

St. Mary's University Employee

Beginning January 1, 2009, St. Mary's University's has contracted with Texas Mutual using a "Network Provider" arrangement for its workman's compensation coverage. Employees who are injured "on-the-job" will be required to follow a medical network for services in order to have their medical expenses covered with the University's insurance carrier, Texas Mutual Insurance Company.

The enclosed booklet outlines the details of this arrangement.

Please sign the acknowledgement form confirming that you have been notified of this contractual agreement.

Thank you.

St. Mary's University  
Human Resources Department

***Texas Star Network<sup>®</sup>  
Employee Notice of  
Network Requirements***

**Important Contact Information:**

To locate a provider, call (800) 381-8067

To contact Texas Mutual Insurance Company, visit  
[www.texasmutual.com](http://www.texasmutual.com) or call (800) 859-5995

# ***Texas Star Network***<sup>®</sup>

## ***Information, Instructions and your Rights and Obligations***

*Dear Employee:*

Your employer has chosen *Texas Star Network*<sup>®</sup> to manage the health care and treatment you may receive if you are injured at work. *Texas Star Network*<sup>®</sup> is a certified workers' compensation health care network. The state of Texas has approved this network to provide care for work related injuries. This program includes a network of health care providers who are trained in treating work related injuries. They are also trained in getting people back to work safely. The current *Texas Star Network*<sup>®</sup> service areas are shown on the enclosed map.

If you are injured at work, tell your supervisor or employer immediately. The enclosed information will help you to seek care for your injury. Also, your employer will help with any questions about how to get treatment through *Texas Star Network*<sup>®</sup>. You may also contact Texas Mutual Insurance Company for any questions about your care and treatment for a work related injury. Texas Mutual and your employer have formed a team to provide timely health care for injured workers. The goal is to return you to work as soon as it is safe to do so.

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### ***Your Rights and Obligations...***

#### **Choosing a Treating Doctor**

If you are hurt at work and you live in the network service area, you must choose a treating doctor from the *Texas Star Network*<sup>®</sup> provider list. This is required for you to receive coverage of the costs for the care of your work related injury. A provider listing is available through our website at [www.texasmutual.com](http://www.texasmutual.com). It is updated at least every three months. It identifies providers who are taking new patients.

You also have the option to choose your current health maintenance organization (HMO) primary care physician as the treating doctor for your workers' compensation claim. In order for your HMO doctor to be approved as your treating doctor, he/she must agree to the terms of the network contract, and to agree to abide by applicable laws and regulations. If your HMO doctor is not approved, then you must see a network treating doctor.

If you were injured before your insurer contracted with the network and you live in the service area, you must choose a network treating doctor. You may also request a doctor you chose as your HMO primary care doctor before you were hurt. You must do this upon receipt of this notice.

If your treating doctor leaves the network, we will tell you in writing. You will have the right to choose another treating doctor from the list of network doctors. If your doctor leaves the network

and you have a life threatening or acute condition for which a disruption of care would be harmful to you, your doctor may request that you treat with him or her for an extra 90 days.

If you believe you live outside of the service area, you may request a service area review by calling Texas Mutual Insurance Company. Within 7 days of receiving your request for review, we will tell you our decision. If you do not agree with our final decision you have the right to file a complaint with the Texas Department of Insurance. Your complaint must include your name, address, telephone number, a copy of the insurer's decision and any proof you sent to Texas Mutual Insurance Company for review. A complaint form is available on the department's web site at [www.tdi.state.tx.us](http://www.tdi.state.tx.us). You may also ask for a form by writing to the HMO Division, Mail Code 103-6A, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104.

While waiting for Texas Mutual Insurance Company to make a decision or the Texas Department of Insurance to review your complaint, you may choose to receive health care outside of the network. You may be required to pay for health care services received out of the network if it is finally decided that you do live in the network's service area.

### Changing Doctors

If you become dissatisfied with your first choice of a treating doctor, you can select an alternate treating doctor from the list of network treating doctors in the service area where you live. *Texas Star Network*<sup>®</sup> will not deny a choice of an alternate treating doctor. Before you can change treating doctors a second time, you must get permission from *Texas Star Network*<sup>®</sup>.

### Referrals

You do not have to get a referral if you have an emergency health condition. All health care services that you request will be made available by the network on a timely basis, as required by your medical condition. This includes referrals. All health care services, including referrals, will be made available no more than 21 days after you make a request.

