

# General Employment Policies

## 1. EMPLOYMENT AT WILL

Iowa is an employment at will state, which means that either party can terminate the employment relationship with or without notice and with or without cause absent a written agreement to the contrary. In the absence of a written agreement to the contrary Simpson College follows the doctrine of employment at will.

## 2. BACKGROUND CHECK

In the hiring process selection decisions will be made using a variety of information regarding candidate's background and work experience. During this process Simpson College reserves the right to complete a thorough background check on prospective employees. Background checks may include, but are not limited to, criminal background checks, security clearance, past employment, and education. When using a consumer agency to procure this information, Simpson College will comply with the standards set forth in the Fair Credit Reporting Act. The information obtained during this process will be reviewed and used only as it is relevant to the hiring decision for the position the candidate has applied. A candidate's background information will only be given to those individuals who are deemed in the "need to know", which would include but not limited to, the search chair, divisional vice president and College president. A signed authorization and release form must be obtained and on file prior to obtaining a criminal background check. An applicant's failure to provide a signed release will render the applicant ineligible for further consideration for employment.

## 3. EQUAL EMPLOYMENT OPPORTUNITY

Simpson College is committed to the concept of equal employment opportunities and nondiscrimination. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Simpson College are based on merit, qualifications and abilities. Simpson College does not unlawfully discriminate on the basis of sex, race, color, religion, creed, national or ethnic origin, age, pregnancy, sexual orientation, gender identity, genetic information, disability or veteran, or veteran disability status, or any other characteristic protected by law in the administration of its employment policies or practices.

In an effort to achieve equal employment opportunities, qualifications deemed necessary for each open position shall be developed and set forth by the supervisor of the position. Applicants for open positions shall be selected based solely on their merit as measured against those articulated job qualifications. All available positions shall be appropriately advertised both on and off campus, and carry the EOE slogan.

Employees with concerns about discrimination in the workplace should first bring their concerns to the attention of their immediate supervisor. If no resolution is reached at this level the concern should be brought to the attention of the Director of Human Resources. If resolution is still not reached either or both parties may refer the problem to the President for resolution. Employees who raise good faith concerns are assured they will not be subjected to retaliation or reprisal.

Employees found to be engaging in any type of unlawful discrimination may be subject to disciplinary action, up to and including termination of employment.

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## 4. Simpson College Staff Grievance Policy

### **Policy Statement**

Simpson College is committed to treating staff consistently in the application of policies and procedures and seeks to address problems and concerns in a timely manner. The College provides the following grievance procedures to promote prompt reasonable resolutions to issues raised by staff.

### **Definition**

A grievance is an official statement of a complaint about an act or decision of the College affecting an employee, which the employee believes to be an unjust violation of College policy or procedure. Complaints that have subject matter already covered by other College processes, as outlined in the Simpson College Academic Catalog, the Faculty Handbook, or the Employee Handbook are outside the scope of this Grievance Policy.

A grievance is not a claim of:

Possible discrimination or harassment on the basis of sex, race, color, religion, creed, national or ethnic origin, age, pregnancy, sexual orientation, gender identity, genetic information, physical or mental disability, or status as a veteran or disabled veteran, or any other characteristic protected by law, or retaliation for filing a complaint or participating in the investigation of a complaint of discrimination or harassment.

The College has existing policies describing how such claims will be handled.

The Office of Human Resources will determine whether a filed grievance is within the scope of this policy, or appropriately handled under another procedure.

### **Grievance Resolution Process**

If an employee has a grievance to be resolved, the employee should begin with the informal step. The following timeline has been established to assist in handling matters expeditiously:

#### **Step I – Informal Step**

In many situations, disputes over the application or interpretation of policy can be resolved through communication between parties involved. As such, the first step in the grievance resolution process is a discussion between the employee and their supervisor.

To initiate the informal resolution process, the employee should bring the matter to the attention of their immediate supervisor, either verbally or in writing, explaining the nature of the problem and the relief sought. The grievance must be filed within 5 working days of the event(s) that lead to the grievance. This step occurs with the employee filing the grievance with their immediate supervisor. The supervisor should then respond within three business days, if possible. If the supervisor provides a verbal response, the supervisor should also prepare a written response to record the receipt of the grievance and any action taken.

In situations where the Divisional Vice President is the direct supervisor, the informal step may be waived. However, if the employee would rather proceed directly to step two below the employee may do so. The employee should submit their grievance in memo form to the Office of Human Resources. An appeal panel will be called to hear the grievance and provide a written recommendation to the President consistent with the procedures outlined in Step II below.

#### **Step II – Formal Step**

If the informal procedure fails to resolve the grievance to the employee's satisfaction and further action is deemed appropriate, the employee may proceed to Step II by submitting a written statement (memorandum) to the Director of Human Resources. This statement should be filed no later than 14 calendar days after the receipt of the supervisor's response. This statement should outline the relevant facts that form the basis of the employee's grievance,

indicating the College policy that had allegedly been violated, and stating the resolution sought. The statement should also identify the supervisor who was involved in the informal step.

