Campus Jobs
Supervisor Manual

Texas State Career Services
Common forms, university policies and questions asked related to supervising campus student workers.
**Introduction**

Supervision of students doesn’t necessarily come from a job title. You are now responsible for getting work done through others, and student employees are transient which poses different challenges. Successful supervisors can delegate, organize work, communicate, make decisions and have good project management skills.

Before reading this manual, consider dispelling these four myths on supervision from Giesecke and McNeiel’s *Fundamentals of Library Supervision*.

**Myth:** You are in charge of everything. **Reality:** If you think about this statement, you will realize that you cannot be in charge of every detail in your unit.

**Myth:** You cannot trust your staff. **Reality:** This myth assumes that staff are not going to do their jobs well and that management must spend time preventing poor performance.

**Myth:** You cannot show emotion as a manager. **Reality:** Although management theorists in the 1970s advised that managers should not show emotion, today’s successful manager knows that managing emotions or emotional intelligence is an important part of her responsibilities.

**Myth:** You must always defend your staff. **Reality:** Perhaps one of the hardest things to learn as a new manager is that you need to support your staff and still recognize when performance issues have to be addressed.
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SELECTION

An important aspect of supervising is the actual selection of your employees. When time is taken to select qualified individuals for your positions, you will function better as a team. Consider these stages of the selection process.

Before Interviewing Students
Define the Job

Before posting your job on Jobs4Cats, it is helpful to consider what you want in an employee and what the employee will do.

1. Create a job description. Clearly and concisely define the job, and state essential job functions and duties the employee is to perform.
2. Determine required skills and experience as needed for the position.
3. Determine which skills, traits, and attitudes made past student employees successful or unsuccessful.
4. Create application if necessary or utilize generic employment application available from Career Services. This application is also available online. See (Appendix page 20-21) for a copy of the generic employment application.
5. Post the job on Jobs4Cats at the Career Services website.

How to Post your job

You may post your job until your job is filled. Every job posting may have multiple openings if you wish. Also, as an employer you may require applicants to apply online or in person. All online submissions via Jobs4Cats require a resume. If you prefer not to receive resumes, it is best to receive applications in person or request submission via e-mail outside of Jobs4Cats. See the following page for How to Instructions on creating an employer profile and how to post your job.

Prepare for the Interview

To best evaluate each student equally, go through a standard preparation for each interview. An interview guideline follows:

1. Review the job description and specifications.
2. Select interviewers based on the student’s work location.
   a. Will you conduct interviews?
   b. Will students interview with more than one staff member?
3. Train and educate those who will conduct interviews.
   a. Set up the interview.
   b. How long will each interview last?
   c. Which days will you conduct your interviews?
   d. Where will you conduct your interviews?
4. Contact each candidate to schedule interviews.
5. Review the resume and application.
6. Refresh your memory about the candidate before the interview.
Create Your Profile

1. Go to www.careerservices.txstate.edu and select “Employers” tab at the top.
2. Under the Quick Links on the left side of the page select “Log in to Jobs4Cats”.
3. Under the login blanks select “Click here to create your profile!”
4. Type in the name of your organization in the Find your Organization field and select “Continue” after checking the correct box.
5. Complete the required fields denoted by a red asterisk (*) and select “Register”.

It will take up to three business days for your request to get approved so you can Post Jobs.

Posting Your Job

1. Go to www.careerservices.txstate.edu and select “Employers” tab at the top.
2. Under the Quick Links on the left side of the page select “Log in to Jobs4Cats”
3. Enter your username and password in the boxes and select “Login”.
4. Select “My Jobs”, then a drop down section will pop up and select “New Job”.
5. Complete the required fields denoted by a red asterisk (*) and select “Save”.

Guide to Getting Started
For Employers | Revised September 2012
INTERVIEWING

Conducting the Interview

1. Establish rapport with the applicant by smiling, shaking hands, and introducing yourself.
2. Explain the purpose of the interview and the time allotted.
3. Gather information.
4. Interviewer should not talk more than twenty-five percent of the time.
5. Practice good listening and open body language, such as uncrossed arms and head nodding.
6. Ask open-ended and behavioral based questions rather than leading questions.
7. Do not be afraid of silence as the applicant prepares answers.
8. Describe the job and office/department.
9. Ask questions and allow applicant to add information.
10. Inform the candidate of the next step in the interview process and when he or she will be contacted. (As a courtesy you should contact all interviewed applicants.)
11. Conclude the interview.

Suggested Interview Questions

1. Tell me about yourself.
2. Why should I consider you for this position?
3. What do you know about the Texas State University/this department?
4. What interest you most about this position?
5. What motivates you to do your best work?
6. Under what conditions do you work best?
7. Tell me about the last time you made a mistake and how you corrected it.
8. What makes you stand out among your peers?
9. Have you held positions similar to this one? If so, tell me about them. What is the most important thing you learned at a previous job?
10. Describe the relationship that should exist between a supervisor and those reporting to him or her.
11. What are your 5-year goals?
12. Tell me what “success” means to you.
13. How do you motivate people?
14. Tell me about the last change that occurred in your office. How did you handle it?
15. Give me an example of the last time you went above and beyond the call of duty to get the job done.
16. What do you do when you’re having trouble solving a problem?
17. Do you prefer to work by yourself or with others?
18. I would be interested to hear about an occasion when your work or an idea was criticized, what was criticized, who criticized you, and how did you handle it?
19. How would a friend or professor describe you?
Don’t Ask These Questions in an Interview

- How old are you? What is your date of birth?
- Where did you grow up?
- What is your race? (all inquiries are unlawful)
- Have you ever filed/received Worker’s Compensation?
- What is your maiden name?
- What is your marital status (Circle one: Ms, Mrs., or Miss)?
- What is or was your spouse’s name and/or job?
- How many children do you have?
- Are you widowed, divorced, or separated?
- Where were your parents from? What is your nationality?
- Do you need to observe any religious holidays?
- What church do you attend?
- What is your sexual orientation?
- Do you have any physical impairments or disabilities that would prevent you from performing the job for which you are applying?
- Have you ever been hospitalized? If so, for what condition?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- How many days were you absent from work because of illness last year?
- Are you taking any prescribed drugs?
- Have you ever been treated for drug addiction or alcoholism?

Post Interview Procedures

1. Evaluate information. A Sample Interview Evaluation can be found in the Appendix.
2. Check references.
3. Notify applicants of their status—those to be hired, and those who will not.
4. Make a job offer. Be sure to consult the University Pay Plan from the Human Resources website regarding what is appropriate.
5. Make your job posting on Jobs4Cats inactive, preventing additional applications from being submitted.
ORIENTATION

Effective orientations begin with knowing your desired results. It is important to equip the student with the right tools before s/he begins working for you. The work experience of the student does not play a major role in the success or failure of an orientation. The most critical part of an orientation is the notion that the employee is learning how work is done in your workplace. They need to be given and shown a map of what it means to work for you. What are the values and principles of your workplace? What are your expectations and policies?

Here are some items to consider when planning your orientation.

1. Schedule orientation time. Block your calendar if you need to do so. Tell the staff when the student is beginning to work. Arrange a date and time you can spend with the workers in order to successfully orient and train them.
2. Create an orientation checklist.
3. Carefully explain the following information:
   a. Expectations of all student employees
   b. Policies, procedures and/or codes of conduct (illness, attendance, trading shifts, dress code)
   c. Work schedule
   d. Time-keeping system (SAP)
   e. Pay.
4. Develop your orientation plan and keep it consistent,
5. Introduce new student workers to professors, other staff members and any student workers who may be present during the orientation period. Be sure to introduce the student worker to the rest of the faculty and staff when the opportunity presents itself.
6. Conduct a complete tour of work area, faculty offices and any other areas that you feel are important to the successful completion of the student workers’ assigned duties.
7. Fill out all necessary forms to complete the hiring process.
LEADING

It is obvious why any supervisor would want motivated employees. Motivated employees contribute to a positive work environment; they affect the morale of those around them, are more likely to be self-starters and innovators, have strong personal goals, and have a healthy work ethic. (Giesecke and McNeil, Fundamentals of Library Supervision) Geisecke and McNeil define the role of the supervisor as creating a feeling of wanting to do something and as providing the incentive to take action (39).

So, how do you do that? There are a number of theories about how to motivate your employees that explore the management-created environment and factors like satisfiers and dissatisfiers (41). However, these four factors can be used to review your environment.

1. Employees have the basic resources to do the job.
   - I know what is expected and I have the materials I need.

2. Individual needs are considered.
   - I can do what I do best every day.
   - Someone encourages my development
   - I feel that my job is important.

3. Social needs are considered.
   - Someone cares about me at work.
   - I have a friend(s) at work.

   - I have the opportunity to work and learn.

Supervisors should provide meaningful feedback and positive reinforcement to employees by recognizing and rewarding exceptional employee efforts.

A good motivator will set clear expectations, lead by example, and maintain a positive mindset. The positive (motivational) mindset maintains that the positively motivating environment is one in which employees feel welcome, comfortable, and appreciated.

The role of a supervisor as motivator, and employee as operator, both begin with the proper mindset or perspective. It is the perspective of the individual that sets the foundation for interactions to be defined and for future actions to be declared. Asset-Based thinking lends a positive perspective to any situation. Authors Cramer & Wasiak detail this perspective in the book Change the Way You See Everything.
One of the factors in a positive perspective lies within the use of language. Many times we unknowingly choose words that negatively convey a message. Positive phrases can often replace negative ones. Here are some examples:

"That won't work!"                      "What will work?"
"I can't stand this project!"           "This project is really challenging!"
"Whose fault is that?"                  "What's done is done. Move on!"

By simply choosing our words differently to generate a positive message, we are changing our situation and/or environment from one that would be negative, to one that is positive. Positive words will change your tone and your attitude to one that is uplifting, inspiring, and motivating.

Here are some other behaviors that mark successful leaders.
1. Be punctual.
2. Conduct yourself in a professional manner.
3. Create a “TEAM” environment. Give employees responsibilities and explain how their role(s) impacts your organization.
4. Make yourself available if the worker has questions or concerns. If you are a busy supervisor, schedule regular meeting times to gauge how work is going, clarify projects and give information that all of the team members know. If face-to-face meetings won’t work, try other methods like email.
5. When delegating tasks, try asking questions instead of giving answers. You may be able to find out where the gap is by understanding what the employee knows. Instead of giving all of the direction, perhaps helping them brainstorm how to perform the task would be more helpful. Many times, your approval is warranted and needed before completing a project. Give your employees this encouragement.
6. Be consistent in your behavior.
7. Communicate!! Give praise to reinforce the behavior that you want to see repeated. Gently redirect behavior that you do not want to see repeated.
TRAINING

Training is a critical part of learning to do a job to your satisfaction. Mistakes happen in the learning process; however, major errors normally occur due to improper or missing training. Keep the following guidelines in mind as you develop your training program for your student employees.