### Payment for Health Care

Network doctors have agreed to look to Texas Mutual Insurance Company for payment for your health care. They will not look to you for payment. If you obtain health care from a doctor who is not in the network without prior approval from *Texas Star Network*<sup>®</sup>, you may have to pay for the cost of that care. You may only access non-network health care providers and still be eligible for coverage of your medical costs if one of the following situations occurs.

- Emergency care is needed. You should go to the nearest hospital or emergency care facility.
- You do not live within a *Texas Star Network*<sup>®</sup> service area.
- Your treating doctor refers you to an out of network provider or facility. This referral must be approved by *Texas Star Network*<sup>®</sup>.
- You have chosen your HMO primary care doctor. Your doctor must agree to abide by the network contract and applicable laws.

## Complaints

You have the right to file a complaint with *Texas Star Network*<sup>®</sup>. You may do this if you are dissatisfied with any aspect of network operations. This includes a complaint about your network doctor. It may also be a general complaint about *Texas Star Network*<sup>®</sup>.

A complainant can notify the *Texas Star Network*<sup>®</sup> Grievance Coordinator of a complaint by phone or in writing via mail or fax. Complaints should be forwarded to:

***Texas Star Network*<sup>®</sup>**  
**Attention: Grievance Coordinator**  
**3200 Highland Avenue**  
**Downers Grove, IL 60515**

**Phone: (800) 262-6122**  
**FAX: (800) 737-2077**  
**E-mail: [grievance\\_coordinator@cvty.com](mailto:grievance_coordinator@cvty.com)**

A complaint must be filed with the network grievance coordinator no later than 90 days from the date the issue occurred.

Texas law does not permit *Texas Star Network*<sup>®</sup> to retaliate against you if you file a complaint against the network. *Texas Star Network*<sup>®</sup> also can not retaliate if you appeal the decision of the network. The law does not permit *Texas Star Network*<sup>®</sup> to retaliate against your treating doctor if he or she files a complaint against the network or appeals the decision of the network on your behalf. You have the right to file a complaint with the Texas Department of Insurance. The Texas Department of Insurance complaint form is available on the department's web site at [www.tdi.state.tx.us](http://www.tdi.state.tx.us) or you may request a form by writing to:

HMO Division, Mail Code 103-6A,  
Texas Department of Insurance,  
P. O. Box 149104, Austin, Texas 78714-9104.

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***What to do if you are injured while on the job...***

If you are injured while on the job tell your employer as soon as possible. A list of network treating doctors in your service area may be available from your employer. A complete list of network treating doctors is also available online at [www.texasmutual.com](http://www.texasmutual.com). Or, you may contact us directly at the following address and/or toll-free telephone number:

***Texas Star Network®***  
**720 Cool Springs Boulevard**  
**Suite 300**  
**Franklin, TN 37067**  
**(800) 381-8067**

We will help you get an appointment with a network doctor.

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***In case of an emergency...***

If you are hurt at work and it is a life threatening emergency, you should go to the nearest emergency room. If you are injured at work after normal business hours or while working outside your service area, you should go to the nearest care facility.

After you receive emergency care, you may need ongoing care. You will need to select a treating doctor from the network's provider list. This list is available online at [www.texasmutual.com](http://www.texasmutual.com). If you do not have internet access call (800) 381-8067 or contact your employer for a list. The doctor you choose will oversee the care you receive for your work related injury. Except for emergency care you must obtain all health care and specialist referrals through your treating doctor.

**Emergency care does not need to be approved in advance.** "Medical emergency" is defined in Texas laws. It is a medical condition that comes up suddenly. There are acute symptoms that are severe enough that a reasonable person would believe that you need immediate care or you would be harmed. That harm would include your health or bodily functions being in danger or a loss of function of any body organ or part.

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***Non-emergency care...***

Report your injury to your employer as soon as you can. Select a treating doctor from the network's provider list. This list is available online at [www.texasmutual.com](http://www.texasmutual.com). If you do not have internet access, call (800) 381-8067 or contact your employer for a list.