1. Upon receipt of the employee's written statement, the Director of Human Resources will:
  1. Advise the employee's divisional vice president or chair of the grievance and determine if the Step I procedure was followed. (If the Step I procedure was not followed, a referral back to Step I may be made unless the designated office determines such a referral is not likely to resolve the matter.)
  - b) Begin the process of forming a three member grievance panel, that will be responsible for hearing the grievance and providing a written recommendation to the President.

**Members of the panel shall be chosen as follows:**

- a. The supervisor and the employee will each submit the names of three fellow employees (in order of preference) from a list of individuals identified as willing to serve on an appeal committee. The list will be individuals, appointed by the President, who are serving two year appointments to hear grievance matters. The director of human resources will first identify an appeal committee member from the list submitted by the employee, based on the employee's preference and the availability of that person. The second committee member will be identified in the same manner from the list submitted by the supervisor.
- b. The third committee member will be selected by the committee members named in the prior step. This individual will act as chair. If the two committee members cannot agree on a third member, they will number in ascending order their preference from the potential pool of employees who are serving on grievance hearings. The person receiving the lowest sum from the two lists will be appointed to the committee and act as chairperson.

Members of the appeal committee need to be impartial. They are not representatives of the party selecting them. If any committee member feels they cannot hear the grievance and give an unbiased opinion they should excuse themselves. A replacement will be selected using the process described above.

After the appeal committee has been formed, the chairperson will designate a date and place to hear the grievance. The Office of Human Resources will assist the chairperson in the administrative arrangements and will be present for the hearing.

If the employee wishes, a fellow College employee may accompany them to the meeting to provide support. However, this effort at resolution is not to be regarded as an adversarial proceeding and is not subject to the legal procedures of a court of law. The presence of legal counsel at the meeting will not be permitted. Note taking is allowed, but audio recording of the meeting is prohibited.

The function of the appeal committee shall be to determine, based upon the facts, whether or not the College followed its policy in the manner in which the employee was treated.

The appeal committee will:

1. Prior to the hearing, be given all the documents prepared in Steps I and II above.
2. Both parties will be allowed to present all relevant facts directly to the committee and will present witnesses who have direct knowledge of the facts and can offer information about the grievance.
3. The meetings will be conducted privately.

4. The committee shall draft a recommendation based on the stipulated facts and the evidence brought forth during the appeal hearing.

The written recommendation from the appeal committee will be reported to the President within 15 working days after the conclusion of the appeal meeting.

The appeal committee's recommendation will be consistent with College policy and will be advisory to the President, whose decision will be final and not subject to review under any other grievance procedure in force at the College. Copies of the President's decision will be provided to the employee, supervisor, divisional vice president, and Director of Human Resources.

The College shall not be responsible for any expenses associated with the appeal process which an employee may incur.

### **Remedies**

At each step in the grievance resolution process, the individual representing the College may fashion an appropriate remedy that is consistent with their authority.

### **Documentation**

There are no specific documents or forms to be used under this policy. As stated, there are a number of times where written communication is required. That communication will typically take the form of a memorandum.

### **Non-Retaliation Statement**

Retaliation, or attempts to retaliate, against any individual who files a grievance or participates in any step of this procedure is prohibited. Any person undertaking or attempting any retaliatory conduct is subject to disciplinary action, up to and including possible termination of employment, consistent with the employee's status, and College procedure and policy.

## **5. EMPLOYEE COMPLAINT PROCEDURES FOR ACCOUNTING AND AUDITING MATTERS**

Any employee of the College may submit a good faith complaint regarding accounting or auditing matters to the President of the College without fear of dismissal or retaliation of any kind. The College is committed to achieving compliance with all applicable accounting standards, accounting controls and audit practices. The Audit and Compliance Committee of the College's Board of Trustees will oversee treatment of employee concerns in this area.

In order to facilitate the reporting of employee complaints, the following procedures are established for (a) the receipt, retention and treatment of complaints regarding accounting, internal accounting controls, or audit matters ("Accounting Matters") and (b) the confidential, anonymous submission by employees of concerns regarding questionable accounting or auditing matters.

### **Receipt of Employee Complaints**

- Employees with concerns regarding Accounting Matters may report their concerns to the President of the College in person or via telephone, e-mail, or regular mail.
- Employees with concerns about Accounting Matters implicating the President of the College may report their concerns directly to the chair of the Audit and Compliance Committee via telephone, e-mail or regular mail as follows:

## **Deanna Strable–Soethout**

Executive Vice President and Chief Financial Officer

Principal Financial Group

Mail Flow 711–6A36

711 High Street

Des Moines, Iowa 50392

515–247–5514

[strable.deanna@principal.com](mailto:strable.deanna@principal.com)

- Alternatively, employees with concerns regarding Accounting Matters may report their concerns to Campus Conduct Hotline by calling 1–877–943–5787. Campus Conduct Hotline is operated by an independent company and no one at Simpson College will hear the caller’s voice. Callers may choose to provide their name or remain totally anonymous.