1. Train students on the operation of all machinery or equipment that may be used in your specific work situation.
2. If you acquire a new piece of equipment or you do not know a certain piece of equipment, make it a priority to learn it.
3. When training a worker on a new machine always use proper operating techniques, shortcuts will come with time and experience.
4. Allow ample time for new tasks and ideas to sink in.
5. Ask questions of the worker to assess their level of competence and to identify problem areas.
6. Try to avoid the practice of giving the worker an instruction manual for a piece of equipment and expecting them to teach themselves. As much as possible, the supervisor should do all the training or it should be delegated to a long-term worker who has superior skills with that particular piece of equipment. The supervisor should delegate this task to the worker who shows the proper skills and wants to do the training.
7. Use university resources to help your students develop. If you have a training need, notify the Assistant Director for Student Employment. Perhaps a training program has already been developed.
MANAGING SLOW AND BUSY TIMES

With so many functions happening in an organization, work definitely has its ebb and flow. Consider the following questions in helping to identify how you might handle slow and busy times.

Have you considered cross-training within departments? Other student staff could help in other functional areas on simple tasks. Simple tasks are defined as those that do not take a great deal of training or background knowledge to complete. Do not confine your team to a physical location. Are there projects that could be completed electronically in a shared place like an intranet?

Do you keep a list of projects that need to be completed when you have time? Can you identify tasks that a student can do without a short-range deadline? For example, if you always needed to know how many times your website was referenced at Texas State, this would be a project that could be completed anytime things slowed. Do your team members have special skills that would allow them to contribute something new and unique to your organization?

Are there training manuals, modules or videos that could be created for your team or your customers? As a supervisor, I hardly ever have time to document frequently asked questions or procedural steps. I ask the individuals doing the job to begin some training tip sheets or videos based on issues that they can identify. Explain that the project doesn’t have to be perfect, but it is something that can be worked on and revised over time.

Does your organization regularly plan appreciation or awards for staff members? Are there things that you need done that don’t require spoiling any surprises? For example, student workers have planned small job fairs, workshops and even end of the year recognition in our office.

You may be able to think of a number of other smaller projects that do not require special skills, but a desire to complete. You can remind your student employees that performing such jobs outside of their job descriptions make them eligible for merit recognition much as it does for you as a professional staff member.
CONFLICT

Conflict is normal. Don’t strive to employ people that think exactly as you think on every situation. Differences of opinion can be healthy. Differences in attitudes can be destructive in a workplace.

Address conflict immediately. Letting time go by between the incidences may make it more difficult to discuss the real issue.

Identify the issue. What really is the problem? You will stand on surer ground if you discuss a work related issue. You can discuss attitude issues; however, it may be easier to become emotional about attitude issues. Even if you have a specific example for an attitude issue, if you look closely, you may discover the work related issue.

Handle conflict face-to-face and in private or seclusion. Addressing an issue in the open for others to hear is not the best move for most individuals. Putting an issue in writing also does not help with understanding the message communicated because there is no non-verbal context to help give meaning to the message.

Ask for input on solutions to the conflict. This means that you can actually ask the person if he or she has ideas on how to fix the problem. Why is this a good move? Maybe that person didn’t know it was a problem. Yes, that can happen even if the person is breaking an office rule.
Disciplinary Action

People perform better when you accentuate the positive. A great example of the power of positive relationships is the book *Whale Done!*. Author Ken Blanchard writes about the ability of the trainers at SeaWorld to use a method of redirection. When the whales displayed undesirable behaviors the trainers would redirect the focus elsewhere. The strategy would allow the trainers to create situations in which the whales would display desirable behaviors to then be accentuated.

Constantly being noticed, acknowledged and rewarded. We need to do the same thing with people, catch them doing things better, if not exactly right, and praise progress. That way, you set them up for success and build from there.

–Ken Blanchard, author of *Whale Done!*

If your constant redirection and praise for performing desired behaviors is not enough, follow these guidelines in discussing improvement areas.

1. Discuss problem areas that need to be addressed when they occur, before they get out of hand.
2. Do not be afraid to confront a worker if issues arise with work performance or office policies.
3. Have a set procedure to follow in case action does need to be taken and do not deviate from that procedure.
4. Give the worker ample time to speak to the issue at hand. It may have just been a misunderstanding, do not be too quick to condemn.
5. Never trust hearsay, have valid reasons that action needs to be taken.
6. Remember coaching the worker is to improve, prevent, correct or help the worker and not to punish them.
7. Make your workers feel like they are working with you, not for you.
8. Instill a sense of loyalty by showing them that you are sincerely interested in them and their success, not only as a worker but also as a student.
EVALUATIONS

As you evaluate a student worker’s performance consider that the success of your team and operation is interdependent upon the skills of your people. Evaluations should be a time of reflection on past performance and a time to set the bar for the future. If proper leading and coaching have been performed, you can use your evaluation time to cultivate a win/win philosophy in your workplace.

The Win/Win Philosophy is from *The 7 Habits of Highly Effective People*, written by Steven R. Covey. He describes this philosophy as …a frame of mind and heart that constantly seeks mutual benefit in all human interactions. Win/Win means that agreements or solutions are mutually beneficial, mutually satisfying. With a Win/Win solution, all parties feel good about the decision and feel committed to the action plan. Win/Win sees life as a cooperative, not a competitive arena. Most people tend to think in terms of dichotomies: strong or weak, hardball or softball, win or lose. But that kind of thinking is fundamentally flawed. It’s based on power and position rather than on principle. Win/Win is based on the paradigm that there is plenty for everybody, that one person’s success is not achieved at the expense or exclusion of the success of others…It’s not your way or my way, it’s a better way.

The performance evaluation is a work tool for positive change. Listen to the comments of the employee and keep your conversation job-related. (Giesecke, Practical Help for New Supervisors).

1. Set up your evaluations to be position specific, not person specific.

2. Review the job description and established expectations with the employee.

3. Invest the time to do the evaluation properly. What does the employee contribute to your unit? What training would you recommend? Consider the entire year and not just recent incidents.

4. Discuss problem areas in a calm, quiet voice and offer suggestions or a plan to correct problem areas.

5. Give the worker a pat on the back for positive performance.

6. Don’t play favorites, always be fair and objective.

7. Make the evaluation process a calendar based program. The timeframe is always going to be consistent for every employee.

Consider keeping a file of all of the good things that your employees do that impress you throughout the year in a confidential location. Your employees will be surprised that you remembered those contributions, and they serve as real examples of how they can exceed your expectations.
LEGAL TERMINATIONS
The following information was gathered from the Managing @ Texas State presentation given to hiring managers.

- Staff employees serve without fixed terms and at the pleasure of the President or Board of Regents. As employees at will, either the University or the employee may terminate the employment relationship at any time with or without cause.

The most common issue is an inability to demonstrate that actions were taken to assist the employee to understand that a performance problem or opportunity for improvement exists”.

Reasons for Discipline
- Failure to comply with state or federal law; Regent’s Rules, university policy, or department policy
- Actions which interfere with the operation of the university
- Insubordinate acts
- Any other behavior that undermines the employee’s ability to continue to work

Levels of Discipline for Staff Employees
- Oral reprimand
- Written reprimand
- Suspension
- Reduction in pay
- Demotion
- Discharge

For policy regarding Grievance Procedure, refer to the Appendix to UPPS 07.07.04.

If you have concerns regarding the termination of your student employee, contact the Assistant Director for Student Employment in Career Services at 512.245.2645. If a supervisor has properly documented concerns and the supervisor has discussed the grounds for termination with the employee, most terminations are considered valid and legal.
Bibliography


## Sample Interview Evaluation Questionnaire

Name: ____________________________________________________________

Date: _____________________________________________________________

<table>
<thead>
<tr>
<th>Question</th>
<th>Job Description Link</th>
<th>Comments from the interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why did you choose Texas State?</td>
<td>Icebreaker/ establish rapport</td>
<td></td>
</tr>
<tr>
<td>What would be the ideal job for you?</td>
<td>Will s/he fit into our department?</td>
<td></td>
</tr>
<tr>
<td>Describe your customer service experience.</td>
<td>Ability to answer the phone, type, schedule appointments.</td>
<td></td>
</tr>
<tr>
<td>Describe a time when you had multiple projects with multiple deadlines.</td>
<td>Project management skills</td>
<td></td>
</tr>
<tr>
<td>Describe a time when someone was very angry with you. What was your response?</td>
<td>Conflict management. Communication skills</td>
<td></td>
</tr>
<tr>
<td>Do you have any questions for me?</td>
<td>Do they ask questions?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Why is this person suitable for hire?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concerns for hire?</td>
<td></td>
</tr>
</tbody>
</table>
# STUDENT WORKER EVALUATION TEMPLATE

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Semester</th>
<th>Supervisor</th>
</tr>
</thead>
</table>

## I. General Job Performance

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Outstanding</th>
<th>Meets Requirements</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carries out assigned duties and responsibilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiates ideas and activities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses work time effectively</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports to work on time</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Follows office dress guidelines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a positive work attitude</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

## II. Strengths and Weaknesses

## III. Student Section (to be filled out by student and supervisor named above)

A. What have been your most significant accomplishment and your least satisfying moment?

B. What would you change about yourself or your position to make this experience more rewarding?

## Comments

Employee:

Supervisor:

Signature of Supervisor: ___________________________ Date: __________________

Signature of Employee: ___________________________ Date: __________________
Disciplinary Report

Employee’s Name

______________________________________________

Date of Incident_________________ Department_____________________

Name__________________________________________

Description of Incident:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Disciplinary Action Taken:

__ Warning    __Final Warning    __Probation    __Termination of Employment

Actions to Correct:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Supervisor’s Signature__________________________________________ Date

Employee’s Signature acknowledging receipt ________________________ Date

Employee’s Comments:
______________________________________________________________________________

______________________________________________________________________________
Statement of Understanding
I understand that as an employee of __________ (department), I represent not only __________ (department), but also Texas State University. In such, I also understand that I am expected to act in a professional manner and to serve students and employers to the best of my ability.

