

Syracuse University Short Term Staff Handbook



February 2009

Welcome to Syracuse University

Although your position may be short-term, your contributions are valued and there are certain rights and responsibilities associated with your role.

This handbook is intended to acquaint you with some of the University's key employment and respectful workplace policies. The policies printed herein were current as of the date of publication. The most complete and updated University policies can be found in the online Syracuse University Policies web site, <http://supolicies.syr.edu>. Procedures and contact information for policies administered by Human Resources (HR) policies are available on the HR web site <http://humanresources.syr.edu>. In the event of a conflict between the policies in this handbook and the online policy web site, the policy site controls. Any questions or concerns regarding personnel policies or other employment issues may be addressed to a Human Resources representative.

We hope you enjoy your SU employment experience.

Sincerely,
The Office of Human Resources

Syracuse University Motto

The Syracuse University motto appears in latin on the University seal:
"Knowledge crowns those who seek her."

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Non-Discrimination, Equal Employment Opportunity and Affirmative Action

In recognition of Syracuse University's responsibility to conduct its personnel policies, practices, procedures, and programs in a bias-free manner, it is hereby reaffirmed that the policy of Syracuse University is to recruit, employ, renew, retain, tenure and promote employees on the basis of ability, potential, and valid qualifications without regard to race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, veteran status, or any other status protected by applicable law to the extent prohibited by law. Furthermore, Syracuse University shall not discriminate against any disabled employee or applicant in regard to any position for which the employee or applicant is otherwise qualified. Consistent with this declaration, Syracuse University will continue to be responsive to the Equal Employment Opportunity and Affirmative Action guidelines established under Federal Executive Order 11246, Sections 503 and 504 of the Rehabilitation Act, the Vietnam Era Veteran's Readjustment Assistance Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the New York Human Rights Law, and other related statutes and regulations in carrying out this policy. In this regard the University will continue to strive to eliminate impermissible discrimination in all its forms, intentional or inadvertent, with respect to all personnel decisions, procedures, and actions, including compensation, benefits, transfers, layoffs, returns from layoff, University sponsored training, educational, tuition assistance, social and recreational programs.

This policy of Equal Employment Opportunity applies equally to all job categories and all levels of appointments.

Employee Anti-Drug and Alcohol Abuse Policy

Syracuse University prohibits:

- The unlawful manufacture, distribution, sale, purchase, possession, or use of any drugs or controlled substances by its employees on its owned, operated, or controlled property or any other location.
- Possession of drug paraphernalia.
- The unlawful service, distribution, sale, possession, consumption, or other unlawful use of alcoholic beverages.
- Unlawful behaviors involving alcohol, drugs or controlled substances including, but not limited to, underage drinking; public intoxication which impacts the University; driving under the influence of alcohol or drugs; and manufacturing, distributing, and using false identification.
- Purchase and distribution of medication, including but not limited to over-the-counter pain relievers contained in first aid kits, except for authorized University medical care units.

Any full-time, part-time, temporary or contracted employee who operates a Syracuse University owned, leased or rented commercial motor vehicle and who is required by law to have a commercial driver's license (CDL) to perform his/her job duties must comply with the Syracuse University Drug and Alcohol Testing Policy. The University's drug and alcohol testing policy for CDL drivers complies with the Federal Department of Transportation Employee Testing Act.

Alcoholic beverages may be served on University owned, operated, or controlled property or at University-sponsored events only in specifically licensed locations and private University residential units of persons of legal drinking age, provided the host is present and follows University policy. University funds may be used to purchase alcoholic beverages where lawful and in accordance with other applicable University policies. With the exception of events held at the Carrier Dome, Syracuse Stage, Drumlins, and the Inn Complete, etc., or as otherwise authorized by University policy, all on-campus events held on University owned, operated, or controlled property where alcoholic beverages are sold or served must be catered by Campus Catering in accordance with its Catering Alcohol Policy, or another licensed University service provider.

Employees who violate this policy will be subject to appropriate disciplinary action, which may include counseling, mandatory participation in an appropriate rehabilitation

Employee Anti-Drug and Alcohol Abuse Policy Continued

program, a warning, placement on strict probation, unpaid suspension from employment, termination of employment and/or referral to the proper law enforcement authorities for prosecution. All disciplinary procedures and appeals presently applicable to employees will continue to be available for violations of this policy.

