



# Employee Handbook 2009 - 2010

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## **Introduction**

Virginia International University (VIU) Department of Human Resources has prepared this handbook to provide information about many of the benefits and personnel policies and procedures that apply to employees. While this compilation is not to be considered complete, it does include information on personnel matters frequently of interest to employees.

An employee having questions concerning personnel matters of a departmental nature should contact her/his immediate supervisor. Questions relating to University policies, employee benefits, and matters not contained in this handbook should be referred to the VIU Department of Human Resources.

## **1. SECTION I: GENERAL PRINCIPLES**

### **1.1. Equal Employment Opportunity (EEO)**

It is the policy of VIU to provide equal employment and educational opportunities for all people regardless of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity and expression, family responsibilities, political affiliation, disability, source of income, place of residence or business, and veteran status. An integral part of this policy is to administer recruiting, hiring, working conditions, benefits and privileges of employment, compensation, training, opportunity for advancement including upgrades and promotion, transfer, and termination of employment, including layoff and recall, for all employees in accordance with this policy.

### **1.2. Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act prohibit discrimination against a person with a disability in the offer or conditions of employment, and in the participation or furnishing of services. VIU is obliged to provide reasonable accommodations to enable qualified individuals with documented disabilities to perform a job, participate in a class, or participate in other University functions. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of a particular job or meet specific academic/program requirements for participation in a University-sponsored program, service or activity. To be covered under ADA, the disability must be substantial and not temporary. The ADA does not alter VIU's right to hire the best-qualified applicant, but does prohibit discrimination against a qualified applicant or employee because of her/his disability. For more information on ADA, contact the Department of Human Resources.

### **1.3. Civil Rights and Sexual Harassment**

Virginia International University does not, and will not, tolerate sexual harassment of students, faculty, and/or staff. This policy is part of the university's efforts to maintain learning and working

environment free from sexual harassment, exploitation, or intimidation. Violation of this policy will subject individuals to disciplinary actions, up to and including dismissal for employees and students. Sexual harassment is a form of sex discrimination that is illegal under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. In keeping with the guidelines provided by the US Equal Employment Opportunity Commission on sexual harassment in employment, Virginia International University defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed at an individual, or action taken in retaliation for reporting such behavior, regardless of where such conduct may occur. Sexual harassment is deemed to have occurred when:

1. Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or academic performance; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, including, but not limited to, promotion, transfer, selection for training or performance evaluation, or used as the basis for academic evaluation; or
3. The conduct has the purpose or effect of unreasonably interfering with an affected employee's work performance or an affected student's academic performance or participation in educational pursuits; or
4. The conduct has the purpose or effect of creating an intimidating, hostile, or offensive work or study environment.

Sexual harassment is a serious offense. As a consequence, any faculty or staff member who engages in such conduct or encourages such behavior by others shall be subject to disciplinary action that may include dismissal. The conduct includes, but is not limited to, unwelcome offensive behaviors referring to a person's race, color, national origin, religion, gender, sexual orientation, age, veteran status, political affiliation, or disability. Questions, assistance, or violations related to these policies should be directed to the Department of Human Resources.

#### **1.4. Whistleblower Policy**

It is the intent of VIU to remain in compliance with all laws and regulations that apply to our organization. In accordance with the Sarbanes-Oxley Act of 2002, Virginia International University will not retaliate against an employee who has raised a complaint against VIU, or of another individual or entity with whom VIU has a business relationship, on the basis of a reasonable belief that there is a violation of law. Employees that raise complaints about their immediate supervisor being in violation of the law or regulations will not be subject to termination or disciplinary action, if that complaint is reasonably found.

#### **1.5. Workplace Safety**

The University is committed to maintaining a safe, hazard-free workplace. It is the responsibility of each employee to maintain safe working habits on the job. Unsafe working conditions and work related accidents should be immediately reported to your supervisor. An accident should be reported by the supervisor to the Department of Human Resources.

## **1.6. Violence in the Workplace**

VIU has a policy of zero tolerance for violence. If an employee engages in any violence in the workplace, or threatens violence in the workplace, his or her employment may be terminated immediately. No talk of violence or joking about violence will be tolerated. "Violence" includes: physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with VIU, including employees and students, never feels threatened by any employee's actions or conduct.

If an employee believes that she/he has been the subject of such acts or that she/he has observed such acts, she/he must report these acts immediately to the Department of Human Resources. It is the policy of VIU that these acts should be reported regardless of the relationship between the person engaging in the act and the person to whom the act is directed. Employees are not required to make such reports to the employee's supervisor if the supervisor is perceived to be engaged in such acts. Supervisors and managers who become aware of such acts must immediately report the matter to the Department of Human Resources.

VIU officials will take seriously all reports of such acts. If an employee is found to have engaged in such conduct, the employee will be subject to disciplinary action up to and including termination of employment, and may be reported to law enforcement authorities. Furthermore, VIU will not tolerate retaliation against employees who report such acts or who participate in investigations of such conduct as witnesses or in other capacities.

## **1.7. Weapons**

In the interest of safety and security, it is the University's position that no employee or other person may possess, use, sell, or store, while conducting University business, on campus, or on property under the control of VIU, any dangerous weapon (operational or decorative), firearm, explosive, or any other potentially harmful device. Violation of this policy will result in serious disciplinary action up to and including termination.

## **1.8. Safe and Drug-Free School Policy**

In compliance with the US Department of Education and the Drug Free Schools and Communities Act Amendment of 1989, PL 101-226 20 USC's 1145g, Higher Education Act of 1965, Section 1213, VIU has adopted the following safe and drug-free school policy for the protection and welfare of all students and staff:

1. VIU will not tolerate the unlawful possession and use of alcohol or controlled substances (drugs) on its premises.
2. The unlawful manufacture, distribution, dispensation, possession or use of alcohol and controlled substances is prohibited in and on property owned by or under the control of VIU.
3. Students and employees who violate this policy may be subject to arrest and prosecution and will be subject to the disciplinary procedures provided by the various negotiated agreements or such other corrective action as the president or the president's designee may deem appropriate. Other

corrective action may include satisfactory participation in an approved alcohol or drug rehabilitation program.