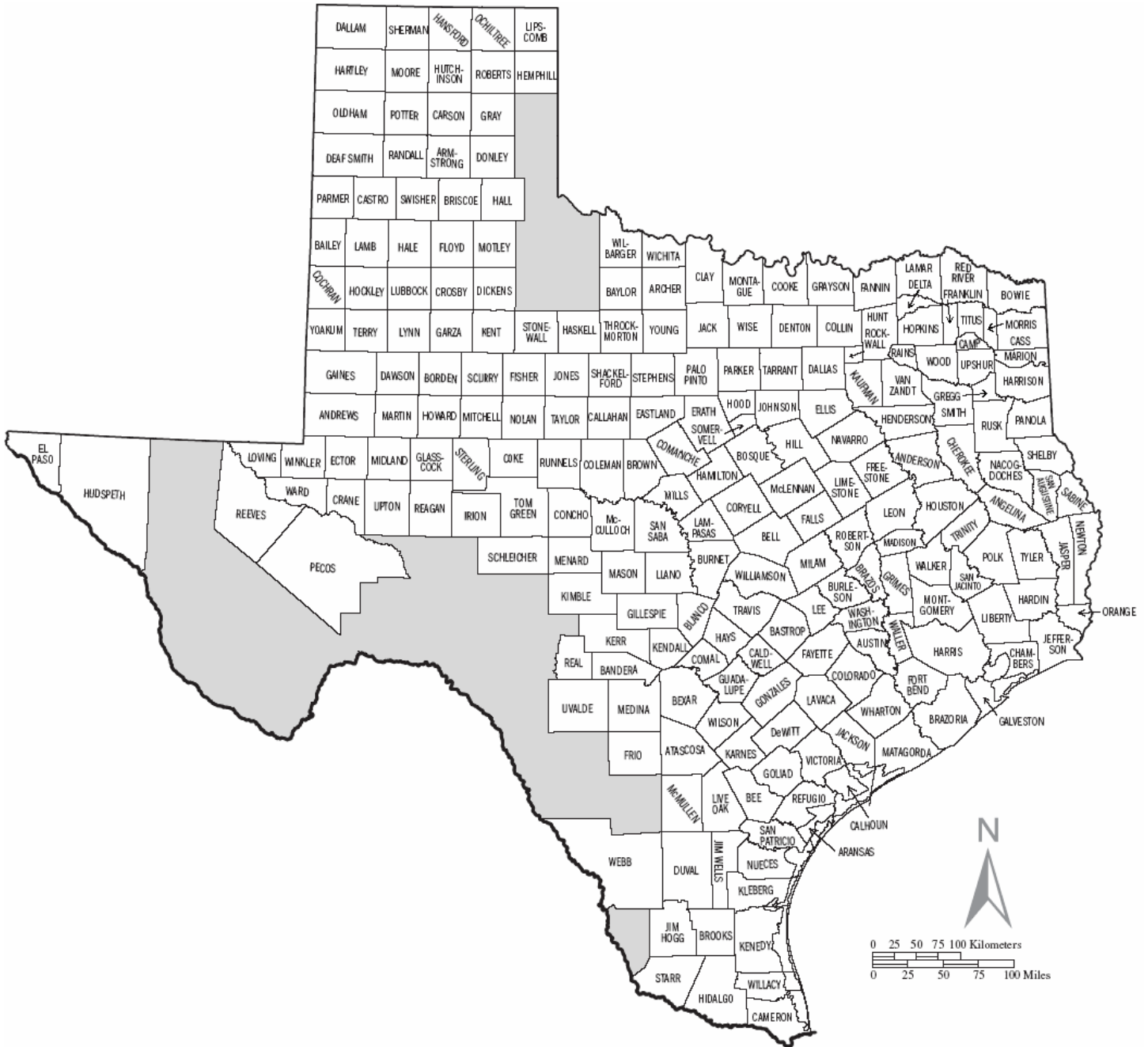
Treatment prescribed by your doctor may need to be approved in advance. You or your doctor are required to request approval from Texas Mutual Insurance Company for a specific treatment or services before the treatment or service is provided. You may continue to need treatment after the approved treatment is provided. For example, you may need to stay more days in the hospital than what was first approved. If so, the added treatment must be approved in advance.