As a student employee of __________ (department name), I accept the following expectations as a guide to all my behavior in the workplace.

1. I will serve as a model of what a student employee should be to all students and employers.

2. I will respect all staff.

3. I will greet every individual who enters __________ (department name).

4. I will answer telephone calls promptly and courteously.

5. I will respect the privacy of all students and will put forth the effort to maintain the confidentiality of all employee records.

6. I will check in with my assigned area supervisor when I arrive each day and again before I leave each day.

7. I will work in blocks of time no less than 2 hours, unless prior arrangements have been made.

8. I will work according to my pre-arranged schedule. I will not work outside of the schedule, unless prior arrangements have been made. I will not ask to leave before the end of my scheduled time.

9. I will call in at least 30 minutes before the beginning of my shift should I not be able to report for work due to illness.

10. I will ask for time off at least 2 full working days in advance by submitting a Request for Leave. I will not assume that my request has been granted until I receive a copy of an approved request.

11. I am responsible for submitting my timesheet. If I do not submit it on the due date, I understand that I will not be paid for the hours earned until the next pay period.

12. I will complete all assignments thoroughly and in a timely manner. I will take pride in all work that I do.

13. I will dress in a professional and respectable manner in accordance with the __________ (department) dress code.
14. I will assist in maintaining the appearance of the ________ (department name). This includes cleaning up after myself and leaving all work areas in good condition.

15. I will refrain from eating during working hours.

16. I will refrain from making/receiving personal telephone/cell phone calls and other cell phone activities such as checking voice mails and text messaging during work hours.

17. I will refrain from studying, completing homework assignments and editing/printing schoolwork during work hours.

18. Once I have completed all assigned tasks, I will ask for additional assignments. If an additional assignment is not available, I understand that I will be expected to assist in other areas.

19. I understand that all computer use must be work related. I will not check personal e-mail accounts during work hours, nor will I surf the internet.

20. By signing below, I have read and agree to these specified expectations. I understand that non-compliance may result in termination of employment.

_________________________________________ Date ____________
Signature of Employee

_________________________________________ Date ____________
Signature of Supervisor
Student Employee Confidentiality Agreement

Confidentiality and Non-Disclosure Agreement Templates

Campus administrative heads and supervisors frequently request guidance in the development of employee, consultant, and contractor confidentiality agreements. In response to these requests, IT Security has developed and recommends the following templates for use as appropriate to the situation. These template agreements have been reviewed and approved by the University Attorney for general campus use. However, special circumstances may necessitate material changes to these agreements and additional review by the University Attorney may be warranted prior to use.

- Sample Employee Non-Disclosure Agreement
- Sample Student Employee Non-Disclosure Agreement
- Sample IT Support Staff Non-Disclosure Agreement
- Sample Contractor Non-Disclosure Agreement related to Research and Sponsored Programs
- Sample General Purpose, Contracted Services, Mutual Non-Disclosure Agreement
- Recommended FERPA Data Security Terms for Inclusion in Contracts with Service Providers

If the above links do not work, please visit the IT Security Website at the following address: http://security.vpit.txstate.edu/policies/template_non-disclosure_confidentiality.html
# International Student Hire Checklist

Make sure all international student hire paperwork is sent to the Payroll Office first regardless of whether the student has worked on campus before. Employees can be taxed incorrectly and will possibly owe IRS money if correct paperwork is not received in the Payroll Office. The PCR packet will not be sent to Human Resources to be processed until all documents have been received. If the paperwork is sent to HR first, they will be forwarded to the Payroll Office, which will delay the entry of their appointment.

<table>
<thead>
<tr>
<th>Instruction</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student needs to have a valid SSN or receipt showing they have applied for one</td>
<td>If you have a person with a temporary SSN starting with 77, send them to the International Office. They will give them a letter which they will take to the SSA office in order to obtain a valid number. When the permanent SSN is received, please forward a copy to HR and have the student meet with Sally Moss in Payroll to complete their W-4 form.</td>
</tr>
<tr>
<td>Student should complete any portion of the Foreign National Information Form that is possible</td>
<td>This should be done prior to meeting with Sally Moss. To access this form, follow the link provided: <a href="http://www.txstate.edu/payroll/resourcesforms/payrollforms.html">http://www.txstate.edu/payroll/resourcesforms/payrollforms.html</a>. This is needed to determine the individual’s correct tax status.</td>
</tr>
<tr>
<td>Student provides - I-94 - U.S. Visa - I-20 or DS2019</td>
<td>This is needed to determine the individual’s correct tax status. Student Visa Information</td>
</tr>
<tr>
<td>Include a copy of the passport page with expiration date of passport</td>
<td>This is needed to determine the individual’s correct tax status.</td>
</tr>
<tr>
<td>Student and department complete the I-9 if the student has never worked on campus before. Employer submits copies of the original proof viewed.</td>
<td>Instructions and I-9 form I-9 should be completed by the 3rd business day from the 1st day of employment. Signatures and dates are required of the student and employer. The start date of employment is listed on the I-9 and it will be compared to the start date on your PCR.</td>
</tr>
<tr>
<td>Department completes a quick hire or quick rehire PCR</td>
<td>The PCR must be signed by an account manager. Keep a copy for your files.</td>
</tr>
<tr>
<td>Student and department complete the Acknowledgement Form and give the information listed to the student</td>
<td>Print the Notice of Workers Compensation Benefits brochure and Network Requirements and give it to the student. The Acknowledgement Form has a list and the attachments of the other information required for distribution.</td>
</tr>
<tr>
<td>Give the complete packet to the Student to meet with Sally Moss</td>
<td>Sally Moss will approve the packet and forward to HR for processing.</td>
</tr>
<tr>
<td>Student must meet</td>
<td>1) They have not worked on campus before</td>
</tr>
</tbody>
</table>
with Sally Moss at Payroll bringing the I-94, visa, I-20/DS2019, passport and PCR if:

| 2) They have not seen Sally in the last 6 months |
| 3) They are changing from a salaried to hourly position or vice versa (e.g. - GA to Student Worker or Student Worker to GA) |

| Meet the processing deadline | PCR\s with original signatures must be received in the Human Resources office by the published deadlines for timely processing. For pay dates, click [here](#). |

| Student Worker Safety Program | Beginning with the Fall 2007 semester it is a requirement that all student workers complete the safety orientation training course administered by Risk Management and test with a score of 70% or higher. The training is required to be completed ONCE during their employment at Texas State University-San Marcos. The Student Worker Safety Orientation program is available on TRACS. To gain access for the student to complete the training on TRACS, please send their TxState email address to [ehs@txstate.edu](mailto:ehs@txstate.edu). Once the student receives an email notification that they have been added to the specified TRACS site, they can complete the training online. |

**Human Resources must receive the original, signed paperwork by campus mail or in person.** Please remember to also submit the Acknowledgement Form when routing your PCR and support documents to HR. Forms can be found on the HR site under FORMS and then under NEW HIRE FORMS.

*FORM UPDATE 09/2011*
International Students and Social Security Numbers
(Fact Sheet)

Are you temporarily in the United States to attend a college, language, vocational, or nonacademic school with a nonimmigrant F-1, M-1 or J-1 student classification? Your school may ask you for your Social Security number. Some colleges and schools use Social Security numbers as student identification numbers. If you do not have a Social Security number, the college or school should be able to give you another identification number.

Social Security numbers generally are assigned to people who are authorized to work in the United States. Social Security numbers are used to report your wages to the government and to determine eligibility for Social Security benefits. Social Security will not assign you a number just to enroll in a college or school.

What do I have to do to work in the United States?
If you want to get a job on campus, you should contact your designated school official for international students. This official can tell you if you are eligible to work on campus and give you information about available jobs. Also, your school may approve certain limited off-campus employment, as permitted under Department of Homeland Security (DHS) regulations. If your school has authorized you to work either on or off campus, and you meet Social Security’s eligibility requirements described in the next section, you can get a Social Security Number.

How do I apply for a Social Security number?
In general, only noncitizens who have permission to work from DHS can apply for a Social Security number. We suggest you wait until you are in the United States for at least 10 days before you apply for a Social Security number. Also, you should report to your school before applying for a number. Taking the actions will ensure we can verify your immigration status with the Department of Homeland Security (DHS).

To apply for a Social Security number:

- Complete an Application For A Social Security Card (Form SS-5); and
- Show us original documents proving your:
  - Work-authorized immigration status;
  - Age;
  - Identity; and
- Take your completed application and original documents to your local Social Security office.
**Immigration status**

To prove your immigration status, you must show us the current U.S. immigration document, I-94, Arrival/Departure Record, issued to you when you arrived in the United States. If you are an F-1 or M-1 student, you also must show us your I-20, Certificate of Eligibility for Nonimmigrant Student Status. If you are a J-1 exchange visitor, you must show us your DS-2019, Certificate of Eligibility for Exchange Visitor Status.

**Work eligibility**

If you are an F-1 student and eligible to work on campus, you must provide a letter from your designated school official that:

- Identifies you;
- Confirms your current school status; and
- Identifies your employer and the type of work you are, or will be, doing.

We also need to see evidence of that employment, such as a recent pay slip or a letter from your employer. Your supervisor must sign and date the employment letter. This letter must describe:

- Your job;
- Your employment start date;
- The number of hours you are, or will be, working; and
- Your supervisor’s name and telephone number.

If you are an F-1 student authorized to work in curricular practical training (CPT), you must provide us your Form I-20 with the employment page (page 3) completed and signed by your school’s designated official.

If you are an F-1 or M-1 student and have a work permit (Form I-766) from DHS, you must present it.

If you are a J-1 student, student intern or international visitor, you must provide a letter from your sponsor. The letter should be on sponsor letterhead with an original signature that authorizes your employment.

We cannot process your application if:

- Your on-campus or CPT work begins more than 30 days from your application date; or
- The employment start date on your work permit from DHS (Form I-766) is a future date.
Age
You must present your foreign birth certificate if you have it or can get it within 10 business days. If not, we can consider other documents, such as your passport or a document issued by DHS, as evidence of your age.

Identity
We can accept only certain documents as proof of identity. An acceptable document must be current (not expired) and show your name, identifying information and preferably a recent photograph. Social Security will ask to see your current U.S. immigration documents. Acceptable immigration documents include your:

- Form I-551 (Includes machine-readable immigrant visa with your unexpired foreign passport);
- Form I-94 with your unexpired foreign passport; or
- Form 1-766 (work permit card from DHS)

All documents must be either originals or copies certified by the issuing agency. We cannot accept photocopies or notarized copies of documents. We also cannot accept a receipt showing you applied for the document. We may use one document for two purposes. For example, we may use your DHS work permit as proof of both work eligibility and identity. However, you must provide at least two separate documents.