4. Students and employees should be aware that the legal sanctions that may be imposed under current laws regarding the unlawful manufacture, distribution, dispensation, possession, use, or sale of alcohol or controlled substances include fines and prison terms ranging from one year to life in prison upon conviction.
5. Students and employees should also be aware that the health risks associated with the abuse of alcohol and the unlawful use of controlled substances include, but are not limited to, memory loss, depression, seizures, falls, accidents, heart and lung diseases, frequent infection, and sudden death.
6. VIU will make a good-faith effort to maintain an alcohol-free and drug-free workplace.

The premises consist of any leased or owned property by VIU or any site where official duties are being performed by VIU employees. All employees of VIU are subject to random drug testing by a contracted third party organization. Any employee who commits any prohibited act under this policy shall be subject to the full range of disciplinary actions, including discharge, and may be required to participate satisfactorily in an appropriate rehabilitation program.

### **1.9. No-Smoking Policy**

Smoking is not permitted within facilities owned or leased by the university, nor in university-owned vehicles. Smoking is not permitted within 50 feet of all university facilities.

## **2. SECTION II: EMPLOYMENT CLASSIFICATIONS**

### **2.1. Employee Classifications**

Each employee at VIU will be classified as exempt or non-exempt as defined by the Fair Labor Standards Act.

### **2.2. Non-Exempt Employees**

Non-exempt Employees-Basic Work Schedule

The basic schedule of work for full-time non-exempt employees is eight hours of work per day, five days per week. Your supervisor will inform you of the regular hours of your position and whether your position has been classified as non-exempt.

*Non-exempt Employees - Overtime and Compensatory Time*

In most cases a non-exempt employee's workweek consists of no more than 40 hours per week. Hours worked over forty in one week are generally viewed as overtime hours. Non-exempt employees should not work overtime hours unless specifically asked and authorized to do so by their supervisor

**AND** the Department of Human Resources. Additionally, if a non-exempt employee has reason to believe that his or her work schedule on a particular workweek may result in accruing hours over 40 during that week; the employee should let his or her supervisor and the Department of Human Resources know immediately. Any employee who works overtime hours without obtaining authorization will be subject to discipline. Hours worked over 40 in one week are normally compensated by payment of one and one-half times the employee's regular rate of pay for each hour over 40 worked in a work week.

In certain cases, a non-exempt employee who works more than 40 hours in one week may be able to receive compensatory time off (comp time) at the rate of time and one-half in lieu of overtime payment. If you are a non-exempt employee and you work more than 40 hours in a week, consult your supervisor and the Department of Human Resources regarding the availability of electing compensatory time off. Comp time must, however, be used in the same pay period in which the hours over 40 were worked.

#### *Non-exempt Employees - Attendance and Leave Records*

All non-exempt employees are required to be present and ready to work at the beginning of their scheduled shifts or work times. Non-exempt employees who arrive late for work, and/or are absent from work (and who do not present an acceptable excuse to the supervisor), may be subject to disciplinary action and will not be paid for the time during which they were absent.

Time records must reflect the actual hours worked and in most cases will coincide with the hours assigned. (In the rare circumstance when actual time worked does not coincide with hours assigned, the employee should obtain written authorization from his or her supervisor **prior** to working the different hours.) No changes, alterations, or notations may be made on any time records without the approval and signature of the employee's supervisor and the Department of Human Resources.

An employee's failure to record his or her time in a prompt, accurate and regular manner and/or an employee's negligent or intentional falsification of time or leave records is a serious offense. An employee who engages in such conduct will be disciplined up to and including termination of employment.

### **2.3. Exempt Employees**

Employees who are properly classified as exempt are paid a base salary and are not eligible for overtime or compensatory time off. While all employees exempt and non-exempt alike are expected to maintain regular work hours, the hours of exempt employees are not predetermined. Sometimes, for instance, an exempt employee may need to work extra hours, or days to complete a project or task or otherwise to perform his or her work in a professional and acceptable manner. No additional compensation is paid to an exempt employee when such an employee works extra or additional hours or days.

One's status as an exempt employee also means that compensation will not be decreased or docked due to lateness or partial day absences. However, unexcused absences and absences for which leave

with pay is not available and which last for a full day or more will result in a decrease in compensation for each such full day of absence.

The University seeks to employ individuals who are dedicated to their work and who exercise sound judgment in the conduct of their work and work schedules. With one's status as an exempt employee comes the expectation that you are capable of conducting your work schedules in a mature and wise manner. Failure or refusal to work additional hours as may be necessary and required to fulfill accurately your job responsibilities will usually be conclusive proof that you are not performing the functions of your job at an acceptable level.

## **2.4. Employment of Non-US Citizens**

VIU employees Non-US Citizens (both Immigrants and Non-Immigrants) in accordance with the Immigration and Nationality Act and within the regulations of the United States Citizenship and Immigration Services (USCIS). Immigrants are defined as permanent residents that may permanently work in the US, but are Non-US Citizens; and Non-Immigrants are defined as individuals that are given temporary authorization to work in the US by the Immigration and Naturalization Service. Applicants seeking visa sponsorship by VIU must be permanent employees in a "permanent" position at the University. A "permanent" position is defined by USCIS as a position in which there is no anticipated ending date on the part of both the employer and the employee. Future employment cannot be guaranteed to any employee, regardless of visa status. The University is given sole discretion in assuming any financial liabilities in the visa application process, and unless otherwise determined, any and all financial liabilities are to be held by the employee.