### Scope of Matters Covered by These Procedures

These procedures relate to employee complaints relating to any questionable accounting or auditing matters, including, without limitation, the following:

- fraud or deliberate error in the preparation, evaluation, review or audit of any financial statements of the College;
- fraud or deliberate error in the accounting and maintaining of financial records of the College;
- deficiencies in or noncompliance with the College’s internal accounting controls;
- misrepresentation or false statements to or by a senior administrator or accountant regarding a matter contained in the financial records, financial reports or audit reports of the College;
- deviation from full and fair reporting of the College’s financial condition;
- Improper financial transactions, including kick backs or financial conflicts of interests; or
- Employee theft or misuse of college property or assets.

### Treatment of Complaints

- Upon receipt of a complaint, the President or Chair of the Audit and Compliance Committee, as applicable, will (i) determine whether the complaint actually pertains to Accounting Matters and (ii) when possible, acknowledge receipt of the complaint to the sender.
- Complaints relating to Accounting Matters will be reviewed periodically by the Audit and Compliance Committee of the Board of Trustees with oversight by outside counsel, or such other persons as the Audit and Compliance Committee determines to be appropriate. Confidentiality will be maintained to the fullest extent possible, consistent with the need to conduct an adequate review.
- Prompt and appropriate corrective action will be taken when and as warranted in the judgment of the President or Chair of the Audit and Compliance Committee, as applicable, with input from the Audit and Compliance committee.
- The College will not discharge, demote, suspend, threaten, harass or take any other adverse employment action against any employee in retaliation for the employee’s good faith reporting of complaints regarding Accounting Matters.

### Reporting and Retention of Complaints and Investigations

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- The President or his/her designee will maintain a log of all complaints, tracking their receipt, investigation and resolution and shall prepare periodic summary reports thereof for the Audit and Compliance Committee.

Approved by Board of Trustees October 21, 2005  
Updated: January 2010

## 6. CHILD ABUSE REPORTING

The purpose of this policy is to explain the responsibilities College employees have in reporting physical or sexual child abuse, when reporting is required, and the process for making a report.

### Definitions:

**“Attends”** means to care for; look after; to take charge of, or to watch over.

**“Child”** means any person under the age of eighteen (18).

**“Counsels”** means to advise or instruct.

**“Examines”** means to observe, test, or investigate, in order to evaluate general health or determine a medical condition.

**“Physical abuse”** means non-accidental acts or omissions that cause, or fail to prevent, physical injury to a child.

**“Sexual abuse”** means the commission of a sexual offense according to Iowa law, including rape, sexual assault, molestation, incest, indecent exposure, or exploitation of a child in a manner in which the child is used for gratification or sexual enjoyment by another person.

### Policy Statement

In accordance with Iowa Senate file 2225, Simpson College requires certain employees, to report, observed or reasonably suspected physical or sexual child abuse in accordance with this policy.

### Who Must Report

This policy requires employees who, in the scope of their employment responsibilities, examine, attend, counsel, or treat a child, to report suspected physical or sexual abuse of a child. At Simpson, those who are most likely to encounter a situation what would trigger the responsibility to report include, but are not necessarily limited to: faculty, coaches, athletic trainers, housing, summer conference staff, nurses and counselors. If you are not sure whether you are required to report, this policy encourages you to err on the side of caution and report. You do not need to have proof that abuse has occurred in order to be required to report.

### When to Report

A report of child abuse should be made when an act of abuse is seen, or reasonably suspected. The report should be made within twenty-four hours after becoming aware of the suspected abuse or as soon thereafter as reasonably practicable.

### Reporting Procedures:

**In the event of an emergency, first call 911.**

Reports can be made by contacting:

1. The Director of College Security: Phone (515) 961-1711, [chris.frerichs@simpson.edu](mailto:chris.frerichs@simpson.edu);

Or

1. Iowa Department of Public Safety: Phone (515) 725-6010, [dciinfo@dps.state.ia.us](mailto:dciinfo@dps.state.ia.us).

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When making a report of child abuse under this policy callers will be asked to provide the following information to the best of their knowledge:

- Name of the alleged victim(s)
- Name of the alleged perpetrator(s)
- Time and date of the incidents being reported
- Location where the incidents occurred
- Any additional information known about the abuse

#### **Mandatory Reporters Under Iowa Code 232.69**

Under Iowa Code Section 232.69, certain individuals have additional responsibilities to report *all forms of* child abuse as described in Iowa Code § 232.68(2). Under §232.69, these Mandatory Reporters must report suspected abuse to the Iowa Department of Human Services. These Mandatory Reporters receive specialized training on this reporting responsibility. At Simpson, those holding the following positions are included within the definition of Mandatory Reporters under Iowa Code Section 232.69: the Coordinator of Campus Health and Wellness, the College Nurse and all members of the Counseling Services Department. Child Abuse can be reported to the Iowa Department of Human Services by calling the toll-free child abuse reporting hotline 24 hours a day: 1-800-362-2178.