Do I need a social security number before I start working?
We do not require you to have a Social Security number before you start work. However, the Internal Revenue Service requires employers to report wages using a Social Security number. While you wait for your Social Security number, your employer can use a letter from us stating that you applied for a number. Your employer may use your immigration documents as proof of your authorization to work in the United States. Employers can find more information at Employer W-2 Filing Instructions & Information.

Contacting Social Security…
Our website is a valuable resource of information about all Social Security’s programs. There are a number of things you can do online.

In addition to using our website, you can call us toll-free at 1-800-772-1213. We treat all calls confidentially. We can answer specific questions from 7 a.m. to 7 p.m., Monday through Friday. Generally, you’ll have a shorter wait time if you call during the week after Tuesday. We can provide information by automated phone service 24 hours a day. (You can use our automated response system to tell us a new address or request a replacement Medicare card.) If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778.

We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.
### Daily Semester Schedule Template for ________________
#### Fall _____ / Spring ____ / Summer I ____ / Summer II ____

<table>
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APPLICATION FOR On-Campus STUDENT EMPLOYMENT
TEXAS STATE UNIVERSITY - San Marcos

What date can you begin work?

What type of job are you seeking?

Regular Wage? Yes No

College Work Study? Yes No

Total Work Study Award $

BASIC INFORMATION

First Name: Middle: Last Name:

University ID: Phone:

Email: Cell Phone:

Local Address

Street:

City: State: Zip:

Academic Information

Major:

Classification (Freshman, Sophomore, Junior, Senior): GPA:

Are you willing to work between semesters?

Are you receiving an athletic scholarship?

Thinking about your schedule, when are you available to work a job?

Mondays

Tuesdays

Wednesdays

Thursdays

Fridays

Saturdays

Sundays

WORK EXPERIENCE

Please list jobs that you have had on-campus and off-campus

<table>
<thead>
<tr>
<th>Date Began</th>
<th>Date Ending</th>
<th>Job Title</th>
<th>Employer</th>
</tr>
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</table>

Supervisor Manual

Page | 26
What software/computer experience do you have? Be sure to identify design software experience.
For example: Microsoft Word, Excel...

Please continue to the next page.

What kind of office equipment do you know how to use? Please be specific.
For example: multi-line phones, copy machines, etc....

Do you have any other skills or qualifications that you would like to list?
For example: Fluently speak French, CPR certified, etc....

PLEASE RETURN THIS APPLICATION TO THE HIRING DEPARTMENT.
CAREER SERVICES DOES NOT ROUTINELY FORWARD APPLICATIONS TO HIRING SUPERVISORS ON CAMPUS.
01. POLICY STATEMENT

01.01 This UPPS explains the nepotism and related employment policies of the university. It conforms to the policy set forth in the Rules and Regulations of the Board of Regents (Board), The Texas State University System (TSUS).

02. REGENTS’ RULES REGULATING THIS POLICY

02.01 The university will appoint each employee, whether full-time or part-time, solely with regard to the special fitness of the appointee subject to applicable statutes and subject also to the provisions of this UPPS and Section 2.2 of Chapter V, of the Rules and Regulations of the Board of Regents, The Texas State University System.

02.02 In accordance with the prohibition of Government Code Ch. 573, no person related to any member of the Board within the second degree of affinity or within the third degree by consanguinity as described in Section 03.05 is eligible for appointment to any position with the university when that person’s compensation is paid from public funds.

a. Government Code Ch. 573 does not prohibit the reappointment or continued employment of any person continuously employed in any such office, position, employment, or duty for a period of one year prior to the appointment of the member of the Board related to such person within the prohibited degree, nor does it prohibit honorary or non-remunerative positions.

b. The university may not waive the prohibition of Government Code Ch. 573 as it applies to all programs administered under the Board.

c. When the university allows a person to continue employment under the exception specified in Section 02.02 a. above, TSUS Board Rules require the related Board member shall not participate in the deliberation of, or vote on any employment matter for that person, if the action applies only to that person and not to a bona fide employee class or category.
02.03 Even though Government Code Ch. 573 does not prohibit a person’s appointment, the president must approve in advance the employment of a person related within the second degree of affinity or the third degree of consanguinity to another employee if 1) such employment causes one relative to have a direct supervisory relationship over the other relative; or 2) such employment causes one relative to have authority over the salary or other terms of employment of the other.

a. This policy does not prohibit the reappointment or continued employment of a person related to another within either of the prohibited degrees if hired by the university before this policy’s adoption. However, no university employee may approve, recommend, or otherwise act with regard to the appointment, promotion, or salary of any person related within either of the prohibited degrees.

b. The president must approve an appointment if it places the person under the direct or indirect supervision of an administrative supervisor related within the specified degree. Additionally, if the appointment, reappointment, or continued employment of a person places such person under an administrative supervisor related within the above specified degree, all subsequent actions with regard to appointment, reappointment, promotion, or salary are the responsibility of the next highest administrative supervisor. It is also the responsibility of the next highest administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval by the appropriate vice president in the case of classified employees or the president in the case of faculty, administrative or unclassified employees.

c. The annual president’s report to the Board, generated each May, shall report all situations covered by Section 02.03 b.

02.04 A department may not employ an individual under the age of nineteen, including university student workers and those actively enrolled in high school pursuing a diploma, if that individual is related within the second degree of affinity or third degree of consanguinity to any employee in that department.

03. PROCEDURES FOR ENFORCING THE POLICY

03.01 The following individuals will ensure that all individuals hired at Texas State University-San Marcos meet the university’s nepotism policy requirements:
03.02 Department heads must ensure that employee promotions, reclassifications, transfers, marriages or other status changes do not violate this policy.

03.03 The director of Human Resources is responsible for interpreting the Texas State nepotism policy.

03.04 Employees may appeal the director of Human Resources’ decisions to the president via the vice president for Finance and Support Services. The president’s decision is final.

03.05 The following describe the degrees of consanguinity and affinity referred to in this UPPS.

a. Consanguinity

   1) Individuals are related to each other by consanguinity when one descended from another or they share a common ancestor;
   2) The university considers an adopted child the adoptive parent’s natural child; or
   3) With the employee as a starting point, the following describe degrees of consanguinity for the purposes of this UPPS:
      a) First degree: parents, son, daughter;
      b) Second degree: grandparents, grandchildren, uncle, aunt, first cousin, nephew, niece, brother, sister; or
      c) Third degree: great grandparents, great grandchildren, great uncle, great aunt, children of great uncle or great aunt, second cousin, children of first cousin, grandnephew, grandniece.

      NOTE: The University considers spouses of relatives described in the above degrees as related to the employee at the same degree.

b. Affinity

   1) Persons are related by affinity to the employee if they are:
      a) married to the employee;
      b) related by consanguinity to the spouse of the employee; or
c) married to a person who is related by consanguinity to the employee.

2) The ending of a marriage by divorce or the death of a spouse end relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

3) With the employee as a starting point, the following describe degrees of affinity for the purposes of this UPPS:
   a) First degree: spouse and spouse's parents, son, daughter;
   b) Second degree: spouse's grandparents, grandchildren, uncle, aunt, first cousin, nephew, niece, brother, sister; or
   c) Third degree: spouse's great grandparents, great grandchildren, great uncle, great aunt, children of great uncle or great aunt, second cousin, children of first cousin, grandnephew, grandniece.

03.06 The university encourages department heads to consult the Consanguinity and Affinity Chart when examining their departments for nepotism and to avoid hiring that would violate the university's nepotism policy and state law.

04. PROCEDURES FOR PUBLICATION OF THE POLICY

04.01 The vice president for Academic Affairs will publish the university's nepotism policy in the Faculty Handbook.

04.02 The director of Human Resources will publish the university's nepotism policy in the Texas State 2010 Staff Handbook.

04.03 The director of Career Services will publish a reference to the university's nepotism policy in UPPS No. 07.07.03, Student Employment Procedures.

05. REVIEWERS OF THIS UPPS

05.01 Reviewers of this UPPS include the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Director, Human Resources</td>
<td>October 1 E3Y</td>
</tr>
<tr>
<td>University Attorney</td>
<td>October 1 E3Y</td>
</tr>
<tr>
<td>Chief Diversity Officer and Director, Office of Equity and Access</td>
<td>October 1 E3Y</td>
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<tr>
<td>Chair, Faculty Senate</td>
<td>October 1 E3Y</td>
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<tr>
<td>Chair, Staff Council</td>
<td>October 1 E3Y</td>
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06. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director of Human Resources; senior reviewer of this UPPS

Vice President for Finance and Support Services

President
01. POLICY STATEMENTS

01.01 This UPPS provides an organized procedure whereby: (a) students seeking part-time employment; and (b) the respective departments and offices of Texas State University-San Marcos seeking part-time student employees will receive maximum benefits from the Student Employment Program.

01.02 Specific objectives of the student employment policy are to:

a. provide information to both the student and the employing university department;

b. ensure compliance with state and university regulations, policies, and guidelines; and

c. complement and strengthen the educational program and support the educational goals of the student.

02. DEFINITIONS

02.01 Student Employee Titles and Descriptions:

a. Undergraduate Instructional Assistants are employed by an academic department and paid from faculty salaries, but are not reported as the "Teacher of Record." Undergraduate instructional assistants are responsible for a specific group of students and assign some portion of these same students' grades. Additional Texas State requirements include enrollment in six semester credit hours (SCH) in an undergraduate degree program (except for the final semester of enrollment), classification as an undergraduate student, and teaching duties. They are appointed via a Personnel Change Request (PCR) and paid an hourly rate on a semi-monthly basis from approved time entry.

b. Regular Wage Student Employees are student workers who do not meet the criteria for undergraduate instructional assistants and are not paid from federal or state Work Study funds. They are appointed via PCR and paid an hourly rate on a semi-monthly basis from approved time entry.
c. **Work Study Student Employees** are any student workers who do not meet the criteria for undergraduate instructional assistants and are paid from federal or state Work Study funds. They are appointed via PCR and paid an hourly rate on a semi-monthly basis from approved time entry.

02.02 **Account Manager** is either the account manager or a designee.