### ***F-1 visa Student Employment***

Students attending VIU full-time, for at least one full semester, and have an average GPA of 3.2, may apply for part-time employment by submitting VIU's On-Campus Employment Application. In compliance with the USCIS regulation, student employees may work up to 20 hours a week while school is in session, and up to 40 hours a week when school is not in session. Student employees are officially evaluated each semester by their immediate supervisor. Evaluations are directly submitted for review to the Department of Human Resources and will determine the continuation of a student's employment. (See VIU's On-Campus Employment Policy for additional policies)

### ***F-1 visa OPT Student Employment***

Student employees wishing to obtain OPT (Optional Practical Training), upon graduation of their studies, may make an official request by submitting the Employee Application for OPT Form. The student employees' direct supervisor must also submit a Supervisor Recommendation for OPT Form. All forms must be submitted directly to the Department of Human Resources at least two months prior to the start of the student employees' authorized OPT period.

### ***H-1B visa Employment***

OPT (Optional Practical Training) employees, may make an official request for H-1B sponsorship by submitting the Employee Application for H-1B Status Form. The OPT employees' direct supervisor must also submit a Supervisor Recommendation for H-1B Form. All forms must be submitted directly to the Department of Human Resources at least four months prior to the end of the employees' authorized OPT period.

### ***Permanent Residence visa (Green card) Employment***

Employees wishing to obtain a green card must be employed by VIU for at least 2 years, full-time, and possess a minimum of a Master's degree at the time of the request. The employee must be employed the entire time of the green card application process and until the green card has been issued. A request for green card sponsorship must be made in writing to the Department of Human Resources. A response to this request will be given within 30 days in writing on official letter head. All requests must be made at least 13 full months prior to the end of an H-1B visa holder's expiration date. VIU reserves the right to deny any green card sponsorship requests.

## **2.5. Probationary Period**

When you begin employment with the University you will serve a **three month probationary period** during which time both you and your supervisor will have a chance to determine your suitability for the position. During this time, your employment can be terminated at the will of the University. A probationary period may be extended up to six months if necessary. Probationary reviews are conducted monthly during this period. The Department of Human Resources will notify your supervisor and request a Probationary Progress Review Form to be completed and returned to their office at the end of your probationary period of employment. You will be notified in writing about the status of your employment at completion of your probationary cycle.

## **2.6. Promotions and Transfers**

The University encourages promotion from within whenever practical. Where appropriate, a regular staff member may be promoted to a more responsible position in the department without the position being posted. Employee eligibility for promotion will be determined by the requirements of the position. In addition, to be considered, employees must have held their current position for at least **six (6) months**, have a satisfactory performance record and have no disciplinary actions during the same period. Transfer requests that would not involve a meaningful salary increase will be considered, but are not encouraged. Persons interested in a promotion or transfer should make their interests known to the Department of Human Resources.

## **2.7. Wage, Salary, and Pay Dates**

The University determines the wages and salaries to be paid to each employee by considering the duties, responsibilities and skills, necessary to the position held by the employee as well as the needs and financial condition of the University and the particular qualifications and abilities of the individual. The University retains the sole discretion to determine and adjust rates of pay and to assign work to the employee.

**Non-Exempt Employees** are paid for the number of exact hours that they worked for each pay period. Payments will be released during the first week following the service performed the previous pay period. Non-exempt employees must punch-in and out every day, and each employee's supervisor must match the "**Employee Timesheet**" with their "**Punch-Clock**" record. After checking for discrepancies, the supervisor will submit the timesheet with her/his signature to the Department of

Human Resources for review. The Accounting Department will process the Timesheets for pay release.

**Exempt Employees** are paid on the first week following the service performed the previous pay period. The Department of Human Resources will review punch clock records for exempt employees periodically. Exempt employees must punch-in and out every day.

## 2.8. Recording Time/Attendance

At the recommendation of the University's independent auditors, a time-clock system has been established to verify and track employee work hours. All employees, including adjunct staff, must punch in when they arrive at the University and punch out when they leave the University. This system will not be used to determine pay; rather, it will serve as proof that the staff or faculty member was present at the times required by his/her contract or position.

## 2.9. Last Paycheck

The Employee's last paycheck shall be issued by the University only upon receipt of all pertinent materials from the Employee, including office keys, office supplies and equipment, and anything that is considered property of the University. In the case of Adjunct employment, these materials include the course information sheet, the course syllabus, the attendance records, make-ups and the grade reports. These materials must be submitted to the person designated as the employee's supervisor.

## 2.10. Hours of Operation and Attendance

As important as it is to maintain a good attendance record at work, there will most likely be times when you cannot avoid being late or absent. **If you know in advance that you will be late or absent, it is your responsibility to tell your supervisor and inform the Department of Human Resources in advance.**

You may not always be able to plan in advance when you will be late or absent. In such instances, you should let your supervisor know **prior** to the beginning of your scheduled work time that you will be late or absent. Failure to report a late arrival or absence according to University requirements is considered an unexcused absence and may result in disciplinary action.

Determine in advance from your supervisor to whom you should report if your supervisor is unavailable. It is important that you report late arrivals or absences to the proper person to avoid being charged with failure to report to work.

During normal work hours you should not leave your work area for personal matters (other than lunch or breaks) without permission from your supervisor or the individual responsible in the absence of your supervisor.