#### **Prohibition on Retaliation.**

Consistent with Iowa law, the College will take no retaliatory action against an employee who makes a good faith report of child abuse.

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## **7. HARASSMENT**

Simpson College is committed to providing a work environment that is free from all forms of unlawful discrimination that constitutes harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, religion, creed, national or ethnic origin, age, disability, sexual orientation, gender identity, or any other legally protected characteristic will not be tolerated.

Sexual harassment may include unwelcome sexual advances, request for sexual favors, verbal or written comments or physical conduct of a sexual nature when such conduct:

- a. Is made, either explicitly or implicitly, a term or condition of instruction, employment or participation on college activities;
- b. Is used as a basis for evaluation in making academic or employment decisions affecting an individual; or
- c. Creates an intimidating, hostile, or offensive work or academic environment.

Examples of sexually harassing behavior may include unwelcome touching, sexually explicit offensive jokes, graphic or degrading verbal or written comments or questions of a sexual nature.

Any student or employee who believes he or she has been subjected to unlawful harassment should immediately report the incident to the Vice President of Student Development or the Director of Human Resources, respectively. Other college employees who receive a report of harassment should similarly report the matter to the individual identified above.

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On receipt of a complaint or report of harassment an investigation will be conducted and, where appropriate, sanctions and corrective measures will be taken in accordance with applicable college disciplinary options. All investigations will be conducted as discretely as is practicable. Individuals making good faith allegations of unlawful harassment and those participating in such investigations will not be subjected to retaliation.

## 8. DUAL RELATIONSHIPS STATEMENT AND GUIDELINES

A dual relationship is one in which a College employee has both a professional and a romantic or sexual relationship with a student. This includes those relationships that appear to involve genuinely mutual consent. Given the inherent inequality of power between a student and a College employee, there are numerous factors that can greatly complicate a dual relationship. It is clear, for example, that such dual relationships undermine professional integrity in supervisory, educational and advisory contexts. For this reason, dual relationships are not acceptable. If a College employee engages in such a relationship, he/she must at the very least divest himself/herself of supervisory responsibility for that student. A continuing relationship may be considered as the basis for disciplinary action on grounds of moral delinquency or professional incompetence. In a personal relationship between a College employee and a student for whom the College employee has no current professional responsibility, the College employee should be sensitive to the constant possibility that he/she may unexpectedly be placed in a position of responsibility for the student's instruction or evaluation. In addition, one should be aware that others might speculate that a specific power relationship exists even when there is none giving rise to assumptions of inequitable academic or professional advantage or disadvantage for the student involved. Given the inherent inequality of a dual relationship, what may appear to one participant as totally voluntary may in fact entail exploitation; thus, the College will not accept a defense against subsequent charges on grounds of the relationship being consenting. Therefore, it is the College employee, who by virtue of his/her special responsibility and educational mission will be held accountable for unprofessional behavior. If the College employee chooses not to end the relationship other options must be pursued. Such other options include the resignation of the College employee, the extended leave of absence until the student has graduated, or the transfer of the student to another institution.

## 9. DUAL EMPLOYMENT

All full-time employees of the College are expected to consult with their immediate supervisor before entering into additional employment on a full-time, part-time or consultative basis. The College retains the right to deny or approve such additional employment according to its impact upon normal job responsibilities to the College.

Individuals who engage in private instruction, such as providing lessons to persons or groups (music, tennis, swimming, etc.) must have fees charged approved by the College. A contract outlining these matters is to be on deposit in the Business Office. Generally, in addition, the College will charge for use of equipment and facilities. The charges will be set at an appropriate level with the approval of the Vice President for Business & Finance.

## 10. ALCOHOL

On selected social occasions involving college employees and trustees, limited use of wine or beer will be permitted with the approval of the President. Such use is normally limited to Great Hall, Camp Lounge, or the Matthew Simpson Room and under no circumstances are college monies to be used to purchase alcoholic beverages for social or promotional

purposes. Employees are asked not to carry drinks across campus from one building to another when a function has multiple meeting places. Non-college or off-campus organizations using college facilities may through Sodexo Marriott Food Service arrange for beer and wine to be served at events in Great Hall.

The use of alcohol during working hours or on the campus except for the selected occasions listed above is strictly forbidden and may result in termination of employment.

Expenditures for the use of alcoholic beverages in any form are considered to be personal expenditures and are not to be charged against any college budget.