03. **NON-DISCRIMINATION**

03.01 Texas State University-San Marcos will not discriminate against any person in employment or exclude any person from participating in or receiving the benefits of any of its activities or programs on any basis prohibited by law, including race, color, age, national origin, religion, sex or disability, veterans’ status, or on the basis of sexual orientation. Equal employment opportunities shall include: personnel transactions of recruitment, employment, training, upgrading, promotion, demotion, termination, and salary.

04. **PROCEDURES FOR HIRING A STUDENT EMPLOYEE**

04.01 **Posting Vacant Positions**

Account managers will post their jobs and vacancies on the [Career Services Web site](http://www.hr.txstate.edu/hrmasterdatacenter.html).

04.02 **Hiring Decisions**

In all cases, the account manager will decide who is hired according to the position’s qualifications and standards.

04.03 **Appointment and Related Forms**

a. For all student employee appointments, the account manager must forward a PCR and the required support paperwork to the Human Resources-Master Data Center (HR-MDC). Instructions and forms are provided at the following link: [http://www.hr.txstate.edu/hrmasterdatacenter.html](http://www.hr.txstate.edu/hrmasterdatacenter.html).

b. If paid from federal or state Work Study funds, the student will complete the Work Study Eligibility Letter and forward to Financial Aid and Scholarships (FAS) and the account manager will send the PCR to the HR-MDC.
c. HR-MDC will not process the student appointment until the student submits all required paperwork. It is the account manager’s responsibility to ensure required paperwork is completed and submitted to the HR-MDC by published deadlines.

d. In all cases, students with an hourly appointment cannot hold a monthly, salaried appointment at the same time.

04.04 Pay Rates and Budgets

a. Each of the job titles identified in Section 02.01 is paid in accordance with the pay schedule as shown in the University Pay Plan. Within that plan, the account manager will establish the hourly rate at which the student will be paid based on the student’s prior experience and degree of skill or training. The appropriate university vice president must approve any rate above the designated pay schedule limit for student workers.

b. The account manager will ensure that the departmental budget contains sufficient student wage funds to pay student employees hired on “regular student wages.”

c. For students hired on the Work Study program, the account manager will budget funds for the appropriate percentage of matching funds, as designated annually by President’s Cabinet for budget accounts with fund 20200010XX and above.

d. Career Services will provide the President’s Cabinet with an annual report reflecting the student’s name, division and hourly wage rate for those student employees paid on the October payroll at a rate higher than the designated pay schedule limit.

e. The overtime provisions in UPPS No. 04.04.16, Overtime and Compensatory Time Policy, apply to student employment.

f. If a student has multiple positions, the responsibility for overtime payment is prorated based on the number of hours worked in each appointment during the week in which the overtime occurred.

g. The account manager may not use Work Study funds to pay overtime. The responsible department is allocated overtime pay from a designated account by the account manager.
04.05 Eligibility for Employment

a. Regular Wage student employees must enroll for at least six semester credit hours in the fall and spring semesters unless the student is in the last semester of enrollment. During summer sessions and mini sessions, enrollment is not required and the student may work a maximum of forty hours per week with the stipulation that they are enrolled in a minimum of six semester credit hours in the following fall semester. The appropriate university vice president will address exceptions on an individual basis. If employing a graduate level student as an hourly student employee, the student is required to be enrolled in nine semester credit hours unless the student is in the last semester of enrollment.

b. Student employees on work study must always enroll for at least six semester credit hours in the fall and spring semesters to retain eligibility for Work Study funds. They must complete a total of six semester hours within the summer sessions and mini session to retain eligibility for Work Study funds. Financial Aid and Scholarships will notify the student if eligibility could be in jeopardy should enrollment fall below six semester credit hours.

c. Eligible students are normally awarded federal or state Work Study funds for the nine-month academic year (fall and spring semesters) or summer sessions. The award period, as well as the amount, is reflected on the student’s My Awards page at My Financial Aid (CatsWeb http://catsweb.txstate.edu/catsweb/index.htm). From this page, the student must complete the Work-Study Eligibility Notification, present it to the employing department, and submit it to FAS before beginning work. One-half of the award is for the fall semester and one-half is for the spring semester unless otherwise indicated on My Financial Aid. The student can transfer one-half of fall semester award balances to the spring semester award. A summer federal or state Work Study award is separate from fall or spring. To apply for summer work-study funds, a student must, in addition to having a current year FAFSA on with FAS, complete a Summer Financial Aid Application, which requires a new Work Study Eligibility Notification. Summer session I balances can transfer to summer session II.
04.06 Continuous Employment

a. Once appointed via a PCR, the account manager needs to perform no action on student employees continuing employment in the same position unless there is a break in service. A break in employment is a full fall, spring, summer I, or summer II semester.

b. Students that do not work summer I and II require a separation PCR. The account manager must complete a separation PCR as soon as the last working day is confirmed.

c. If the student worked in the spring and will return to work in the fall, the account manager should process a rehire PCR. It is recommended that departments submit the rehire PCR as soon as the start date and funding information is known for the fall semester.

04.07 Separating Employees

a. The account manager will complete and submit a PCR to the HR-MDC whenever a student either voluntarily resigns or is terminated.

b. The account manager will make all separations effective the last day the student actually worked.

05. MAXIMUM ALLOWABLE WORK HOURS FOR A STUDENT EMPLOYEE

05.01 During Class Sessions

Student employees are limited to an average of twenty-five hours per week during the fall and spring semesters. The appropriate vice president must approve any hours worked in excess of twenty-five hours per week. International students on F-1 or J-2 visas are limited to an average of twenty hours per week. Violations will jeopardize the student’s visa status.

05.02 During University Breaks

During university breaks (when classes are not in session), student employees can work a maximum of forty hours per week if otherwise eligible. International students are entitled to one annual vacation period each year (typically the summer) and they may work up to forty hours per week during that time.
06. TIME REPORTS AND PAY DISTRIBUTION

06.01 Record Keeping Procedures

The account manager will train student employees on timekeeping procedures to comply with one of the processes listed below. The student must submit hours worked according to the schedule outlined in the Payroll and Tax Compliance Office memorandum distributed prior to September 1 of each year.

a. The student may enter time via the HR Timekeeping System for approval by the immediate supervisor. Entries are “saved and released” at the end of each work week. Supervisors are responsible for approving time entries to meet the published deadlines from the Payroll and Tax Compliance Office.

b. The student may record time on a Semi-Monthly Time Report signed by the employee and immediate supervisor, and entered into the HR Timekeeping System by the departmental time administrator. Current time report forms are available on the HR Web site. The time administrator must complete entry by the Payroll and Tax Compliance Office’s published deadlines.

06.02 Pay Distribution

a. All university payments are sent electronically via ACH or direct deposit unless the employee elects in writing to receive payment by check. Any employee that does not wish to participate in direct deposit should visit the Payroll and Tax Compliance Office to complete the required paperwork. The Payroll and Tax Compliance Office will transmit payroll according to its published dates.

b. Students may view their detailed pay statement via Employee Self Service in the HR Timekeeping System. Instructions are available on the Payroll and Tax Compliance Office Web site.
07. REVIEWERS OF THIS UPPS

07.01 Reviewers of this UPPS include the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Date</th>
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<tbody>
<tr>
<td>Director, Career Services</td>
<td>July 1 E3Y</td>
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<tr>
<td>Director, Human Resources</td>
<td>July 1 E3Y</td>
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<tr>
<td>Director, Payroll and Tax Compliance</td>
<td>July 1 E3Y</td>
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<tr>
<td>Director, Financial Aid and Scholarships</td>
<td>July 1 E3Y</td>
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<tr>
<td>Chief Diversity Officer and Director, Equity</td>
<td>July 1 E3Y</td>
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<td>Access</td>
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<tr>
<td>Director, Faculty Records</td>
<td>July 1 E3Y</td>
</tr>
</tbody>
</table>

08. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director of Career Services; senior reviewer of this UPPS

Assistant Vice President for Student Affairs

Vice President for Student Affairs

President
01. POLICY STATEMENTS

01.01 We at Texas State are committed to recruiting and retaining a heterogeneous and qualified student body, and providing services which enhance their personal development and contribute to the fulfillment of their goals. The following procedure contributes to the implementation of this policy.

01.02 This UPPS sets forth policies for the involuntary termination of student employees as defined in Section 02.01, UPPS No. 07.07.03. It also provides an organized procedure whereby student employees may present grievances.

02. PROCEDURE FOR HANDLING UNSATISFACTORY PERFORMANCE

02.01 Student employees who demonstrate either unsatisfactory work performance or unsatisfactory work attendance may be warned by the supervisor and given time to correct the problem, or be dismissed immediately (see Section 05.02).

Upon demonstration of unsatisfactory performance or attendance, the supervisor should immediately warn the student and allow a reasonable period for the student to improve his/her performance with the understanding that unless the student's work performance or attendance improves, his/her employment will be terminated. The supervisor should take steps toward improved communication or instruction enabling the student employee to achieve satisfactory performance.

03. PROCEDURE FOR HANDLING NON-DISCIPLINARY TERMINATION

03.01 Termination is warranted for reasons of budget constraints, completion of a project, lack of work, or other such valid reasons unrelated to job performance. In these instances, employers must provide the student with a written notice at least one (1) week prior to the termination date. This notice must state the reason for termination.
04. GRIEVANCE PROCEDURE

04.01 Student employees have the right to appeal matters regarding their employment which they believe are unjust, improper or unwarranted. The procedure for resolving such complaints and differences is as follows:

Step I: The student should meet with his/her supervisor as soon as is reasonably possible after there is an awareness of the concern and an earnest attempt should be made by both parties to resolve the problem. However, if the student has already met with the immediate supervisor to resolve the problem then he/she need not repeat this step.

Step II: If the student does not feel the situation has been satisfactorily resolved, he/she should discuss the problem with the department head or account manager within five (5) class days of completion of Step I, unless that person is the same party the student met with in Step I. In this event, the student should be referred to the department head's/account manager's immediate supervisor for resolution.

Step III: Should the student still feel the problem has not been satisfactorily resolved after following Steps I and II, he/she should file a written grievance (Attachment II) with the Dean of Students within five (5) class days of completion of Step II. (Student Employment Grievance Forms are available from the Dean of Students Office, LBJ Student Center Room 5-9.2.) An investigation will be conducted by the Dean of Students and a written decision rendered within ten (10) working days after the investigation is completed. The decision of the Dean of Students is final and binding on all parties. If a grievance should be filed against the Dean of Students, the investigation should be conducted by the Vice President for Student Affairs or his/her designee.

