooms or locker rooms, or other forms of illegal activity is

prohibited. Taking photographs of any individual without his/her prior consent is prohibited. Employees are asked to be sensitive to their environment and courteous to those around them when using this equipment.

Any questions related to this Policy should be directed to the College's Chief Technology Officer.

2.18 Pets on Campus

No pets are allowed on campus. This prohibition on pets does not apply to guide dogs or service animals that are serving in such capacity while on campus.