## 11. DRUG-FREE WORKPLACE

It is the policy of Simpson College to provide a drug-free workplace and learning environment. Drug and alcohol abuse pose a threat to the health and safety of College employees, students and visitors. In compliance with the Drug-Free Workplace Act of 1988, Simpson College is committed to the elimination of drug and alcohol abuse in the workplace. In compliance with the Drug-Free Schools and Campuses Act of 1989, alcohol and drug prevention programs include policy enforcement, education programs and treatment services.

This policy serves to notify all members of the Simpson College community that Simpson College prohibits the unlawful manufacture, distribution, dispensation, possession, use, or sale of illegal drugs and other controlled substances by students and employees on Simpson College's property or as any part of its officially sponsored activities whether on or off campus.

In 1998 the Iowa Legislature passed legislation allowing for drug testing where "reasonable suspicion" exists. Simpson College reserves the right to request such testing when "reasonable suspicion" exists.

Violations of this policy may lead to required participation in a substance abuse rehabilitation or treatment program and/or disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

### SIMPSON COLLEGE STUDENTS

Please refer to the *Student Handbook* for details on the College's requirements, expectations, resources, treatment options, and sanctions for students related to drug and alcohol use/abuse. Pertinent policies begin at page 34 of the *Student Handbook*; which can be found at the following link: [https://issuu.com/simpsoncollege/docs/2015-16\\_student\\_handbook?e=4607240/15030426#search](https://issuu.com/simpsoncollege/docs/2015-16_student_handbook?e=4607240/15030426#search).

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#### Prohibited Activities and Related Sanctions for Employees

Consistent with the Drug-Free Workplace Act of 1988, employees must notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. If any of the employee's compensation is from a federal contract or grant program, the College must then notify the contracting or granting agency within ten (10) days after receiving notice from the employee or of learning about an employee's criminal drug statute conviction for conduct in the workplace.

Any employee receiving a drug-related criminal conviction will be subject to disciplinary action (up to and including suspension, suspension without pay, and termination) and may be required by the College to satisfactorily participate in a drug abuse or rehabilitation program.

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Further, an employee found to be otherwise in violation of these policies prohibiting the use of illicit drugs or abuse of alcohol on the College's campus or in connection with its activities may be required to participate in a drug abuse or rehabilitation program or may be subject to disciplinary action (up to and including suspension, suspension without pay, and termination). Such actions may also implicate local, state, and federal laws and Simpson College will cooperate, as required, with law enforcement authorities.

In 1998 the Iowa Legislature passed legislation that allows for drug testing where "reasonable suspicion" exists. Drug or alcohol testing can be requested and/or required if there is evidence that an employee is using or has used alcohol or other drugs in violation of the employer's written policy.

Evidence would include:

1. Direct observation of alcohol or drug use or abuse or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of alcohol or other drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the current employer.
5. Evidence that an employee has caused an accident while at work which resulted in an injury to a person for which injury, if suffered by an employee, a record or report could be required under Chapter 88, or resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed one thousand dollars.
6. Evidence that an employee has manufactured, sold, distributed, solicited, possessed, used or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.

## **Health Risks Associated with the Abuse of Alcohol and Use of Illicit Drugs**

Specific serious health risks are associated with the use of alcohol and illicit drugs. Health risks of using alcohol or other drugs include both physical and psychological effects. The health consequences of drugs depend on the frequency, duration and intensity of use. For all drugs, there is a risk of overdose. Overdose can result in coma, convulsions, psychosis or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illegal drugs are uncertain.

Continued use of substances can lead to tolerance (requiring more and more of a drug to get the same effect), dependence (physical or psychological need), or withdrawal (a painful, difficult and dangerous symptom when stopping use of drugs).

**Information about the most commonly misused and abused drugs can be found at the links below:**

[Alcohol](#)

[Club Drugs](#)

[Cocaine](#)

[Hallucinogens](#)

[Heroin](#)

[Inhalants](#)

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Marijuana

MDMA (Ecstasy/Molly)

Methamphetamine

Prescription Drugs & Cold Medicines

Steroids (Anabolic)

For more information about the risks associated with the use of alcohol and other drugs, employees may contact Human Resources, Hillman Hall Room 22 (Telephone (515) 961-1511) or the Employee Assistance Program (Telephone (515) 263-4004 or (800) 732-4490).

## **Available Drug and Alcohol Related Services at the College for Employees**

Simpson College offers drug abuse assistance through the Employee Assistance Program located at 1301 Penn Avenue, Suite 305, Des Moines, IA 50316. Telephone(515) 263-4004 or (800) 732-4490.

*Other resources:*

- Powell Chemical Dependency Center, 700 East University Avenue, Des Moines, IA 50314 Telephone (515) 263-2424
- Alcoholics Anonymous: [www.aa-iowa.org](http://www.aa-iowa.org) Telephone (515) 282-8550
- Narcotics Anonymous: [www.na.org](http://www.na.org)
- Al-Anon: [www.al-anondesmoines.org](http://www.al-anondesmoines.org)

## **Condition of Employment**

As a condition of employment, employees are required to abide by the terms of this policy.