04.02 Students are encouraged to seek advice and assistance from the Dean of Students Office. If a student experiences delays or a lack of employer responsiveness, he/she may proceed to the next step in the above-mentioned procedure.
05. PROCEDURES FOR TERMINATION

05.01 Career Services must be notified of the termination of student employees using a Student Termination Form (see Attachment I). This form should be completed and signed by the account manager and must indicate the last date of service. The data from this form will assist the Career Services Office in future employment verification of prior state service. Generally, the period of employment is considered for the duration of the semester, although employment may carry over from one semester to another. (Work-study students are permitted to work until they meet their award limit, unless the account manager makes other budgeting provisions.) The decision to continue employing a student from semester to semester is the sole prerogative of the employer. Student employees should be advised upon their hire of the anticipated length of their employment so they can plan accordingly.

05.02 Departments should provide at least one (1) week's written notice prior to releasing students from their work, except in cases of flagrant, willful violation of University rules, gross misconduct/insubordination, or violation of applicable statutes.

05.03 Student employees should give at least one (1) week's notice to their employer when resigning from a University job. All university properties such as keys, uniforms, and tools must be returned to employers before final paychecks are released.

05.04 Procedures for processing resignations are handled the same way as terminations, with the exception of attaching a letter of resignation to the student's Termination Form.

06. NOTIFICATION

06.01 Students will be notified of this policy and procedure through reference to this UPPS in the student handbook.
07. REVIEWERS OF THIS UPPS

07.01 Reviewers of this UPPS include the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Mr. Curt Schafer</td>
<td>December 1 E4Y</td>
</tr>
<tr>
<td>Director of Career Services</td>
<td></td>
</tr>
<tr>
<td>Dr. John Garrison</td>
<td>December 1 E4Y</td>
</tr>
<tr>
<td>Dean of Students</td>
<td></td>
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<tr>
<td>Ms. Shannon Fitzpatrick</td>
<td>December 1 E4Y</td>
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<tr>
<td>Attorney for Students</td>
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</table>

07. CERTIFICATION OF STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Mr. Curt Schafer, Director, Career Services Office; senior reviewer of this UPPS

Dr. Greg Snodgrass, Assistant Vice President for Student Affairs and Director of Counseling Center

Dr. James D. Studer, Vice President for Student Affairs

Dr. Denise M. Trauth, President
01. POLICY STATEMENTS

01.01 It is university policy that no faculty, staff, student, or contractor will sexually harass another member of the university community or visitor to the university. The university will not tolerate sexual harassment, whether it occurs on or off campus. Any faculty, staff, or student who violates this policy will face disciplinary action; a contractor may face loss of contract or other sanctions.

01.02 Sexual harassment violates:

a. academic ethics (National Education Association, 1991 resolution; American Association of University Professors, policy adopted June 1990);

b. state law (Texas Penal Code section 39.03);

c. federal law (Title VII, Section 703, Civil Rights Act of 1964; and Title IX, Section 106.31, Education Amendments of 1972);

d. Rules and Regulations of the Board of Regents of The Texas State University System, Chapter VII, Section 4.4; and

e. contractual agreements that require the contractor to comply with all state and federal laws, including those cited above.

02. EXAMPLES

02.01 Sexual Harassment: The Equal Employment Opportunity Commission’s amended “Guidelines on Discrimination Because of Sex” (29 C.F.R. 1604.11[a]) and the Rules and Regulations of the Board of Regents of The Texas State University System, Chapter VII, Section 4.4.1, define sexual harassment as: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic career;

b. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
c. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive employment or academic environment.

02.02 Behaviors, if sufficiently offensive, severe, or pervasive, that may constitute sexual harassment include:

a. intentional and unwelcome touching of a sexual nature;

b. explicit or implicit propositions to engage in sexual activity;

c. gratuitous comments of a sexual nature such as explicit statements, questions, jokes, anecdotes or remarks of a sexual nature about a person's clothing or body;

d. remarks about sexual activities or speculation about sexual experiences;

e. exposure to gratuitous sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials;

f. deliberate physical interference with or restriction of an individual's movements;

g. persistent, unwanted sexual or romantic attention;

h. subtle or overt pressure for sexual favors; or

i. deliberate, repeated humiliation or intimidation that is sexual in nature.

02.03 A Reasonable Person: Texas State intends that its sexual harassment policy comply with all state and federal law. Accordingly, Texas State will judge sexual harassment claims based on an intimidating, hostile, or offensive employment or academic environment from the perspective of a reasonable person in the complainant's position. In order to violate university policy, the conduct must be substantively and objectively offensive, severe, or pervasive.

02.04 Inappropriate Conduct: In addition to prohibiting sexual harassment as defined by law, the university strongly advises against any unprofessional or inappropriate conduct of a sexual nature in workplace and teaching locations, even that which is not so serious or pervasive that it rises to the level of sexual harassment. Even if conduct does not violate policy, investigation of these complaints may find the conduct inappropriate, resulting in remedial action.

02.05 Confidentiality: Limited access or disclosure of sensitive information. The Office of Equity and Access retains information pertaining to complaints
and may share that information with appropriate university officials involved in the complaint process. The Texas Public Information Act limits access to the information. The chief diversity officer (henceforth, CDO) will keep the information confidential to the extent permitted by the Texas Public Information Act.

02.06 The Equity and Access Investigating Committee: The Equity and Access Investigating Committee (the committee) consists of a pool of members, some of which will serve on individual investigating committees. Seven or more faculty (at least one per college) recommended by the Faculty Senate, three or more students, and six or more staff members (at least one from each division) recommended by the president in consultation with the Faculty Senate, Staff Council and Associated Student Government, as appropriate, with faculty and staff members will make up the pool and serve rotating three-year terms.

02.07 Management Directed Inquiry (MDI): A proactive measure requested by a vice president, dean, director, chair, or department head to address potential personnel concerns regarding sexual harassment before any individual files a complaint. The Office of Equity and Access conducts an MDI and provides the results to the requesting manager.

03. CONSENSUAL RELATIONSHIPS

03.01 Sexual Harassment and Conflicts of Interest Arising from Consensual Relationships

a. The issues of conflict of interest and sexual harassment may arise between two persons in a consensual relationship when one is in a position to supervise or evaluate the other. The exercise of power through praise or criticism, performance evaluations, grades, or recommendation for further study or current and future employment may diminish freedom of choice for a student or subordinate.

b. For example, a subordinate or student in a relationship, who freely consents in the beginning, may construe the relationship as sexual harassment if he or she feels pressure to continue the relationship.

c. Persons in positions of authority should exercise sensitivity to the potential for sexual harassment and conflicts of interest in personal relationships with subordinates (refer to UPPS No. 04.04.39, Consensual Relationships).

d. This policy may cover complainants that perceive these cases as sexual harassment.
04. PROCEDURES FOR REPORTING INSTANCES OF SEXUAL HARASSMENT

04.01 The university encourages faculty, staff, students and guests who believe that an individual sexually harassed them or are aware of possible sexual harassment to seek resolution through informal (see Section 06. below) or formal (see Section 07. below) university procedures. If several individuals believe the same individual sexually harassed them, they should report the incident and have the option to file as a group.

04.02 Individuals should report sexual harassment orally or in writing, as soon as possible, but no later than 90 work days from the date of the alleged incident to any of the following:

a. an academic or administrative official responsible for the unit involved;

b. the immediate supervisor of the alleged harasser or the next higher management level if the person is an employee;

c. the dean of Students, if the person making the report or the alleged harasser is a student; or

d. the CDO.

04.03 For support, a third party may accompany the person reporting the conduct.

04.04 Persons who believe themselves victims of sexual harassment should document all relevant events, incidents, and communications. Documentation may include the alleged harasser’s name, the date and nature of the incident, why the person considered the incident possible sexual harassment, and witnesses’ names.

05. RESPONSIBILITIES OF MEMBERS OF THE UNIVERSITY COMMUNITY REGARDING SEXUAL HARASSMENT REPORTS

05.01 Vice presidents, deans, directors, chairs, department heads, and supervisors are required to notify the CDO when they learn of a possible instance of sexual harassment. Disregarding, failing to investigate, or delaying the investigation of allegations of sexual harassment violates this policy.

05.02 The university encourages all university community members not holding a supervisory position to notify the CDO when they learn of a possible instance of sexual harassment.
05.03 Persons receiving reports of sexual harassment should: (1) consider them confidential; (2) disclose them only to authorized persons; and (3) handle them expeditiously.

05.04 Once an individual reports an incident, the university may not dismiss it before resolution, in accordance with Regents' Rules, Chapter VII, Section 4.43. If the person decides not to file a formal complaint, the university may still take action, including conducting an MDI.

05.05 If a person knowingly files a false charge against any university community member, a contractor or a visitor to campus, the university may subject that person to disciplinary action under applicable university and Board of Regents policies.

06. PROCEDURES FOR INFORMAL COUNSELING AND RESOLUTION OF SEXUAL HARASSMENT REPORTS

06.01 Because of the sensitive nature of sexual harassment, the university will make every reasonable effort to provide informal avenues for counseling and resolution. As part of an informal process, the complainant can receive support and assistance from the CDO.

06.02 As one method of informal resolution, a person who believes sexual harassment has occurred may communicate with the alleged harasser directly, and may bring a third party. Students should consult the Counseling Center or dean of Students before confronting the alleged harasser. Staff and faculty should first seek assistance from a supervisor or the CDO. A person who believes themselves a victim of sexual harassment:

a. may seek direct resolution of the matter through discussions with the alleged harasser.

b. may seek to resolve the matter by sending the respondent a letter through the U.S. mail, certified, return receipt requested. The letter should include the following three parts:

1) a factual account of what happened;
2) a description of how the writer feels about what happened; and
3) what the writer wants to happen next, for example, the behavior to stop.

c. If direct communication with the alleged harasser does not result in resolution, the person should report the incident or incidents to any university authority identified in Section 04.02. The person who receives the report must notify the Office of the CDO and Director of Equity and Access as indicated in Section 05.
06.03 If direct resolution is inappropriate, a person should seek other informal counseling and resolution with a supervisor, department chair or head, dean of Students, academic dean or advisor, counselor, or the CDO.

a. The person reporting the sexual harassment and the recipient of the report may discuss the specifics of the situation and explore possible avenues for informal resolution that may include how to file a formal complaint, if desired (Section 07).

b. Recipients of the report who are supervisors must consult with the CDO. After consultation with the CDO, the recipient of the report may attempt resolution while maintaining the anonymity of the person reporting the incident. The recipient of the report must take action toward resolution within 30 work days of receiving the report.

c. Following mandatory consultation with the CDO, the supervisor or administrator will base corrective action on a full review of the circumstances.

d. If sexual harassment did occur, a warning or other appropriate action directed toward the respondent may be taken or the respondent’s admission of guilt or promise not to commit such a violation again may also suffice as resolution. The supervisor shall follow up with the person reporting the sexual harassment in 30 work days to ensure that the alleged harasser has indeed stopped the harassment.

e. The supervisor is responsible for notifying the CDO and both parties of the results of the efforts at informal resolution of a sexual harassment report.