***The following treatment requests must be approved in advance (effective 2/5/07):***

All surgeries (CPT codes 1-6 and G codes which represent a surgical procedure) with a billed amount greater than \$500.00. PreAuth Request should include specific hardware to be used for the procedure. <ul style="list-style-type: none"> <li>• Artificial Disc Surgery</li> <li>• Intradiscal Electrothermal Annuloplasty (IDET)</li> </ul>	Implantable drug delivery system
Chemonucleolysis	Injections (Botox Injections, Epidural Steroid Injection, Facet Injection, Joint Steroid Injection, RFTC or cryotherapy/cryoblation of any nerve or joint, Sacral Iliac joint injection, Trigger Point Injections, Radiofrequency Thermocoagulation (RFTC) of facet joints)
Chiropractic treatments greater than 8 visits	Investigational or experimental procedures or devices
Bone Density Scans	Manipulations under anesthesia
Myelograms	Stimulator Devices including, but not limited to TENS units, Interferential units, Neuromuscular stimulators, Dual units, Spinal Cord Stimulator, Dorsal Column Stimulator, Peripheral nerve Stimulator, Brain Stimulator
Discograms	Nursing home: Skilled nursing facility, including skilled care within the same facility, Convalescent care, Residential care
Surface Electromyography (EMG)	Orthotic Devices - billed amount more than \$150.00
Durable medical equipment (DME) greater than \$500.00 billed (purchase or accumulated rental or combination of rental/purchase)	Physical Therapy/Occupational Therapy Greater than 14 visits
External and implantable bone growth stimulators	Acupuncture/Acupressure
Gym memberships	Psychological testing and Psychotherapy evaluations, testing, therapy and biofeedback
Home health care visits/services	Rehab Programs (including, but not limited to): Work Conditioning greater than 2 weeks Work Hardening greater than 2 weeks Chronic Pain Management Program Medical Rehabilitation Brain and Spinal Cord Rehabilitation
Non-emergency inpatient hospital services including principle scheduled procedures and length of stay	Weight loss programs
Chemical Dependency Programs	

The number to call to request one of these treatments is (888) 532-5246 or fax to (800) 852-1805. If a treatment or service request is denied, we will tell you in writing. This written notice will have information about your right to request a reconsideration or appeal of the denied treatment. It will also tell you about your right to request review by an Independent Review Organization through the Texas Department of Insurance.

**Texas Star Network<sup>®</sup> Service Area Map (As of February 2008)**  
**Network service areas are subject to change**



– A list of the counties in the network service area is contained on the next page –

**Texas Star Network<sup>®</sup> Service Area County List (As of February 2008)**

**Network service areas are subject to change**

ANDERSON	CRANE	HASKELL	MARION	SAN AUGUSTINE
ANDREWS	CROSBY	HAYS	MARTIN	SAN JACINTO
ANGELINA	DALLAM	HEMPHILL	MASON	SAN PATRICIO
ARANSAS	DALLAS	HENDERSON	MATAGORDA	SAN SABA
ARCHER	DAWSON	HIDALGO	MCCULLOCH	SCHLEICHER
ARMSTRONG	DEAF SMITH	HILL	MCLENNAN	SCURRY
ATASCOSA	DELTA	HOCKLEY	MCMULLEN	SHACKELFORD
AUSTIN	DENTON	HOOD	MEDINA	SHELBY
BAILEY	DEWITT	HOPKINS	MENARD	SHERMAN
BANDERA	DICKENS	HOUSTON	MIDLAND	SMITH
BASTROP	DONLEY	HOWARD	MILAM	SOMERVELL
BAYLOR	DUVAL	HUDSPETH	MILLS	STARR
BEE	EASTLAND	HUNT	MITCHELL	STEPHENS
BELL	ECTOR	HUTCHINSON	MONTAGUE	STERLING
BEXAR	EL PASO	IRION	MONTGOMERY	STONEWALL
BLANCO	ELLIS	JACK	MOORE	SWISHER
BORDEN	ERATH	JACKSON	MORRIS	TARRANT
BOSQUE	FALLS	JASPER	MOTLEY	TAYLOR
BOWIE	FANNIN	JEFFERSON	NACOGDOCHES	TERRY
BRAZORIA	FAYETTE	JIM HOGG	NAVARRO	THROCKMORTON
BRAZOS	FISHER	JIM WELLS	NEWTON	TITUS
BRISCOE	FLOYD	JOHNSON	NOLAN	TOM GREEN
BROOKS	FORT BEND	JONES	NUECES	TRAVIS
BROWN	FRANKLIN	KARNES	OCHILTREE	TRINITY
BURLESON	FREESTONE	KAUFMAN	OLDHAM	TYLER
BURNET	FRIO	KENDALL	ORANGE	UPSHUR
CALDWELL	GAINES	KENEDY	PALO PINTO	UPTON
CALHOUN	GALVESTON	KENT	PANOLA	UVALDE
CALLAHAN	GARZA	KERR	PARKER	VAN ZANDT
CAMERON	GILLESPIE	KIMBLE	PARMER	VICTORIA
CAMP	GLASSCOCK	KLEBERG	PECOS	WALKER
CARSON	GOLIAD	LAMAR	POLK	WALLER
CASS	GONZALES	LAMB	POTTER	WARD
CASTRO	GRAY	LAMPASAS	RAINS	WASHINGTON
CHAMBERS	GRAYSON	LAVACA	RANDALL	WEBB
CHEROKEE	GREGG	LEE	REAGAN	WHARTON
CLAY	GRIMES	LEON	REAL	WICHITA
COCHRAN	GUADALUPE	LIBERTY	RED RIVER	WILBARGER
COKE	HALE	LIMESTONE	REEVES	WILLACY
COLEMAN	HALL	LIPSCOMB	REFUGIO	WILLIAMSON
COLLIN	HAMILTON	LIVE OAK	ROBERTS	WILSON
COLORADO	HANSFORD	LLANO	ROBERTSON	WINKLER
COMAL	HARDIN	LOVING	ROCKWALL	WISE
COMANCHE	HARRIS	LUBBOCK	RUNNELS	WOOD
CONCHO	HARRISON	LYNN	RUSK	YOAKUM
COOKE	HARTLEY	MADISON	SABINE	YOUNG
CORYELL				