## **Posting of Policies**

In addition to circulating this policy annually to all employees and students, these policies will be posted in areas of the College in compliance with the Drug-Free Workplace Act of 1988.

## **Questions**

Should employees have any questions regarding the implications of this drug-free workplace requirement, they should contact either the Director of Human Resources, Hillman Hall Room 22 (Telephone (515) 961-1511) or the Vice President for Business & Finance, Hillman Hall Room 21 (Telephone (515) 961-1512).

Updated: April 2016

## **12. SMOKE FREE CAMPUS**

Simpson will follow the guidelines of the Iowa Smokefree Air Act (Iowa Code 142D) which prohibits smoking in public places, places of employment and outdoor areas, which includes school grounds. School ground are defined in the Code as parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a public or private educational facility, including inside any vehicle located on such school grounds. The law imposes penalties for noncompliance on both the smoker and the institution in the event of a

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violation. For a complete description please refer to the Iowa Code 142D: The Smokefree Air Act (the Act).

Law effective: July 1, 2008

#### VIOLATION AND PENALTY

Pursuant to the IOWA CODE Chapter 805.9 smokers who smoke in a non-smoking area of a public place may be fined \$25.00 per violation. Persons may file a civil complaint against a smoker by filing a civil complaint with a magistrate at the county courthouse or by asking a police officer to issue a citation.

### 13. SIMPSON COLLEGE STATEMENT ON AIDS

The American Center for Disease Control has issued a determination that Acquired Immune Deficiency Syndrome (AIDS) is not a highly communicable disease. There are no known cases of AIDS transmission by food, water, casual contact or insects. The current scientific belief is that the AIDS virus is transmitted only when introduced into the recipient's blood. This transmission may occur thorough sexual intercourse, skin puncture with an infected needle, blood transfusion, prenatally, or contact with mucous membrane or an open skin cut or sore. AIDS is believed to be caused by a retrovirus called Human Immunodeficiency Virus (HIV). This virus is a very fragile organism, which cannot exist outside the body for any significant time.

The American College Health Association currently recommends that colleges not adopt a blanket policy on AIDS issues. Simpson College will respond to each AIDS or AIDS-related complex (ARC) case as required by its own particular facts and medical circumstances. It is the goal of Simpson College to provide an ongoing education program to students and employees about relevant AIDS issues and thus provide a framework for making informed decisions about specific AIDS issues as they may arise. Simpson's AIDS education program will emphasize the following:

- a. Persons with AIDS, ARC or a positive HIV-antibody test result should be treated with support, understanding and with concern for their privacy and confidentiality.
- b. Persons with AIDS, ARC or a positive HIV-antibody test result pose no risk of transmitting the virus to others through ordinary casual contact.
- c. A person with AIDS, ARC or a positive HIV-antibody test result, transmits the virus to others through intimate sexual contact, exposure to blood or other bodily fluids.
- d. As a precautionary measure, the American College Health Association recommends that persons not share utensils such as toothbrushes and razors that could transmit bodily fluids.
- e. Among people who choose to be sexually active, the American College Health Association recommends the consistent and conscientious use of condoms and spermicides containing nonoxynol-9 to reduce the chance of transmission of HIV through sexual intercourse.
- f. The sharing of needles (such as those used in the injection of illicit drugs or steroids) is another way to transmit HIV antibodies; such sharing must be avoided.
- g. Persons with AIDS, ARC or a positive HIV-antibody test result, and those with behavioral risk factors for HIV infection, should not donate blood, plasma, sperm, or other body organs or tissues.

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h. It is possible that certain medical interventions and therapies may help limit the consequences of AIDS and ARC infection among people already infected.

While each AIDS-related situation will be dealt with on an individual basis, taking into account the best available medical advice at the time relevant to the affected individual and others, the College has established some general guidelines for responding to AIDS-related situations on the campus:

a. Simpson College currently does not question members of the campus community about the existence of AIDS, ARC, or a positive HIV-antibody test result.

b. Any member of the campus community who has AIDS, ARC, or a positive HIV-antibody test result, whether he/she is symptomatic or not, will be allowed regular classroom attendance in an unrestricted manner, so long as he/she is physically and mentally able to attend classes. All members of the Simpson community will be allowed to continue to work as long as he/she is physically and mentally able to perform the job requirements.

c. Any member of the campus community who has AIDS, ARC or who has received a positive HIV-antibody test result, whether he/she is symptomatic or not, will be allowed access to common areas, such as student unions, cafeterias, snack bars, gymnasiums, swimming pools, and recreational facilities. In certain circumstances, special rules may be necessary to protect the health or safety of such persons.