06.04 If the informal resolution does not satisfy the complainant, or if the 30 work day timeframe has lapsed without resolution, the university encourages the complainant to file a formal sexual harassment complaint with the CDO within 90 work days of the alleged incident (see Section 07).

07. PROCEDURES FOR FORMALLY INVESTIGATING REPORTS OF SEXUAL HARASSMENT

07.01 A person who wishes to file a formal complaint of sexual harassment must notify the CDO by mail, email or facsimile. Complainants may mail or send by facsimile a signed letter or use the Formal Complaint Form (see Attachment I) within 90 work days of the date of the alleged incident. In the correspondence, please include:
a. The complainant’s name, address, and if possible, a telephone number where the CDO can reach the complainant during business hours.

b. Names and, if known, job title, department and contact information about the person or persons alleged to have committed the discriminatory act; and

c. A description of the alleged incident in sufficient detail to enable the CDO to understand what occurred and when it occurred.

Email: Complainants may file a complaint using the following e-mail address: equityaccess@txstate.edu. Use the same procedures as above.

The CDO should keep the information confidential to the extent permitted by law.

07.02 The CDO will initiate a preliminary investigation of an allegation of sexual harassment within 60 work days of the receipt of the signed form. This includes providing the alleged harasser with written notification of the complaint in sufficient detail to allow him or her the opportunity to respond, separate interviews with the person reporting the harassment and the alleged harasser, as well as other witnesses, if necessary. During the preliminary investigation, the CDO will determine if the complaint has merit. If the complaint does not have merit, the CDO will issue a final report to the complainant, the respondent, and the appropriate vice president and close the investigation. If the CDO determines that sufficient evidence exists to warrant further investigation, the CDO, with two members of the Equity and Access Investigating Committee (see Section 02.06), will review the complaint to determine whether a violation has occurred and allow a maximum of 60 additional work days for investigation. From the receipt of the initial signed complaint, the CDO will complete the investigation and render a decision within 120 work days.

07.03 The CDO will:

a. Review all aspects of the complaint.

b. Only investigate reports of sexual harassment received per Section 07.01.

c. Ascertain the desired resolution from the person reporting the harassment.

d. Obtain pertinent information from appropriate witnesses and other sources.
e. Upon request, the TSUS Office of General Counsel will inform the investigating committee of the university's confidentiality policy in these matters and the possibility of individual liability for defamation.

f. The alleged harasser may use an advisor, including legal counsel for advisory purposes. The advisor may only advise the alleged harasser and may not otherwise participate in the investigation. The TSUS Office of General Counsel will receive notification when respondent selects an attorney as an advisor.

g. If the CDO determines that sexual harassment has occurred, the CDO will include in the written report a recommendation that management consult with the Office of Human Resources or Academic Affairs, as appropriate, and the TSUS Office of General Counsel on appropriate corrective actions for employees and the dean of Students for appropriate academic actions for students.

h. If the CDO finds that no sexual harassment occurred, the CDO can still determine that the conduct was inappropriate.

i. The CDO will provide a draft report of the findings to the TSUS Office of General Counsel for review. The TSUS Office of General Counsel will have 10 work days to review the report.

j. The CDO, after consultation with the TSUS Office of General Counsel, will issue a final report to the complainant, respondent, and the appropriate vice president in the reporting line.

k. The vice president in the alleged harasser's reporting line will resolve the sexual harassment issue as soon as possible, but no later than 15 work days after receiving the final written report. The vice president will implement any disciplinary action and will monitor the circumstances to ensure a remedied situation. The vice president's decision is final.

l. The alleged harasser may appeal only the severity of the disciplinary action through the regular grievance process (see UPPS No. 04.04.41, Staff Employee Mediation, Grievance, and Complaint Policy).

m. Other actions taken may include:

1) The supervisor of the person determined to have engaged in inappropriate behavior or the dean of Students will inform the person about the impropriety of his or her actions in consultation with the CDO.
2) Issue an oral warning following the filing of a second formal complaint.
3) Issue a written warning following the filing of a third complaint.

07.04 Texas State prohibits retaliation against a person who, in good faith, files a harassment or discrimination complaint, who assists or participates in the investigation of a report of discrimination or who opposes harassment or discrimination.

08. ADMINISTRATIVE CLOSURE

08.01 The CDO may administratively close or dismiss a formal sexual harassment complaint under the following circumstances:

a. complaint is untimely;

b. complaint is outside the purview of the CDO;

c. complainant files or addresses complaint through another internal complaint process;

d. complainant lacks standing to file a complaint under this policy;

e. university cannot locate complainant;

f. complainant resigns from employment;

g. university approves complainant’s request for dismissal;

h. parties negotiate full remedy or settlement is negotiated; or

i. for other reasons identified in applicable laws, regulations, or policies.

NOTE: Administrative closure does not prohibit issues raised in the complaint being reviewed under Section 02.07.

09. PROCEDURES FOR PUBLICATION AND DISSEMINATION OF THIS POLICY

09.01 The CDO will provide training to all full-time regular employees through brochures, workshops, and other appropriate means, concerning:

a. definitions of sexual harassment;

b. examples of incidents of sexual harassment;

c. descriptions of how and when to report sexual harassment;

d. descriptions of available informal and formal resolution mechanisms; and
e. sources of support and information for victims and respondents, as mandated by Texas law.

All full-time employees are required by Chapter 21, Texas Labor Code to receive supplemental training biennially. While not required by law, part-time employees may attend the training. Following the training, employees will sign a statement of verification form that Human Resources will place in their personnel files.

09.02 Deans and heads of administrative units should discuss this policy and issues of sexual harassment at meetings of faculty, staff, and teaching assistants at least once each year.

09.03 The CDO will discuss this policy in orientation programs for new faculty and staff employees within 30 work days of beginning employment, as mandated by Texas law.

09.04 The CDO will provide training programs for persons who advise and counsel students or respond to crisis situations. These programs will include information about sexual harassment (definitions, informal counseling, and formal report procedures).

09.05 The dean of Students, the dean of University College and the dean of the Graduate College will collaborate with the Office of Equity and Access to provide sexual harassment awareness and educational programs for students. While the university should direct this educational program toward new undergraduate and graduate students, it should not restrict it to them.

09.06 The university will summarize this policy in the Faculty Handbook, the Staff Handbook, and the Student Handbook.
10. SANCTIONS

10.01 The university may impose the following sanctions for violation of this policy:

a. for faculty or staff, disciplinary action up to and including termination of employment;

b. for students, disciplinary action up to and including dismissal from the university; and

c. for contractors, cancellation of their contract with Texas State or other appropriate action.
11. CONFLICTS

11.01 If this policy conflicts with any other policy, rule or regulation at the university, including procedures and policies found in the Faculty Handbook, the grievance and appeals policy in the Staff Handbook, or the Code of Student Conduct, this sexual harassment prohibition policy shall take precedence.

12. REVIEWERS OF THIS UPPS

12.01 Reviewers of this UPPS include the following:

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<thead>
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<td>Chief Diversity Officer and Director of Equity and Access</td>
<td>October 1 E3Y</td>
</tr>
<tr>
<td>TSUS Office of General Counsel</td>
<td>October 1 E3Y</td>
</tr>
<tr>
<td>Associate Vice President and Dean of Students</td>
<td>October 1 E3Y</td>
</tr>
<tr>
<td>Chair, Staff Council</td>
<td>October 1 E3Y</td>
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<td>Chair, Faculty Senate</td>
<td>October 1 E3Y</td>
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<tr>
<td>Co-Chairs, President’s Council for Women</td>
<td>October 1 E3Y</td>
</tr>
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</table>

13. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Chief Diversity Officer and Director of Equity and Access; senior reviewer of this UPPS

Special Assistant to the President

President
**Fair Labor Standards Act Advisor**

**Recording Hours Worked**

The FLSA requires employers to keep records on wages, hours worked and other items, as specified in Department of Labor regulations. Most of the information is of the kind generally maintained by employers in ordinary business practice and in compliance with other laws and regulations.

Insignificant Periods of Time

In recording working time under the act, infrequent and insignificant periods of time beyond the scheduled working hours, which cannot as a practical matter be precisely recorded for payroll purposes may be disregarded. The courts have held that such periods of time are de minimis (insignificant). This rule applies only where there are uncertain and indefinite periods of time involved, a few seconds or minutes in duration, and where the failure to count such time is justified by industrial realities. As noted below, an employer may not arbitrarily fail to count any part, however small, of working time that can be practically ascertained.

For example, after clocking in you assigned your employee to another job. He or she transported his or her tools to the new job area and then informed your foreman that he or she was ill and went home without doing any additional work or clocking out. The time spent transporting the tools would be considered de minimis or insignificant because it was limited to this one time only.

You must count as hours worked any part, however small, of your employee’s fixed or regular working time or identifiable periods of time he or she is regularly required to spend on duties assigned to him or her.

This policy is one that must be applied with common sense recognizing the practical realities of recording identifiable work time. Setting an artificial time limit is not sufficient. One must consider how frequently the activity is performed and whether the activity is actually part of the work the employee was hired to do.

**Use of Time Clocks**

Time clocks are not required under the FLSA. In those cases where time clocks are used, if your employee voluntarily comes in before his or her regular starting time or remains after quitting time, he or she does not have to be paid for such periods provided, of course, that your employee does not do any work during this time. Early or late punching is not hours worked when no work is done.

Likewise, minor differences between the clock records and actual hours worked cannot ordinarily be avoided since all employees cannot clock in or out at precisely the same
time. Major discrepancies should be discouraged, however, since doubt is raised as to
the accuracy of the record of hours actually worked.