## Employee Acknowledgment of Workers' Compensation Network

I have received information that tells me how to get health care under my employer's workers' compensation insurance.

If I am hurt on the job and live in a service area described in this information, I understand that:

1. I must choose a treating doctor from the list of doctors in the network. Or, I may ask my HMO primary care physician to agree to serve as my treating doctor. If I select my HMO primary care physician as my treating doctor, I will call Texas Mutual at (800) 859-5995 to notify them of my choice.
2. I must go to my treating doctor for all health care for my injury. If I need a specialist, my treating doctor will refer me. If I need emergency care, I may go anywhere.
3. The insurance carrier will pay the treating doctor and other network providers.
4. I might have to pay the bill if I get health care from someone other than a network doctor without network approval.
5. Making a false or fraudulent workers' compensation claim is a crime that may result in fines and or imprisonment.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name STMU ID

I live at (Address): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Employer: \_\_\_\_\_

Name of Network: *Texas Star Network*<sup>®</sup>

**Network service areas are subject to change.**

**Call (800) 381-8067 if you need a network treating provider.**

Please indicate whether this is the:

Initial Employee Notification

Injury Notification (Date of Injury: / / )

**DO NOT RETURN THIS FORM TO TEXAS MUTUAL  
INSURANCE COMPANY UNLESS REQUESTED**

# ST. MARY'S UNIVERSITY

## SEXUAL HARASSMENT POLICY AND PROCEDURES

St. Mary's University reaffirms the principle that its students, faculty and staff have a right to be free from sex discrimination in the form of sexual harassment by any member of the University community.

### Definition

Sexual harassment is defined 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 status;
- B. Submission or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working environment.

This definition will be interpreted and applied consistent with the accepted standards of mature behavior, academic freedom, and freedom of expression.

Sexual harassment in any situation is unacceptable; it is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and influence inherent in faculty-student relationships, whether overtly, implicitly, or through misinterpretation, is abused in this way, there is potentially great damage to individual students, to the person complained of, and to the educational climate of the University. To be defined as harassment, a particular interaction must be unconsented to and offensive. Faculty members and other individuals in positions of authority should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are involved.

#### **I. Informal Consultation**

- A. Most cases regarding sexual harassment can be informally resolved between the parties themselves or with the help of someone else. Such informal resolution might take the form of clarifying the kind of behavior that may be objectionable and reaching the understanding that the behavior will stop; it might also take the form of clarifying that the incident does not constitute sexual harassment.
- B. Careful attention should be given to the overall context of the occurrence(s).
- C. When concerns are resolved informally, all parties should be cautioned that in cases where repetition of improper conduct occur formal investigation and sanctions could follow.
- D. A major purpose of consultation and informal resolution is to resolve problems, heighten awareness, and achieve changes in behavior without resorting to formal investigatory or disciplinary proceedings. Nothing in this paragraph, however, should be construed as discouraging more formal procedures when the seriousness or repetitive character of the offense makes that the more appropriate course of action or when the complaining party is not satisfied with the proposed resolution. The person hearing the concern may encourage moving

to a formal complaint when, in his or her judgment, the problem has a sufficient degree of seriousness, or is a repetition of previous problems, so as to indicate that informal resolution has been inadequate.

## II. Guidelines for Formal Complaint

- A. It is a serious violation of University policy to fail to investigate complaints reported by a person who believes he/she is or has been the subject of alleged sexual harassment, and to fail to take timely corrective action in the event the misconduct has occurred.
- B. Filing a complaint or reporting sexual harassment will not cause any negative reflection on the individual's status as faculty, administrator or staff (hereinafter non-faculty) or student, nor will it affect any future employment, compensation, work assignment, or evaluation of the individual. Retaliation against a person for filing a sexual harassment complaint is grounds for a subsequent harassment complaint. Likewise, the person accused of sexual harassment is entitled to the same protection until such time as the charges may be substantiated by investigation.
- C. The preference for maintaining confidentiality and limiting information to those with a need to know will be emphasized to all parties involved.