d. Decisions about residential housing of persons known to have AIDS, ARC, or a positive HIV-antibody test result will be made on a case-by-case basis, based on the medical facts of each case, and with concern for the confidentiality and the best interests of all parties involved. The most current medical information available does not indicate any risk to those sharing residence with persons who have AIDS, ARC, or a positive HIV-antibody test result. In some circumstances, however, there may be concern for the health of such students where they might be exposed to contagious diseases (such as chicken pox) in a close living situation. Under such circumstances students with AIDS, ARC, or who have received a positive HIV-antibody test result may be assigned to private rooms in order to protect their health -- not to protect other students from them.

e. The confidentiality of information and records regarding the fact that a member of the campus community has AIDS, ARC or a positive HIV-antibody test result will be maintained in accordance with the Family Educational Rights and Privacy Act of 1994, as amended, and any other applicable law.

f. AIDS issues and Simpson College's response to such issues will be reviewed annually, taking into account applicable laws and regulations and recommendations issued by the U.S. Public Health Service and Center for Disease Control, the Iowa Department of Public Health, the American College Health Association and other agencies, as well as the advice of appropriate medical authorities.

g. Simpson College reserves the right to act in the best interests of members of the campus community in the face of a direct threat or significant risk to health or safety that cannot be eliminated by implementation of the safeguarding policies, practices or procedures.

#### 14. BLOOD BORNE PATHOGEN STANDARDS

The Occupational Safety and Health Administration (OSHA) has issued standards to protect workers from blood borne pathogens, which are microorganisms in human blood that can cause disease in humans. They include the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV), which causes AIDS.

The standards mandate engineering controls, work practices, and personal protective equipment that, coupled with employee training will reduce on-the-job risks for all employees exposed to blood and other body fluids. (All body fluids must be viewed as infectious.) The standards also require employers to offer, at their expense, voluntary hepatitis B vaccinations to all employees that are deemed by a physician to have a high risk of exposure. The College must maintain a record of these vaccinations, training, and any exposure. These records are kept in the Human Resources Office.

## 15. MILITARY LEAVE

Simpson College will follow all State and Federal laws guiding leave for military purposes.

An employee who is an active member of the National Guard, reserves, etc., and who is ordered to duty, shall be granted 30 calendar days of unpaid Military Leave per calendar year. The leave shall be without loss of fringe benefits. An employee requesting Military Leave shall submit a copy of the active duty order as soon as possible to their immediate supervisor indicating the dates of service. The supervisor shall then forward the active duty order to Human Resources.

## 16. VETERAN'S DAY POLICY

Simpson College allows its employees who are veterans to schedule the day off on Veteran's Day, November 11, unless to do so would impact public health or safety or would cause the College to experience significant economic or operational disruption.

Employees who are veterans and who wish to take Veteran's Day off must provide the College with a written request at least one month prior to Veteran's Day. Exempt or non-exempt staff may elect to apply vacation or personal time to this day. The employee's federal certificate of release or discharge from active duty, or similar federal document must be included with the request to allow the College to verify the employee's eligibility for the benefit. On or before November 1, the College will notify each employee who has submitted a timely written request as to whether the request is granted. The College reserves the right to deny a request if it is determined that to grant it would impact public health or safety or would cause the College to experience significant economic or operational disruption. Under those circumstances, the College will deny time off to the minimum number of employees needed by the College in order to protect public health and safety or to maintain minimum operational capacity, as applicable.

## 17. ANIMAL POLICY

This policy is aimed at safeguarding the safety and well-being of members of Simpson College's campus community, while complying with all applicable laws regarding animals on campus, including the [Fair Housing Act](#), the [Americans with Disabilities Act](#), [Section 504 of the Rehabilitation Act](#), the [Iowa Civil Rights Act](#), and Iowa Code sections [216C.5](#), [.10](#), and [.11](#), the provisions of which are incorporated herein by this reference. This policy does not confer contractual rights, and Simpson College reserves the right to amend this policy at any time, with or without notice.

**Policy:** Other than Approved Animals (as defined below), animals are not permitted in Simpson College facilities.

### **Definitions:**

**Approved Animal** – "Approved Animal" means:

- A Service Animal (as defined below)
- An Assistance Animal (as defined below)
- A Service-Animal-In-Training (as defined below)
- Fish kept in a bowl/tank holding 10 gallons or less
- An animal whose Owner (as defined below) has obtained special permission from the Dean of Students to bring an animal to campus for special events, educational purposes, etc.

**Disability** – “Disability” means a physical or mental impairment that substantially limits one or more of a person’s major life activities.

**Owner** – “Owner” means:

- in the case of a Service Animal, the person for whom the Service Animal is doing work or performing tasks;
- in the case of an Assistance Animal, the person the animal is assisting;
- in the case of a Service-Animal-in-Training, the person providing the training while the animal is on Simpson College’s campus;
- in the case of all other Approved Animals, the person who brought the animal onto Simpson College’s campus.