Drug-Free Workplace Act of 1988

Because Syracuse University is a federal grant recipient and/or a federal contractor within the meaning of the Drug-Free Workplace Act of 1988, it is required to take steps toward maintaining a drug-free workplace. University policy is as follows:

1. The University prohibits employees to engage in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace. Any employee engaged in such prohibited conduct, or convicted of a crime involving a workplace drug violation, will be subject to discipline, up to and including discharge. The University will weigh all relevant facts and circumstances in reaching a decision to discipline. Without regard to, and independent of its decision to impose discipline, the University retains the right to require that a covered employee who engages in prohibited conduct participate in, and successfully complete, a drug abuse assistance or rehabilitation program. In addition, as a condition of continued employment under a federal contract or federal grant, covered employees must report to the University Office of Human Resources within five days of any criminal conviction for a workplace drug violation. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of State or Federal criminal drug statutes.
2. Nothing contained in this policy statement concerning employees will be construed to limit, or in any way restrict, the University's treatment of drug-related incidents involving any of its employees.
3. The University will establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and to review the University's commitment to maintenance of a drug-free workplace within the meaning of the Act, as well as the penalties that may be imposed on employees for drug abuse violations. In addition, the drug-free awareness program will apprise employees of the availability of drug and alcohol rehabilitation counseling through Syracuse University's Faculty and Staff Assistance Program (FSAP)", and will review with covered employees relevant services available through the program.

4. Employees will be provided with a copy of this policy statement and will be required to acknowledge receipt of this policy in writing.

In addition, the University maintains a policy on Alcohol, Other Drugs and Tobacco. That policy, as may be amended from time to time, and this policy shall govern conduct in the area of drugs and alcohol. The University's policies meet the requirements of the Drug-Free Schools and Communities Act, as amended.

New York State Workers' Compensation

An employee who sustains a work-related injury or illness may be eligible for benefits in accordance with New York State Workers' Compensation Law. The employee must report the incident immediately to his or her supervisor. The employee and his or her supervisor must complete a Workers' Compensation Accident/Illness Report Form within 24 hours of the work-related injury or illness, and the supervisor must file the Form with Risk Management within the same 24 hour period.

An employee absent for five consecutive workdays must submit a return to work form completed by the employee's supervisor and the employee's physician to Risk Management upon returning to work. Restrictions recommended by the physician may result in a mandatory return to work physical for the employee.

No Solicitation of or Distribution to Employees

Solicitation of employees or distribution of advertising materials, handbills, or printed or written literature of any kind to employees on the premises of Syracuse University by persons who are not University employees is prohibited at any time.

Solicitation by one University employee of another employee for any purpose is prohibited while either employee is on his or her working time. ("Working time" does not include meal periods, authorized rest breaks or any period when employees are properly not engaged in the performance of their work tasks.) Distribution by University employees of advertising materials, handbills or printed or written literature of any kind to other employees during working time or in working areas is prohibited.

Non-Discrimination in Employment on the Basis of Disability

Syracuse University does not discriminate against any employee or applicant for employment because of his or her physical or mental disability, as state and federal law define

Non-Discrimination in Employment on the Basis of Disability Continued
those terms. The University has a policy of employing, advancing in employment, and otherwise treating qualified individuals with disabilities without discrimination based on their physical or mental disabilities in all University employment practices. It is the University's policy that all employment decisions should be based on valid job requirements.

The Office of Human Resources is responsible for the implementation of The Americans with Disabilities Act ("ADA") (1990 federal law enacted, with implementation by 1992); the Rehabilitation Act of 1973, Amended; and the New York Human Rights Law (enacted 1945, with subsequent amendments including the Reasonable Accommodation amendment, January 1998) for Syracuse University job applicants and employees. The ADA, the Rehabilitation Act, and the New York Human Rights Law protect qualified individuals with disabilities from employment discrimination. Under these laws an individual with a disability is a person who has:

- A physical or mental impairment that substantially limits one or more life activities (e.g., walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself); or
- A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnosis techniques; or
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

The law and regulations define "qualified" as "a person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the position."

Reasonable Accommodation

The University makes reasonable accommodations to the known physical and mental disabilities of otherwise qualified disabled individuals unless such an accommodation would impose an undue hardship. A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee or applicant without a disability. The University also protects applicants and

employees from coercion, harassment, threats, intimidation or discrimination for filing a complaint or assisting in an investigation. The University will adhere to all applicable laws and standards governing disability discrimination and reasonable accommodations.