## III. Procedure for a Formal Complaint

- A. Based on the status of the complainant, the reporting process is as follows:
  - 1. Students report to the Dean of Students unless the complaint involves the Dean of Students, in which case, the complaint would be made to the Vice President for Student Development.
  - 2. Non-faculty report to the Director of Human Resources unless the complaint involves the Director of Human Resources, in which case, the complaint would be made to the Vice President for Administration and Finance.
  - 3. Faculty report to the Vice President for Academic Affairs unless the complaint involves the Vice President for Academic Affairs, in which case, the complaint would be made to the President.
- B. Anyone who counsels a person who believes he/she is a victim of sexual harassment **must** refer the complainant to the above stipulated officer because these officers are the only individuals charged with the authority to process formal complaints.
- C. Within 120 days of the complained of event(s), the person alleging sexual harassment must submit a written, notarized description of the offensive behavior and the circumstances surrounding it to the person designated above to investigate the complaint. The alleged offender must be provided with a copy of the statement and the identity of the person making the statement within ten (10) university working days. The accused party shall then have ten (10) university working days to submit a written notarized response to the appropriate office. At the time the accused party is provided with a copy of the complaint, both the accused party and the complainant must be notified, in writing, of the following:
  - 1. the no contact agreement (attached)
  - 2. a copy of the approved university policy on sexual harassment and this procedure.

## IV. Investigation

A committee will be formed to investigate the complaint and to make findings of fact.

- A.** For allegations against students, the investigation, time limits, and determination of sanctions, if any, will be handled under the existing policies and procedures stated in the "Student Handbook."
- B.** For allegations against faculty members, the three members of the committee will be composed of three full-time faculty selected by the Vice President for Academic Affairs.

The faculty members selected may not be from the same school as that of the complainant or alleged offender. The Assistant to the Vice President for Academic Affairs or a designee appointed by the Vice President for Academic Affairs will conduct the investigation and hearing in an ex-officio capacity.

- C.** For allegations against non-faculty, the committee will be composed of three full-time non-faculty selected by the vice president with administrative responsibility for the accused. The committee selected may not be from the same vice-presidential division as that of the complainant or alleged offender. The Director of Human Resources or a designee appointed by the Director of Human Resources will conduct the investigation and hearing in an ex-officio capacity.
- D.** For allegations against members of the Academic or Executive Council (excluding the President), the committee will be composed of three members of the Executive or Academic Councils selected by the President of the University. The President will conduct the investigation and hearing in an ex-officio capacity.
- E.** For allegations against the President of the University, the committee will be composed of three members of the Board of Trustees selected by the Chancellor of the University. The Chancellor of the University will conduct the investigation and hearing in an ex-officio capacity.
- F.** The parties to the dispute must be invited to appear before the committee and all parties may bring advisers. The adviser may be an attorney, at the parties' expense. It should be noted that attorneys have no legal presence in any meeting and are strictly in an advisory capacity to their client. The accuser and/or the accused is responsible for presenting his or her own information, and, therefore, advisers are not permitted to speak or to participate in any meeting.
- G.** The committee shall conduct a formal inquiry and call witnesses with direct knowledge of the alleged event (s) to determine the merits of the complaint. Once such a determination has been reached, the committee must report in writing its decision and its reason for that decision. The committee will send a copy of the report to the official who took the formal complaint, the official who formed the committee, the complainant and the alleged offender.
- H.** If the committee finds that sexual harassment has occurred, the appropriate University official may impose sanctions as stated in St. Mary's University handbooks and manuals.
- I.** Should the investigating committee conclude the allegation of sexual harassment was made in bad faith, then the accused, in turn, has the option to pursue an appropriate grievance procedure.



DRUG-FREE WORKPLACE POLICY

TO: All Employees of St. Mary's University  
FROM: Dr. Charles L. Cotrell, Ph.D., President  
RE: St. Mary's University's Policy Endorsing a Drug-Free Workplace  
DATE: March 1989

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The following represents St. Mary's University's policy regarding the work-related effects of drug use and the unlawful possession of controlled substances on University premises. Our policy is as follows:

- Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent of St. Mary's University as well as our obligation, to provide a drug-free, healthful, safe and secure work environment.
- The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences for violators of the policy.
- St. Mary's University recognizes that drug dependency is an illness and a major health problem. St. Mary's University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact Human Resources in order to determine what community drug counseling and drug assistance programs are available.
- In this regard, employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five (5) days after the conviction.