**Service Animal** – A “Service Animal” is a dog (or if it can be accommodated in the facility, a miniature horse) that has been individually trained to do work or perform tasks for the benefit of an individual with a Disability (e.g., guide people who are blind, alert people who are deaf, pull a wheelchair, alert and protect a person who is having a seizure, remind a person with mental illness to take prescribed medications, calm a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, etc.).

**Assistance Animal** – “Assistance Animal” means:

- An animal that works, assists, or performs tasks for the benefit of a person with a Disability; or
- An animal that provides emotional support that alleviates one or more identified symptoms or effects of a person’s Disability.

**Service-Animal-in-Training** – “Service-Animal-in-Training” means a dog, or miniature horse in the process of being trained to assist a person with a disability.

## Guidelines for Service Animals

1. A Service Animal can accompany its Owner everywhere the Owner is allowed to go.
2. Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal’s work or the Owner’s disability prevents using these devices (in which case, the Owner must maintain control of the animal through voice, signal, or other effective controls).
3. Simpson College need not accommodate a Service Animal if:
  4. It is not housebroken;
  5. Its Owner cannot effectively control it; or
  6. It poses a direct threat to the health or safety of others (e.g., displays vicious behavior).
7. The care or supervision of a Service Animal is solely the responsibility of its Owner. Simpson College is not required to provide care or food or a special location for the animal.

8. When it is not obvious what service an animal provides, Simpson College staff may ask the Owner: (1) whether the animal is a service animal required because of a disability, and (2) to state what work or task has the animal been trained to perform.
9. If the Service Animal is to reside with the Owner in campus housing, refer to the Guidelines for Assistance Animals, below.

## **Guidelines for Assistance Animals**

1. An Assistance Animal that does not constitute a Service Animal (e.g., an emotional support animal) must be contained within the Owner's private residential area (room, suite, apartment, or yard spaces) at all times, except when transported outside the private residential area to travel off campus in an animal carrier or controlled by leash or harness.
2. Assistance Animals (that do not constitute Service Animals) may not accompany their Owners to classes or into campus facilities other than the Owner's designated residence.
3. Owners who intend to bring Assistance Animals to campus to reside in on-campus housing must notify Simpson College of their intent to do so prior to bringing the animal to campus.
4. Simpson College may ask Owners who have disabilities that are not readily apparent or known to the College to submit reliable documentation of a disability and their disability-related need for an assistance animal.
5. If the Owner's disability is readily apparent or known to the College but the disability-related need for the assistance animal is not, the College may ask the Owner to provide documentation of the disability-related need for an assistance animal.
6. Where it is not readily apparent that an animal constitutes an Assistance Animal under the Fair Housing Act, the Owner may be required to provide documentation from a physician, psychiatrist, social worker, or other mental health professional demonstrating that the animal provides support that alleviates at least one of the identified symptoms or effects of the existing disability.
7. Simpson College need not accommodate an Assistance Animal if:
  8. It poses a direct threat to the health or safety of others (e.g., displays vicious behavior).
  9. If it would impose an undue financial and administrative burden on the College or it would fundamentally alter the nature of the College's operations.[\[i\]](#)
10. The care or supervision of an Assistance Animal is solely the responsibility of its Owner. Simpson College is not required to provide care or food or a special location for the animal.

## **Guidelines for Service-Animals-in-Training**

1. Service-Animals-in-Training may accompany their Owner anywhere the Owner is permitted to be.
2. Owners of Service-Animals-in-Training must keep the animals under control at all times while on Simpson College property.

## **Expectations for All Owners of Approved Animals**

1. Owners are expected to comply with all applicable state and local laws and ordinances concerning their animals.[\[ii\]](#)
2. Owners are financially responsible for the actions of the Approved Animal including bodily injury or property damage.
3. Simpson College may require the Owner to cover the costs of repairs for damage their animal causes to the dwelling unit or the common areas (reasonable wear and tear

excepted), to the same extent the College charges any other residents for damage they cause to the premises.

4. Owners are expected to ensure and provide documentation upon request that their Approved Animals are current on required vaccinations (e.g., rabies) and that they are free of parasites (e.g., fleas and ticks).
5. Owners of Approved animals must comply with the same College rules regarding noise, safety, disruption, and cleanliness as other residents of campus housing.
6. The effect on others in the residential housing unit must be considered, including the potential effect on persons with allergies to animal hair or dander, as well as the willingness of roommates to share their housing with an animal. Depending on such considerations, an alternative housing assignment may be considered.

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[i] The determination of undue financial and administrative burden will be made on a case-by-case basis considering various factors, including the availability of alternative accommodations that would effectively meet the Owner's disability-related needs.

[ii] For applicable City of Indianola's Code of Ordinances, see Chapters 55 and 56 here: <http://www.indianolaiowa.gov/Portals/0/Documents/city/Current%20Code%20of%20Ordinances.pdf>.

Approved by Cabinet: 3/25/2014  
Posted on the General Handbook May 6, 2014