Non-Discrimination and Anti-Harassment in Employment

Syracuse University has a policy of employing, advancing in employment, and otherwise treating individuals without discrimination or harassment on the basis of race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, veteran status, or any other status protected by applicable law to the extent prohibited by law. The University prohibits any such discrimination or harassment.

Under this policy, harassment is verbal or physical conduct, or written or electronic communications that denigrate or express hostility or aversion toward an individual because of his or her race, color, creed, religion, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, veteran status or any other status protected by applicable law to the extent prohibited by law, and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment.

Harassing conduct includes, but is not necessarily limited to:

- epithets, slurs or negative stereotyping.
- threatening, intimidating or hostile acts.
- denigrating jokes.
- written or graphic material that denigrates or shows hostility or aversion toward a group or an individual believed to be part of a particular group.
- written or graphic material that is placed on walls or elsewhere on University premises, or is circulated in the workplace.
- using electronic equipment to distribute, view, or otherwise disseminate materials or messages that are abusive, profane, threatening, defamatory or offensive.
- conditioning employment terms on submission to harassing conduct, sexual advances, requests for sexual favors, etc.

Non-Discrimination and Anti-Harassment in Employment Continued

In addition, no person will be subject to discipline, retaliation, intimidation, or any other adverse treatment because he or she makes a complaint of discrimination or harassment in good faith or has participated in the investigative process in any way. Employees who believe that they are being discriminated against and/or harassed should promptly report such harassment to any one of the following:

- His or her immediate supervisor, the supervisor's supervisor, or a dean;
- Office of Human Resources staff including:
 - The Assistant Director of Employment Practices and Equal Employment Opportunity;
 - The Recruitment and Diversity Specialist;
 - The Manager of Staff Relations and Recruitment;
 - The Sexual Harassment Officer; or
 - Any other member of the Office of Human Resources.

Upon a report of discrimination and/or harassment, the University will conduct a prompt and thorough investigation of the allegations. Upon completing the investigation, the University will take appropriate corrective action consistent with the results of the investigation. Disciplinary action, up to and including discharge, may be taken against employees who violate this policy.

This policy applies to all applicants, employees, and outside vendors and consultants during the course of business with the University. The University also maintains a separate Sexual Harassment Prevention Policy, and a separate Non-discrimination in Employment on the Basis of Disability Policy. Policies related to prohibited behaviors apply in the workplace and in any work-related setting outside the workplace, such as during work-related trips, work-related meetings and work-related social events.

Sexual Harassment Prevention Policy

Syracuse University is committed to maintaining a learning, research, living, and work environment free of sexual harassment. This policy statement expresses that commitment in unequivocal terms, defining prohibited conduct and offering a more integrated approach to violations. The specification of prohibitions, cautions, and remedies in this document, however, should be read in light of the University's basic commitment to preventing sexual harassment through education. Sexual harassment corrodes the values most central to the mission of this University. Avoiding its occurrence is of the highest priority.

Sexual Harassment Prevention Policy Continued

Legal Basis For Action

The Equal Employment Opportunity Commission (EEOC), the Department of Education, Office of Civil Rights (“OCR”), and the courts have interpreted the federal civil rights laws (Title VII of the Civil Rights Act and Title IX of the Higher Education Amendments) to prohibit sexual harassment in institutions of higher education. New York State also prohibits sexual harassment through its Human Rights Law. Both state and federal law treat sexual harassment as a form of prohibited sex discrimination. Syracuse University is under an obligation to take effective action to prevent and correct sexual harassment by or against members of the Syracuse University Community.

Definition

Based upon these laws, Syracuse University defines sexual harassment as unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating or hostile environment for study, work, or social living. The policy covers activity both on campus and off.

The courts have recognized two forms of sexual harassment claims under Title VII of the Civil Rights Act of 1964: “quid pro quo” claims and “hostile environment” claims.

The “quid pro quo” claim (literally “this for that”) involves harassment in which a supervisory employee or academic superior demands sexual favors in exchange for job or academic benefits over which that supervisor has some control or influence.