In some industries, particularly where time clocks are used, there has been the practice
for many years of recording the employee’s starting and stopping time to the nearest 5
minutes, or to the nearest one-tenth or quarter of an hour. Presumably, these
arrangements average out so all of the time actually worked by the employee is properly
counted and the employee is fully compensated for all the time actually worked. Such
practices of recording working time are acceptable, provided they do not result, over a
period of time, in failure to count as hours worked all the time the employees have
actually worked.

Volunteers

The Fair Labor Standards Act (FLSA) defines employment very broadly, i.e., "to suffer
or permit to work." However, the Supreme Court has made it clear that the FLSA was
not intended "to stamp all persons as employees who without any express or implied
compensation agreement might work for their own advantage on the premises of
another." In administering the FLSA, the Department of Labor follows this judicial
guidance in the case of individuals serving as unpaid volunteers in various community
services. Individuals who volunteer or donate their services, usually on a part-time
basis, for public service, religious or humanitarian objectives, not as employees and
without contemplation of pay, are not considered employees of the religious, charitable
or similar non-profit organizations that receive their service.

For example, members of civic organizations may help out in a sheltered workshop;
men's or women's organizations may send members or students into hospitals or
nursing homes to provide certain personal services for the sick or elderly; parents may
assist in a school library or cafeteria as a public duty to maintain effective services for
their children or they may volunteer to drive a school bus to carry a football team or
school band on a trip. Similarly, an individual may volunteer to perform such tasks as
driving vehicles or folding bandages for the Red Cross, working with disabled children
or disadvantaged youth, helping in youth programs as camp counselors, scoutmasters,
den mothers, providing child care assistance for needy working mothers, soliciting
contributions or participating in benefit programs for such organizations and
volunteering other services needed to carry out their charitable, educational, or religious
programs.
Under the FLSA, employees may not volunteer services to for-profit private sector employers. On the other hand, in the vast majority of circumstances, individuals can volunteer services to public sector employees. When Congress amended the FLSA in 1985, it made clear that people are allowed to volunteer their services to public agencies and their community with but one exception - public sector employers may not allow their employees to volunteer, without compensation, additional time to do the same work for which they are employed. There is no prohibition on anyone employed in the private sector from volunteering in any capacity or line of work in the public sector.
Training Programs

Lectures, Meetings and Training Programs

Many employers give employees opportunities to go to lectures and seminars and to attend training programs. Employers may also require employees to attend company meetings. Time spent by your employees attending lectures, meetings, training programs and similar activities may or may not be hours worked depending on the facts of the situation.

Special Situations

The Following are some special situations where time spent attending lectures, training sessions or courses of instruction is not regarded as hours worked:

1. You may establish for the benefit of your employees a program of instructions similar to courses offered by independent bona fide institutions of learning. Voluntary attendance by your employees at such training courses, outside of their working hours, would not be hours worked, even if the courses directly relate to the employees’ jobs are paid for by you.

2. If the employee voluntarily decides to attend an independent school, college or trade school after work hours, the time is not hours worked even if the courses are related to his or her current position or you pay for the courses.

3. Time spent in certain supplemental classroom instruction held in conjunction with apprenticeship programs.

4. Special rules apply to public sector employees who attend outside of regular working hours specialized or follow-up training, which is required by law for certification of public sector employees.

5. Police officers and fire fighters attending a police or fire academy or other training facility are not considered to be on duty during those times when they are not in class or at a training session, if they are free to use the time for personal pursuits. Such free time is not hours worked.

In situations other than those listed above, it is necessary to determine whether the time spend attending lectures, training sessions or courses of instruction is hours worked. The first factor to consider is whether the attendance is during the employee’s regular working hours.
Breaks and Meal Periods

When must breaks and meal periods be given?
The Fair Labor Standards Act (FLSA) does not require breaks or meal periods be given to workers. Some states may have requirements for breaks or meal periods. If you work in a state which does not require breaks or meal periods, these benefits are a matter of agreement between the employer and employee (or the employee’s representative).

What it Does and Does Not Do

The FLSA does cover:
1. Minimum Wage and overtime- federal minimum wage is $7.25 per hour (it is the same level under Texas state law) - overtime is generally at time-and-a-half for all hours worked in excess of 40 in a seven-day workweek. Individual state minimum wage laws do not apply unless the FLSA does not apply - for all practical purposes, businesses can assume that all of their employees are covered under the federal wage and hour laws. An agreement between an employer and an employee that minimum wage and overtime will not be paid is void and unenforceable (even in the event of unauthorized overtime), based upon two U.S. Supreme Court decisions from the 1940s: Brooklyn Sav. Bank v. O’Neil, 324 U.S. 697, 65 S.Ct. 895, 89 L.Ed. 1296 (1945) and D.A. Schulte, Inc. v. Gangi, 328 U.S. 108, 66 S.Ct. 925, 90 L.Ed. 1114 (1946).
2. Equal Pay for Men and Women- Equal Pay Act- men and women who perform the same job at the same levels of skill, experience, and responsibility must be paid the same - this is not the same as "equal pay for comparable work", a rule followed by only a handful of individual states - violation of this law raises a gender discrimination issue, which is why complaints are investigated by the EEOC. For comparison purposes, all compensation for work performed is counted, including regular wages, bonuses, commissions, and so on, as well as the value of fringe benefits such as tuition assistance, paid leave, and similar benefits with measurable value. Differences in pay must be supported by business-related factors, i.e., may not be based on gender or other minority characteristics. The EEOC regulations regarding equal pay are in 29 C.F.R. Part 1620.
3. Child labor - in most situations, children younger than 14 may not work for an employer. Children ages 14 and 15 may work, but only in non-hazardous occupations and only during non-school hours; there is also a substantial limitation on the number of hours they can work each day and week. Children ages 16 and 17 may work any hours they want, but may not work in hazardous occupations. Once a person reaches age 18, there is no limitation on either hours or duties (other than whatever OSHA rules may apply).
The FLSA does not require:

Optional employee benefits and payroll practices not required under any law - this category includes such things as:

1. Breaks- although some states require breaks, Texas and most other states do not - federal law has no break requirement- the only exceptions are found in special regulations relating to highly hazardous occupations such as high-altitude steel erection workers or nuclear plant workers- most companies do allow some sort of breaks, however, in their policies
   a. breast-pumping / nursing breaks – these are unpaid breaks – under the 2010 health care reform bill, new FLSA section 207(r)(1) requires employers to give non-exempt nursing mothers reasonable break times to express breast milk, or if children are allowed in the office, nurse their infants, during the first year after the baby's birth (for more information, see "Nursing Mothers" in this outline)
   b. “coffee breaks” (rest breaks)- are paid, since they are regarded as promoting productivity and efficiency on the part of employees and thus benefit the employer - 20 minutes or less in duration.
   c. "smoking breaks" - smoking breaks are not required under Texas or federal law, are in the same category as rest breaks (see above), and may be controlled in any way with appropriate policies
   d. "lunch breaks" are unpaid - defined as 30 minutes or longer for the purpose of eating a meal - employee must be "fully relieved of duties" during the meal break – if employee is answering phones, filing, or otherwise working while eating, the "break" is counted as regular work time.

2. Premium, holiday, and weekend pay- this is extra pay for unusual hours, such as "double-time" or "triple-time" pay for working extra overtime or during times when most employees take off- this is not required under any law, but it is often a matter of supply and demand, i.e., whatever is necessary to get employees to be available at unusual times.

3. Shift differentials- defined as higher hourly pay for second or third shifts, as opposed to the normal hourly rate given to workers on the daytime shift - as with "premium pay" above, this is a function of supply and demand.

4. Raises - not required under state or federal laws, unless the minimum wage is increased on either the federal or the state level. However, even though raises are not required, withdrawing a raise that has previously been promised could give an employee good cause to quit. Important: once a raise goes into effect, the employer must pay it until it is withdrawn - it may be withdrawn only prospectively, never retroactively - a retroactive pay cut will always violate the law.
5. Pensions - pensions or retirement plans are not required - however, keep the “1000 hour rule” in mind in case you have a pension plan and any workers who work at least 1000 hours in a 12-month period.
Breaks

Breaks are a common source of confusion for employers. As noted elsewhere in this book, with only one exception (see below), neither the FLSA nor Texas law requires employers to give breaks during the workday, but if breaks are given, certain rules apply under federal law, and employers can impose their own conditions on the use of break time. Some cities in Texas may have their own ordinances on breaks, such as Austin, which in 2010 began to require at least one ten-minute break per four-hour shift for construction workers in that city.

Rest or coffee breaks, defined as 20 minutes or less, are compensable hours worked under 29 C.F.R. 785.18, since they are regarded as being for the benefit of both the employer and the employee. Smoking breaks are not required under Texas or federal law, but if a company allows such breaks, they count as rest breaks. Companies can adopt whatever policies they want to regarding smoking breaks. No matter how many rest/coffee/smoking breaks an employee takes, they are compensable, even if the employee took more breaks than allowed. Meal breaks, on the other hand, are not compensable, as long as they are at least 30 minutes in length and the employee is "completely relieved from duty for the purpose of eating a regular meal" (see 29 C.F.R. 785.19). Shorter meal breaks may be considered valid under special circumstances. Such breaks are a matter of company policy. Since they are optional, an employer can allow meal breaks, or not. If meal breaks are allowed, the employer can impose conditions on them, such as when they occur, how long they are, where they may or may not be taken, and whether any particular consumables are disallowed (such as alcoholic beverages). The most frequent pitfall for employers is thinking that employees have true meal breaks if they are allowed to eat at their desks while answering phones, opening mail, sorting files, and so on. Such duties performed while trying to eat will render the time spent during the meal break compensable. While employers should not insist that an employee actually eat something during a meal break, they may prohibit any kind of work during such time and may require employees to leave their desks or work stations during the allotted meal break times. Employers may control unauthorized work during meal breaks, or excessive or unauthorized breaks, by the disciplinary process.

Only one type of break is required under the law. Under the 2010 health care reform law, the FLSA now requires employers to allow reasonable break times for a nursing mother for the purpose of expressing breast milk for her baby during the first year following the birth of the child. Presumably, the same law would allow the mother to nurse her child if employees’ children are allowed in the workplace. The law applies only to non-exempt employees, i.e., those who are entitled to overtime pay if they work overtime, and it exempts employers with fewer than 50 employees if to provide such breaks would be an undue hardship for the business. Such breaks do not have to be paid. DOL will need to adopt regulations defining what is meant by “reasonable” in terms of break time.