## WEAPONS POLICY

### I. PURPOSE

On May 26, 1995, legislation was signed by Texas Governor, George W. Bush, allowing Texas residents to obtain licenses to carry concealed handguns in the state of Texas. This legislation does not prevent or limit the right of an employer to prohibit persons from carrying concealed weapons on the employer's premises. Based on a strong concern for public safety, a University Weapons Policy has been developed to make every reasonable effort to provide a campus and workplace that is free from the dangers of firearms, handguns, guns, shotguns, rifles, explosives and/or any weapon of a similar nature, hereinafter "weapons". St. Mary's University believes that all applicants, employees, including faculty, students, administration and support personnel, and/or visitors have a right to function in an environment free from the dangers created by access to or possession of weapons.

St. Mary's University therefore adopts this written policy: (1) to make every reasonable effort to provide that all applicants, employees, including faculty, administration and support personnel, and/or visitors comply with the prohibition of having handguns or guns on St. Mary's University's premises; (2) to make every reasonable effort to provide a safe environment for St. Mary's University's applicants, employees, including faculty, students, administration and support personnel, and/or visitors; and (3) to notify all applicants, employees, including faculty, administration and support personnel, and/or visitors that the prohibition of weapons are a requirement and a condition of continued employment and/or visitor status.

St. Mary's University has an obligation to make every reasonable effort to provide a safe environment for the University community and its visitors; to protect its property and equipment from unnecessary damage; and to protect the public against endangerment due to the potential dangers of weapons. We therefore require, as a condition of employment, and/or visitor status, that all applicants, employees, including faculty, administration and support personnel, and/or visitors be prohibited from possessing or having access to weapons while on St. Mary's University's premises or while acting in the course and scope as a St. Mary's University applicant, employee, including faculty, administration and support personnel, and/or visitor.

### II. POLICY

St. Mary's University strictly prohibits the use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons during working time or while representing St. Mary's University, whether on or off St. Mary's University's campus or work places. St. Mary's University also strictly prohibits, the use, sale, manufacture, distribution, purchase, transfer, receipt or possession of weapons while teaching classes, attending classes, and/or while entering or being physically present on St. Mary's University. St. Mary's University's premises include private vehicles parked on St. Mary's University premises and St. Mary's University vehicles wherever located.

St. Mary's University strictly prohibits applicants, employees, including faculty, administration, and support personnel, and/or visitors from entering St. Mary's University's premises or reporting for work or class while in possession of weapons. Any employee, whether a member of the faculty, administration or support personnel, who violates St. Mary's University's rules against the possession of weapons will be relieved of duty, and discipline may include immediate dismissal. Any visitor who violates St. Mary's University's rules against the

possession of weapons will have the firearm confiscated; will be considered a trespasser; and will be escorted off St. Mary's University's premises.

**A. Circumstances to Which Prohibition Applies**

Anywhere an employee or faculty member is performing services for St. Mary's University, including travel for any St. Mary's University-related business, athletic, and/or scholastic purpose, whether in the employee's or faculty member's personal vehicle or in a St. Mary's University vehicle.

At any time the employee or faculty member is performing services for, on behalf of, or as a representative of St. Mary's University.

**B. Circumstances to Which Prohibition Does Not Apply**

The St. Mary's University Weapons Policy does not prohibit the possession and/or use of weapons by qualified members of St. Mary's University Police Department while they are on duty and acting within the scope of their employment, and St. Mary's ROTC Department while they are acting within the scope of their training and/or performance activities. Marianist permanent residences on the premises are excluded from this policy.

**III. INSPECTIONS AND SEARCHES**

Searches or inspections may be conducted at any time that St. Mary's University has a reasonable suspicion that an applicant, employee, including faculty, administration and support personnel, and/or visitor is in the possession of weapons without prior announcement. Reasonable suspicion will exist where facts and circumstances, based on trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that an offense of the Weapons Policy has been or is being committed.

These searches will be conducted by authorized University police officers only. Authorizations may come from the Director of University Police, the University President or the respective Vice President, including their designees, or by a University police officer in instances of clear and present imminent danger. Employees, including faculty, administration and support personnel, are required to submit to such procedures, upon request, and will be asked to sign a release form.