The “hostile work environment” claim involves unwelcome behavior of a sexual nature that creates an intimidating, hostile environment. This standard prohibits not only behavior intended to create a hostile environment, but also behavior that has the reasonably foreseeable effect of interfering with an individual’s work, academic performance, or social living. Anyone who contributes to the creation of a “hostile work environment” may be held liable for sexual harassment, including the employer or its agents, if they knew of or reasonably should have known of the harassing conditions. This policy applies to all relationships between Syracuse University faculty, staff, graduate, undergraduate students, and administrative personnel, including student-to-student interaction. State sexual abuse laws may also apply in cases of unwanted touching or other activity or actions.

Sexual harassment as a concept encompasses the full range of coercive, unwelcome

Sexual Harassment Prevention Policy Continued

behavior, from subtle psychological force, to gross physical abuse. These acts may be visual (such as leering, ogling, and physical gestures conveying a sexual meaning), verbal (e.g., sexual innuendoes, suggestive remarks, sexually derogatory jokes), written (e-mail, cartoons or letters), or physical (such as hugging, pinching or fondling). Sexual harassment also includes requests for sexual relations combined with threats of adverse consequences if the man or woman refuses. What these behaviors have in common is that they focus on men and women's sexuality and/or gender, rather than on their contributions as students or employees in the University.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient. For example, a single suggestion that academic, other educational, or employment rewards or reprisals will follow the granting or refusal of sexual favors, may constitute sexual harassment and grounds for action under this policy.

Other Types of Harassment

There may be situations where employees or students believe that they are being subjected to a work or educational environment that for one reason or another is hostile or inappropriate, but does not meet the narrow definition of sexual harassment under the law and this policy. For example, students or employees may experience harassment or a hostile environment due to race, religion, national origin, age, disability, sex, marital status, sexual orientation, or conduct which is simply harassing or bullying. Depending upon the circumstances, this type of conduct can be as bad or worse than a hostile environment caused by sexual harassment. Although such conduct is not covered by the definition of sexual harassment or this policy, it is still prohibited by other University policies and, depending upon the conduct, may be prohibited by state and/or federal law. The University has a number of problem referral procedures, formal and informal, which may be used to address non-sexually harassing conduct that nonetheless creates a hostile environment. Depending upon the nature of the problem and the persons involved, these procedures include:

All members of the University community (staff, faculty, students) may bring complaints of discrimination or harassment to:

- i. someone in a supervisory capacity such as Deans, Department Chairs, Administrators,

Sexual Harassment Prevention Policy Continued

Supervisors, etc.

- ii. the Office of Human Resources, including the Office of Diversity and Resolution Process; and
- iii. the Affirmative Action Grievance Committee

Additional resources and information on how to address sexual harassment may be obtained from:

- i. Office of Student Affairs (students only)
- ii. the Senate AFTPE Committee (faculty only); and
- iii. the Office of Human Resources, including the Office of Diversity and Resolution Process (faculty and staff).

The University is committed to insuring that its employees are permitted to work and its students are permitted to learn in environments that are free from all types of inappropriate and harassing conduct that have the purpose or effect of preventing those goals.

Scope of Policy

This policy applies to a broad range of behaviors by members of the University community. It covers sexual harassment that occurs by itself or is accompanied by behavior that is otherwise discriminatory; it also provides an avenue of redress for those who suffer ill effects from harassment directed at others (third-party harassment). Staff whose own performance was adversely affected by the sexual harassment of another staff member in their work area, for example, might have a claim.

Consensual Relationships

Sexual relationships that might be acceptable in other circumstances always pose inherent risks that they will result in sexual harassment when they occur between any teacher, supervisor, or officer of the University and any person for whom he or she has a professional responsibility. These relationships are fundamentally asymmetric and are known to lead to some of the worst abuses of staff, graduate and undergraduate students. Sexual relationships that occur outside the instructional context or work can also lead to difficulties. Administrators, supervisors, faculty members, and graduate assistants of the University thus need to hold themselves to a high professional standard and avoid sexual relationships with the students and subordinates with whom they work, recognizing that such relationships pose a professional conflict of interest that may make it difficult, if not impossible to carry out their role as educators or supervisors.