## 2.11. Workweek

Full-time exempt and non-exempt employees normally work a minimum of 32- 40 hours per week. The University's normal work hours are 8:00am to 6:00pm, Monday through Friday. Employees in certain areas may work non-standard shifts or workweeks to provide adequate coverage and service to the University community. Your work schedule should be pre-arranged with your supervisor and submitted to the Department of Human Resources. Any deviation from your work schedule should be approved by your supervisor. **All full time employees are expected to report to work no later than 9:00am.**

## 2.12. Overtime Non-Exempt Employees

Federal law requires University employees to be paid one and one-half times their regular rate of pay, or receive overtime leave in lieu of overtime pay, for any hours worked over the standard 40 hour workweek. Employees who are covered by this section of the federal law are referred to as "non-exempt" employees. **A non-exempt employee cannot work overtime without prior authorization or direction given by the supervisor and the Department of Human Resources.**

An employee who may be required to work more hours than normally scheduled on certain days of a workweek, but by reason of sick leave, annual, or compensatory leave, does not exceed the 40-hour workweek, is not entitled to overtime for that particular week since the actual number of hours worked did not exceed 40.

## 2.13. Breaks/Lunch

Your supervisor may grant you a break from your regular work schedule, but is not required to do so. There may be no more than two of these breaks in a normal workday, and they may not exceed 15 minutes. The break periods shall not be used to extend lunch hours, offset late arrival to work or early departure from work, nor be used to cover time off for other purposes.

Lunch should last one hour and be scheduled between 12:00pm and 2:00pm. Lunch periods may be staggered to provide departmental coverage. However, like breaks, lunch periods are not to be used to offset late arrivals to work, early departure or other absences. They must be taken and cannot be used to create compensatory time. All offices serving students should have office hours posted on the door.

## 2.14. Alternative Work Schedules

Alternative works schedules may be necessary in some instances to provide effective services to the University community. When feasible, the University also tries to provide employees with a work schedule that is flexible enough to allow an opportunity to balance work and other responsibilities. Alternative work schedules must be approved by your supervisor and the Department of Human Resources.

## 2.15. Outside Employment

VIU employees that engage in outside employment must inform their immediate supervisor of their other employment. Employees may not engage in this employment during the hours they are scheduled to work at VIU. All employees who are considered part of the Senior Staff at VIU may not engage in outside employment that is considered direct competition and within the same industry as VIU. Continuation of one's employment at VIU is contingent on whether or not the outside employment affect's the employee's work performance at VIU.

## 2.16. Official Closings

Decisions to close all non-essential University operations will be made by the Business Manager in conjunction with the President. You are expected to report to work on time; however, when weather conditions create transportation difficulties that result in late arrival, supervisors may authorize up to two hours of such lost time as an authorized absence. For information regarding late openings or official closings, please listen to local television stations or visit the VIU website.

## 2.17. Travel Expenses and Compensation

Certain expenses employees incur while traveling on University business will be reimbursed by the University. These normally include transportation, lodging, and meals. Employees are normally expected to utilize the most economical methods of air transportation and lodging available. Questions concerning acceptable, reimbursable expenses should be directed to the employee's supervisor. **All expenses must be submitted on an Expense Request Form and approved by a department head, the Business Manager, and the Executive Director of Business in advance.** Failure to do this will result in non-approval of expenses.

**Gas Mileage:** If an employee's private vehicle is used for a University activity or University sponsored events you can be reimbursed at the rate of \$0.50 per mile for driving in the DC/Metro area and \$0.40 per mile outside of the area. VIU is not responsible for the penalties, and fines incurred due to irresponsible use of the vehicle. VIU only carries liability insurance on the vehicles it owns.

## 2.18. Employee Benefits

Following are the benefits offered by VIU. For more information or questions concerning benefits please contact the Department of Human Resources.

## 2.19. Health Insurance

VIU provides standard Health Care coverage for all full-time employees. Single and family coverage is available upon the request; however, the individual employee is responsible for the health care premiums for his/her dependents added to the plan. Part-time employees are not eligible for health coverage. However, if they elect to pay premiums on their own, then the University may let them

register through its plan. For more information about the current coverage, please consult with the Department of Human Resources.

## 2.20. COBRA

If a full-time employee leaves the University, voluntarily or involuntarily, or if a qualifying event occurs, then an employee has the option to extend their health care coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). If an employee enrolls in COBRA, they may elect to extend their health care coverage at their own expense. If a qualifying event occurs, the Department of Human Resources will notify the employee of their eligibility within 14 days in writing. The employee has 60 days from receipt of the written notification to elect the extended coverage of their health insurance through COBRA.

## 2.21. Annual Leave

Annual leave is to be used for any purpose including vacation, sick leave, doctor appointments and personal leave. Except for emergency situations, an employee wishing to use annual leave shall complete the Paid Time-Off Request Form and submit it to their supervisor at least two weeks in advance of the anticipated dates for which the employee will be absent. When scheduling leave, supervisors should endeavor to avoid conflicts between employee requests and workloads. Once leave is approved in writing, the Department of Human Resources should receive the form from the employee. The University has the authority to determine when and to what extent annual leave requests will be granted, and may in some circumstances **require** that annual leave be taken. Employees are requested to be mindful of the Academic Calendar when scheduling their leave. Employees are expected to use discretion when scheduling leave two-weeks prior to the start of a semester and one-week following the start of a semester.

Paid Time-Off (PTO) will commence as follows:

<b>Number of Years at VIU</b>	<b>Number of Days Paid Leave</b>
0-2	15
3-7	18
7+	20

Unused PTO will be available for rollover each year, but not to exceed 30 days at any given time for all employees. Annual leave is not given all at once at the beginning of the recording cycle, but is accrued monthly (i.e. – for employees receiving 15 days of PTO, their leave is accrued at a rate of 10 hours a month). Borrowing of future leave is not permitted. The unit measurement for recording purposes will be 4 hours, or ½ day. Hours less than 4 will not be deducted from PTO; however, employees are expected to make-up missed hours for late arrivals and outside appointments. The PTO recording cycle will be January to December with the first year of employment being prorated from the start date of employment. VIU will not pay for unused annual leave at termination of employment.

## 2.22. Bereavement Policy

In the event of the death of certain members of an employee's family, and upon request, VIU will grant paid time off and unpaid leave. This policy applies only to full-time employees who receive benefits.

In the event of the death of a parent or foster parent, sister, brother, spouse, domestic partner, child, father-in-law, mother-in-law, grandparent, or grandchild, employees may be granted up to three consecutive business days of paid leave. One additional day of paid leave is permitted if the employee must travel more than 500 miles each way.

Employees may request approval for additional time off, which will be charged against accrued vacation time. If no accrued vacation time is available, VIU may grant leave without pay. VIU will consider requests for bereavement leave in the event of the death of a person not bearing one of the above-stated relationships to the employee on an individual basis.

VIU reserves the right to request verification of relationship, death, and distance traveled before paying the employee under this policy. Whenever possible, employees should request bereavement leave before their absence. Additional time off must be approved in advance.

## 2.23. Tuition Assistance

After one semester of employment, student employees will receive tuition discounts. For more information on Tuition Assistance please see the Department of Human Resources and ask for the On-Campus Employment Policy. The University, and its Board of Trustees, expressly retains the right to alter this provision at any time.

Regular full-time Employees, who have successfully completed their probationary cycle, may take one course per semester free of charge from the University. This coursework cannot interfere with an employee's regular work schedule.

## 2.24. Holidays

Virginia International University observes 12 days as holidays. There will be no classes, and administrative offices will be closed, on the following days:

- New Year's Day (January 1)
- Martin Luther King Day (the third Monday in January)
- Memorial Day (the last Monday in May)
- Independence Day (July 4)
- Labor Day (the first Monday in September)
- Thanksgiving Day (the fourth Thursday in November)
- The day after Thanksgiving
- Christmas Day (December 25)

The remaining four holidays are included in the winter holiday break, and will be observed between

Christmas and New Year's. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.

**Note:** Virginia International University will not observe the following holidays and will be open for classes as usual:

- Presidents Day (the third Monday in February)
- Columbus Day (the second Monday in October)
- Veterans Day (the second Tuesday in November)

## **2.25. Family and Medical Leave Act (FMLA)**

The *Family and Medical Leave Act of 1993* (FMLA) requires employers to provide up to twelve weeks of unpaid, job-protected leave, for up to 12 workweeks in a 12-month period for eligible employees for specified situations. Employees that are eligible must have been employed for at least 12 months (one year) preceding the leave, have been employed for at least 1,250 hours of service during the 12-month period of employment preceding the leave, and has been employed within 75 miles of the worksite. This leave should be requested in writing and may be taken for the birth of a child; adoption or foster care; to care for a child, spouse, or parent with a serious health condition; or due to the employee's own serious health condition. The request for leave should be forwarded to the Executive Director of Human Resources and documentation of the reason for the requested leave may be required. The Department of Human Resources will give a response to this request, in writing, within 5 days. This leave will run concurrently with any paid leave used by the employee in conjunction with the specified situations.

Under extreme circumstances and when the leave is in the best interest of the employee and the University, an unpaid leave of absence, with the length of the leave to be determined by the University, may be granted. Requests for leave should be submitted in writing to the employee's supervisor outlining the reason for and duration of the leave.

## **2.26. Maternity Leave**

Employees may be eligible for an unpaid, job protected, leave for up to 12 workweeks due to the birth of a child. This leave should be requested in writing and forwarded to the Executive Director of Human Resources and documentation of the reason for the requested leave may be required. The Department of Human Resources will give a response to this request, in writing, within 5 days. This leave will run concurrently with any paid leave used by the employee in conjunction with the specified situation.

## **2.27. Discipline**

Employees are expected to adhere to the policies and procedures set forth in the Employee Handbook, policies on equal employment opportunity and sexual harassment, rules and regulations, which may be revised from time to time and the lawful directives of their supervisors. However, we

also recognize that some employees will unfortunately engage in improper conduct and/or fail to perform their duties adequately. Employees who engage in misconduct are subject to discipline. Employees who fail to achieve and maintain acceptable levels of performance are subject to remedial action.

Discipline may include, but is not limited to, a verbal warning, a written warning, suspension, demotion or discharge. Virginia International University reserves sole discretion to determine what level of discipline is appropriate under the circumstances. Formal discipline will be made a permanent part of the employee's personnel file.

Remedial action for poor performance may include the formulation of a corrective work plan, or reassignment, and/or additional training. VIU reserves the right in all situations to determine the acceptability of work and whether any individual should be retained as an employee.

## **2.28. Termination of Employment**

Employment with the University may be terminated, prior to the expiration of the term of the Employment Agreement, in accordance with the following:

### **2.28.1. Voluntary Termination**

Employees who voluntarily resign their employment are requested to provide at least two weeks advance notice of their resignation in writing to their supervisor and to the Department of Human Resources. Employees who voluntarily resign will receive their final paycheck (minus any appropriate deductions to the extent permitted by law) on the next regular payday or within seven days of their resignation. There will be no compensation for unused annual leave.

### **2.28.2. Involuntary Termination**

All employees may terminate their employment with the University at any time and for any reason or for no reason. The University may also terminate the employment of any employee at any time, for any reason or for no reason. Other employees who are involuntarily terminated will receive their final paycheck (minus any appropriate deductions to the extent permitted by law) upon termination. There will be no compensation for unused annual leave.

## **3. SECTION III: STANDARDS OF CONDUCT**

### **3.1. Scope**

The standards of conduct apply to the following members of Virginia International University:

- Board of Trustees
- Faculty and Staff
- Volunteers and other representatives when speaking or acting on behalf of the University

### **3.2. Proper Use of University Resources**

University resources shall not be used for anything other than their intended purpose. Resources should not be used for personal reasons or offered to anyone outside of the University for their use. Resources cannot be used to violate the law.