The danger that sexual harassment will occur is particularly strong in relationships between teachers and students they are teaching. The relationship puts the student in a vulnerable position and creates a problematic learning environment for other students who become aware of the relationship. Professionalism within the University demands that those with authority not abuse, nor seem to abuse, the power with which they are entrusted. This policy thus prohibits individuals employed by Syracuse University from pursuing sexual relationships with undergraduate students they teach. This policy strongly discourages faculty sexual relationships with graduate students as well as relationships between a supervisor and a subordinate whose work that individual supervises. The policy requires reporting these relationships, when they occur, to an appropriate supervisor who will then arrange for other forms of evaluations or monitoring, where necessary. In the context of a complaint, there will be no presumption that the relationship was welcome to the graduate student, or staff member. Even where the faculty member in this type of relationship is not teaching, advising, or supervising a student, the faculty member should be aware of the constant possibility that he or she may unexpectedly be placed in a position of such responsibility and should therefore report the relationship to their department chair.

Academic Freedom

Syracuse University strongly supports and protects the principle of academic freedom. All faculty members of the University community have a right to use the academic forum provided by the University to discuss controversial subjects and to express ideas with which some or most of the members of the community strongly disagree. Sexual harassment is not about voicing unpopular ideas. It is a form of intimidation that is unprofessional and that can silence some members of the University community. As the American Association of University Professors states in its policy statement on sexual harassment: "Intimidation and harassment are inconsistent with the maintenance of academic freedom on campus. This statement is no less germane if one is being made unwelcome because of sex, rather than unwelcome because of race, religion, politics, or professional interests." (Academe, September-October 1990, pp. 42-43.)

Record Keeping and Confidentiality

The record-keeping procedures outlined here are designed to protect the confidentiality of individuals to the maximum degree consistent with protection of the Syracuse University community against future sexual harassment. The Sexual Harassment Officer will keep

Sexual Harassment Prevention Policy Continued

detailed records of complaints and responses filed, and of dispositions of contested cases in a locked file. This material is subject to disclosure only as required by applicable law.

Policy Against Retaliation or Reprisals

Reprisals or retaliation against persons who initiate or support action against sexual harassment are strictly forbidden and will be grounds for severe disciplinary action. In an ongoing investigation, evidence of reprisals or retaliation may suggest that sexual harassment has occurred. The Sexual Harassment Officer will advise respondents, hearing panels, and supervisory personnel about means of preventing the occurrence of retaliation or reprisals.

Limitations on Actions

Persons who remain in the University community may invoke this grievance procedure for incidents occurring up to two years previously. If a person severs his or her relationship with the University (through graduation, change of job, etc.) that time frame is shortened by the requirement that such persons initiate these procedures within six months of the date of severance or two years from the occurrence, whichever is earlier.

While this policy applies to the University's overseas programs and to internship and fieldwork experiences sponsored by the University, it is subject to adaptation as appropriate to these settings.

Role of the Sexual Harassment Officer

This person is responsible for educating the University community about sexual harassment, implementing this policy, and eradicating sexual harassment. The Officer will provide assistance to persons who believe they are victims of sexual harassment; conduct investigations and take appropriate corrective action in order to eliminate sexual harassment; train all relevant personnel; supervise, implement, and monitor the procedures described here; maintain accurate, secure records. The Officer shall cooperate with the appropriate University Senate oversight committees. In all matters concerning faculty members, the officer and the Chair of the Senate Committee on Academic Freedom, Tenure, and Professional Ethics shall work in consultation with each other. The Officer is appointed by and reports to the Chancellor concerning sexual harassment matters.

In addition to the procedures that follow, anyone who thinks he or she is being sexually harassed may call the Sexual Harassment Officer to ask questions and seek clarifications

and guidance (with or without filing an actual complaint).

Smoke-Free Workplace Policy

In compliance with the New York State Clean Indoor Air Act, as amended, all indoor areas of the workplace are smoke-free without exception. The purpose of the policy is to protect all employees and visitors from secondhand smoke, an established cause of cancer and respiratory disease.

Smoking is not permitted anywhere in the indoor workplace, including without limitation, University-owned or hired vehicles, private enclosed offices, conference and meeting rooms, cafeteria areas, lunchrooms and employee lounges.

Compliance with the Smoke-Free Workplace Policy is mandatory for all employees and persons visiting the University, with no exceptions. Employees who violate this policy are subject to disciplinary action.

This handbook does not constitute or imply a contract of employment, nor an agreement for continued employment. A short-term employee has the right to end his or her employment with the University at any time, for any reason, and the University reserves this same right.

In addition, the University reserves the right to exercise judgment in establishing and administering policies, and retains the discretion to construe any ambiguous or disputed provision. The University also reserves the right to modify, revoke, suspend, terminate, or change any and all policies and procedures, in whole or in part, at any time and from time to time, without notice.