### **3.3. Relationship with Vendors**

No member of the University community may approve, recommend or promote a business transaction in which that person has a direct personal interest, or otherwise cause the University to do business with a firm in which that person is an officer or senior management employee or in which that person owns equity interest unless such person discloses her/his relationship and the relevant circumstances or the contemplated activity, in writing, to the President and:

It is determined that the proposed activity is fair to the University and will not result in the University foregoing revenues, or incurring costs in excess of the costs that would be incurred for goods, property, or service of like quality if acquired from another source.

### **3.4. Gratuities**

No member of the University community shall receive or solicit anything of value in return for influencing or exercising her/his discretion in a particular way on a University matter. In addition, Trustees and Senior Administrative Personnel are prohibited from accepting or soliciting any gratuity or thing of value for or because of any official act performed or to be performed by the Trustee or senior employee in his or her official capacity with the University. This provision does not prohibit the acceptance of an item having a nominal value or ceremonial gifts received by Officers or Trustees of the University in their official capacity.

### **3.5. Confidentiality and Maintenance of Accurate Accounts**

The accounts and records of the University are maintained in a manner that provide for an accurate and auditable record of all financial transactions in conformity with generally accepted accounting principles, established business practices, and all relevant provisions of controlling law. No false or deceptive entries may be made and all entries must contain an appropriate description of the underlying transaction. All University funds must be retained in the appropriate University accounts with appropriately designated financial institutions and no undisclosed or unrecorded fund or asset shall be established or maintained for any purpose. All reports, vouchers, bills, invoices, payroll information personnel records, and other essential business records must be prepared with care and honesty.

Since the unauthorized use of the records and accounts described in the preceding paragraph can cause the University harm, access to such data will be closely controlled. Members of the University community who improperly convert these records and accounts for their own personal use or the personal use of another, or who wrongfully discloses such records or accounts will be subject to appropriate legal sanctions by the University. To further the enforcement of this standard of conduct,

the President may direct that certain employees who occupy sensitive or confidential positions execute confidentiality agreements with the University as a condition for employment or continued employment.

### **3.6. Educational Benefits and Opportunities**

No member of the University community shall deny a student fair access to all educational opportunities and benefits available at the University. Invidious harassment, discrimination, or intimidation of students that deny or impede their right of access to these benefits and opportunities will not be tolerated and will be subject to disciplinary action.

No member of the University community shall deny any member of the faculty a fair opportunity to teach, conduct research, and to provide services to the University in a setting that provides the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods. Unwarranted interruption of classes or other academic activities is an abridgement of the right of the faculty to teach and an abridgment of the rights of the affected students to learn.

### **3.7. Employment Practices and Public Relations**

No member of the University community shall engage in any employment practice that is a violation of federal law, or the law of the state of Virginia. No one in a supervisory position or in any position of higher authority in the University is to use his or her position to intimidate subordinate employees or to exact personal favors or things of value from employees of lesser rank within the University. Every member of the University community is expected to treat each other and members of the public with courtesy, professionalism, and civility.

### **3.8. English Only-Specific Circumstances**

Although it is the policy of VIU to encourage diversity and inclusiveness in all of its educational/business pursuits, there are some occasions when VIU will require that its employees converse or take direction and guidance in English. Thus, this English-only policy will provide specific circumstances where English-only rules must be observed:

1. English will be used when dealing with students/customers who express a preference or the expectation that our employees are proficient in English.
2. All task directions and work directives will be provided in English and, while employees are engaged in such work-related efforts or on project teams, they will be expected to communicate in English.
3. All departmental and team meetings that relate to business operations will be expected to be conducted in English.
4. All work related e-mailing is expected to be communicated in English unless customer requirements state a preference that another language be used.

### **3.9. Social Networking**

In general, VIU views social networking sites (e.g., Facebook, MySpace), personal Web Sites, and weblogs positively and respects the right of employees to use them as a medium of self-expression. If an employee chooses to identify himself or herself as an employee of VIU on such Internet venues, some readers of such Web Sites or blogs may view the employee as a representative of VIU. No member of the University community should express that their views represent that of their employer. All members of the University community are expected to respect the confidentiality and proprietary information of VIU at all times, regardless of the medium.

## **4. SECTION IV: INTELLECTUAL PROPERTY**

### **4.1. Computer and Internet Policy**

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and Virginia International University (VIU) is not responsible for material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at VIU is governed by the following policy:

#### **Permitted Use of Internet and VIU Computer Network**

The computer network is the property of VIU and is to be used for legitimate business purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain employees (“Users”) may also be provided with access to the Internet through the computer network. All Users have a responsibility to use VIU’s computer resources and the Internet in a professional, lawful and ethical manner. Abuse of the computer network or the Internet, may result in disciplinary action, including possible termination, and civil and/or criminal liability.

#### **Computer Network Use Limitations**

**Prohibited Activities.** Without prior written permission from VIU, the VIU’s computer network may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, trojan horse programs, etc.) or any other unauthorized materials. Occasional limited appropriate personal use of the computer is permitted if such use does not a) interfere with the user’s or any other employee’s job performance; b) have an undue effect on the computer or VIU network’s performance; c) or violate any other policies, provisions, guidelines or standards of this agreement or any other of the VIU. Further, at all times users are responsible for the professional, ethical and lawful use of the computer system. Personal use of the computer is a privilege that may be revoked at any time.

**Illegal Copying.** Users may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material

you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the VIU.

**Communication of Trade Secrets.** Unless expressly authorized to do so, User is prohibited from sending, transmitting, or otherwise distributing proprietary information, data, trade secrets or other confidential information belonging to VIU. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.

**Accessing the Internet.** To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to VIU's network must do so through an approved Internet firewall or other security device. Bypassing VIU's computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to the VIU's network.

**Frivolous Use.** Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the User must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

**Virus Detection.** Files obtained from sources outside the VIU, including disks brought from home, files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail, and files provided by customers or vendors, may contain dangerous computer viruses that may damage the VIU's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-VIU sources, without first scanning the material with VIU-approved virus checking software. If you suspect that a virus has been introduced into the VIU's network, notify VIU immediately.

**No Expectation of Privacy.** Employees are given computers and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the VIU's computer equipment. The computer network is the property of the VIU and may be used only for VIU purposes.

**Waiver of privacy rights.** User expressly waives any right of privacy in anything they create, store, send or receive using the VIU's computer equipment or Internet access. User consents to allow VIU personnel access to and review of all materials created, stored, sent or received by User through any VIU network or Internet connection.

**Monitoring of computer and Internet usage.** The VIU has the right to monitor and log any and all aspects of its Computer system including, but not limited to, monitoring Internet sites visited by Users, monitoring chat and newsgroups, monitoring file downloads, and all communications sent and received by users.

**Blocking sites with inappropriate content.** The VIU has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

## **4.2. Computer Usage Policies**

This document describes the policies regarding the requesting, purchasing, installation, and maintenance of computer software in Virginia International University.

- Computer facilities and accounts are owned by Virginia International University and are to be used for university-related activities only. All access to central computer systems, including the issuing of passwords, must be approved through the IT department. All access to departmental computer systems must be approved by the department head or an authorized representative.
- Incidental use of computer communications facilities by members of the faculty and staff for the purpose of creating and maintaining job efficiency and harmonious working relationships is consistent with the above policy.
- An account assigned to an individual by the IT department or a department must not be used by others without explicit permission from the instructor or administrator requesting the account and by the IT department or department assigning the account. The individual is responsible for the proper use of the account, including proper password protection.

An individual's computer use privileges may be suspended immediately upon the discovery of a possible violation of these policies. Such suspected violations will be confidentially reported to the appropriate faculty, supervisors, department chairs, IT department staff, and Provost.

The appropriate administrative staff or supervising department head will judge an offense as either major or minor. A first minor offense will normally be dealt with by the IT department administrative staff or supervising department head after consultation with the instructor or administrator requesting the account. Additional offenses will be regarded as major offenses.

Violations of the policies will be dealt with in the same manner as violations of other university policies and may result in disciplinary review. In such a review, the full range of disciplinary sanctions is available including the loss of computer use privileges, dismissal from the University, and legal action.

### **Computer Software Copyright Policy**

Software piracy is the installation, use or distribution of unauthorized copies of software, which is protected property under intellectual property laws. Purchased commercial software packages include license agreements that indicate how the software should be used. Pirating software or failure to comply with restrictions in license agreements is illegal and may result in substantial fines for the University. Federal copyright laws allow for up to \$150,000 in damages for each work infringed.

Organizations such as the Business Software Alliance, Software & Information Industry Associates and Microsoft have been aggressive in prosecuting institutions for software violations. In the event of a software investigation by one of these organizations, computers would be audited and we would be required to provide documentation to prove that we have licenses for all software installed on University- owned computers and networks.

VIU has adopted following computer software policy on the use of personal computer software. Virginia International University, in purchasing computer software, commits to specific licensing agreements. Misuse or unauthorized uses, including duplication of licensed software for backup or archival purposes or duplication of related documentation may be a violation of United States Copyright laws.

Virginia International University employees shall use computer software only in accordance with the terms of the licensing agreement. Virginia International University does not condone or support the use of any unauthorized copies of software. All software used by Virginia International University employees to perform their university responsibilities shall be purchased through appropriate procedures.

Any employee, who makes, acquires, or uses illegally reproduced software can be subject to civil and criminal penalties, including fines and imprisonment. Further, employees who violate this policy will be subject to appropriate disciplinary actions.

### **Documentation Related To Software Compliance**

The IT department office is responsible for keeping documentation related to software compliance. In order to ensure that all departments are in compliance with software restrictions:

- The IT department will maintain a current inventory of all software installed on computers/networks in the university.
- The IT department staff will not install software on a network unless specifically allowed in the licensing agreement.
- If a software package is licensed to be operated across a network, the IT department staff will make sure that any usage limits (per seat or concurrent) are observed and copying is disabled unless explicitly allowed under the license.
- The IT department staff will ensure that software is not copied for use on more than one computer and that software user manuals are not copied.
- The IT department staff will ensure that backup copies of software are not used to run the software on additional computers.
- When software upgrades are purchased, previous versions and associated user manuals should be destroyed, if no longer needed. (Some upgrades require that the previous version(s) be installed before the upgrade is installed, so the previous version(s) must be maintained.)
- The IT department staff will conduct a software inventory every year or periodically perform spot checks or 'audits' of University-owned computers to make sure that illegal software has not been inadvertently or deliberately installed.
- VIU computing facilities are used by departments, offices and faculty members for a number of classes. This creates a complex environment for providing a reliable, useful facility for all involved. Pieces of software added into the environment become part of an integrated system the IT department must maintain. For this reason, there are a number of policies regarding software requests and installation.

All software packages will be available for use by any other group using the facility, regardless of the purchasing department.

The IT Department will not provide students, faculty, or staff with technical support for software not purchased by the IT Department. This means that instructors intending to use department-requested software are expected to be proficient in said software; the IT Department will not provide training, support, or documentation for software not purchased by the IT Department.

### **Requesting Updates**

- Departments wanting updates to software they have purchased must make requests according to sections 1, 2 and 3 of this document.
- The IT Department must be provided by the proof of purchase of any non-free updates before the update will be installed.
- Departments may request updates to IT Department purchased software, and such requests will be evaluated. Such requests must also be submitted in writing or e-mail to the IT Department four weeks before the start of the semester.

### **Maintenance**

- The IT Department will maintain the original installation of the software for one academic year from its initial installation, or until the license expires, whichever occurs first. After this time, any software not requested according to section 1 of this document will be removed from the facility.
- Software packages must be retested after each semester as new software, hardware, or operating systems may be installed. The IT Department will notify the department of any new conflicts and make all efforts to resolve those conflicts. If unavoidable conflicts arise, the IT Department will work with the department to find the best solution.
- The IT Department will not provide students, faculty, or staff with technical support for software not purchased by the IT Department. This means that instructors intending to use department-requested software are expected to be proficient in said software; the IT Department will not provide training, support, or documentation for software not purchased by the IT Department.

## **5. SECTION V: OTHER PERSONNEL POLICIES**

### **5.1. Performance Appraisal and Reports**

The appraisal process offers an excellent opportunity to establish work objectives and review results, as well as, providing a vehicle for effective two-way communication between the employee and the supervisor. Every employee should receive an annual written appraisal of his/her performance conducted by their supervisor. In addition, as deemed necessary, verbal and written performance appraisals may be conducted throughout the year. A copy of the completed appraisal will be provided to the employee when requested and an additional copy forwarded to the Department of Human Resources for placement in the employee's personnel file.

The position description and the annual performance evaluation are all part of the employee work profile.

The position description identifies the essential key tasks and responsibilities that are essential to the job. Your supervisor, along with the Department of Human Resources, creates the position description and updates it when the responsibilities change. It is reviewed for accuracy during the performance evaluation process.

The performance review period for all employees is an annual cycle. The non-probationary cycle runs each year from January 1<sup>st</sup> to December 31<sup>st</sup>.

The supervisor will rate your performance toward the end of the review period by comparing actual performance to the position description. Other factors included in employee evaluation will be: quality of work; quantity of work; job attitude; dependability; and initiative. VIU is committed to ensuring that remuneration of its employees is consistent and fair. Salaries will be reviewed at a minimum on an annual basis. Salary increases for performance (merit increases) are based on the overall performance rating and funding for the University.

## 5.2. Grievance Procedure

Work related problems can arise in any place of employment. VIU's management encourages employees to try to reconcile differences on an individual basis. If this is not possible, in order to resolve a problem quickly and fairly, VIU has developed a four level process for employee grievances.

### Procedure

1. The employee attempts to resolve the complaint as close to the source as possible in an informal, verbal manner.

*If the matter is not resolved*

2. The employee notifies their supervisor in writing as to the nature of the grievance and the measures used to resolve it. Discussion should be held between the employee, the supervisor and any other relevant party. This level is usually informal, but either party may request written statements about the interaction from the supervisor. This level should not exceed 5 business days.

*If the matter is not resolved*

3. The employee must send a letter stating the nature of their grievance to the Executive Director of Human Resources and inform her/his supervisor of this action. The supervisor will forward to the Executive Director of Human Resources any additional information relevant to the grievance. The Executive Director of Human Resources may elect to mediate the situation. The Executive Director of Human Resources will provide a written response to the employee within 5 business days.

*If the matter is not resolved*

4. The employee will be advised of her/his rights to pursue the matter with external arbitrators if they wish.

### 5.3. Personnel Records

Virginia International University's Department of Human Resources maintains one personnel file for each employee relating to their employment with VIU. To assist in keeping these records up to date, it is important for each employee to report any changes in the information contained in their files; such as address, telephone number, change in tax status, or change of legal status. In addition, employees should inform the Department of Human Resources when they have attended any conferences or continuing education events. Copies of certificates from workshops/conferences will be included in the file. Although personnel files are the property of VIU, current employees can request access to certain records in their files. All requests for such records should be made directly to the Department of Human Resources. Human Resources will locate these records and set up a mutually agreeable time for the employee to review these files with the employee. The employee may receive copies of specific materials in their personnel record; including transcripts, resumes, evaluations, and employment letters. However, the employee may not alter, remove, or copy (other than those previously specified) their records. If the employee disagrees with any of the information in the files, the employee may prepare a written rebuttal and the rebuttal will be included in the file.

### 5.4. Dress Code

Virginia International University is firmly committed to avoiding illegal discrimination on the basis of personal appearance. The University does require its employees to observe reasonable standards of neatness, good grooming and appropriate business attire at all times while working in the University community. Consideration should be given to the sensitivity of the many cultures represented here. Each employee's dress, while on duty at the University and working off-campus on behalf of the University must be appropriate to the employee's job responsibilities.

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*This Employee Handbook is provided for informational purposes only and does not contain every policy that may affect your employment. This is not an employment contract and it does not create contractual obligations of any kind. The policies and procedures outlined in this Handbook will be applied at the discretion of Virginia International University. VIU reserves the right to change, update, modify or eliminate any of the provisions in this Handbook in its sole discretion. You will be notified within a reasonable period of time when a change in policy or procedure has been made.*

## HANDBOOK ACKNOWLEDGEMENT

Please read this page, complete the information at the bottom, sign it and return it to the Department of Human Resources.

- I have received a copy of Virginia International University's (VIU) Employee Handbook. I understand that the Hand book is not a contract. I understand that I should contact the Department of Human Resources for additional information regarding the information in the Handbook
- I understand that the Handbook does not contain every policy or employment practice of VIU. I further understand that the handbook supersedes any and all prior communications, handbooks, memoranda, and notices that I may have received regarding the topics covered therein.
- I understand that VIU in its sole discretion may make changes to the handbook at any time, and if changes are made, the University may require an additional acknowledgement from me to indicate that I have been informed of the changes.
- I understand that it is my responsibility to become familiar with and follow the University practices set forth in the Handbook.
- I understand that my violation of any policies and procedures contained in the Handbook is grounds for immediate disciplinary action, up to and including termination.

*Please provide a signed copy of this page to the VIU Department of Human Resources.*

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\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Printed Name and Title

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date