An employee's refusal to submit to such searches may result in disciplinary action, up to and including suspension and/or termination. Visitors are required to submit to such procedures, upon request, as a condition of continued visitor status.

St. Mary's University reserves the right to conduct searches and inspections of applicants, employees, including faculty, administration and support personnel, or visitors and/or their personal effects, lockers, desks, and/or other containers located on St. Mary's University premises. This includes personal vehicles in St. Mary's University parking lots or in use on St. Mary's University's business and St. Mary's University vehicles wherever located. Entry onto St. Mary's University premises or work sites, or performing services for, on behalf of, or as a representative of St. Mary's University constitutes consent to such searches or inspections. The purpose of such searches or inspections under this policy is to determine whether any employee, applicant, faculty member, or visitor is in possession of weapons.

# St. Mary's University

## Code of Business Conduct

### Updated September 2008

The St. Mary's University Code of Business Conduct ("Code") describes standards of conduct expected of all staff employees of St. Mary's University (the "University") when conducting University business. Although the principles set forth are not designed to govern or address every matter, event, or situation that may arise, staff are expected at all times to adhere to the letter and spirit of this Code, abide by all laws, rules and regulations, and exercise high standards of integrity and sound ethical judgment in all University dealings and in conduct of all University business. Employees whose professional fields call for stricter standards must adhere to the criteria established for their line of work. Members of the Faculty are encouraged to support this code, although their conduct is governed by the Faculty Handbook.

In conducting University business, this Code shall include and apply to immediate family members (spouses, parents, siblings, children, in-laws, and any person living in the same household) of any employee of the University. Although the acts or omissions of these persons may not be easily controlled or influenced, it is the responsibility of each employee to fully disclose any matter that could potentially raise questions or cast doubt regarding legal or ethical conduct of University business.

If any staff employee is found to have violated this Code, or knowingly permitted an employee under his or her supervision to do so, the University will take corrective action up to and including discharge or removal from duty, observing existing policies and procedures of due process.

The conflict of interest section of this Code is the only provision that may be waived. Any waiver of that provision must be approved by the appropriate University Officer and reported within a reasonable time to the Chairman of the University Board of Trustees. No other provisions of this Code may be waived.

#### **Legal Compliance**

University employees are required to comply with all applicable laws, rules, and regulations. Employees also are to avoid any activity that involves or could lead to the involvement of the University, its assets, or its employees in any practice prohibited by law or University policy.

The University reaffirms the principle that its students, faculty and staff have a right to be free from sex discrimination in the form of sexual harassment by any member of the University community. Also, the University does not countenance unlawful discrimination on the grounds of age, gender, religion, creed, race, color, national or ethnic origin, mental or physical disability, sexual orientation, status as a past or present member of the uniformed services, or status as an applicant to the uniformed services. Finally, the University will not tolerate retaliation against anyone reporting in good faith discrimination or harassment.

All employees must acquaint themselves with the legal standards and restrictions applicable to their duties and responsibilities and conduct themselves accordingly. Failure to comply with any legal requirement is not only a violation of this Code, but also inconsistent with the University's commitment to foster responsible citizenship. Because any unlawful act can result in civil damages, criminal penalties, and fines, employees should immediately contact the compliance officer if and when any legal issues or questions arise.

Over and above strictly legal aspects, University employees are expected to observe any additional standards of business and personal ethics specified in this Code or by University policy. Employees must also conduct themselves at all times in a manner that does not harm the University.

#### **Communications**

All University communications, whether external or internal, shall be accurate, complete, and understandable, and made only by persons authorized to speak on behalf of the University.

The Officers of the University responsible for external communications shall at all times cause full, fair, accurate, timely and understandable disclosure in any public or external communications concerning the University. Only persons specifically assigned the responsibility to communicate on behalf of the University may do so.

### **Fair Dealing**

University employees should endeavor to deal fairly with the University's students, donors, agencies, suppliers, employees and others. No employee shall take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other unfair-dealing practice.

### **Confidential Information**

Employees shall protect all confidential information belonging to the University, its students, donors, suppliers, employees, and others who disclose information to the University on a confidential basis. Any unauthorized use or disclosure of such information is prohibited.

Much of the information the University develops in research, needs analysis, donor solicitation, as well as other areas is original in nature and its protection is essential to continued success. All University employees shall safeguard such information and disclose it only as permitted by law or University policy. Employees are also expected to respect the property rights of others and fully comply with all laws, rules, and regulations protecting such property rights.

### **Conflicts of Interest**

Employees shall avoid any personal influences or relationships that would affect their ability to act in the best interests of the University. A conflict of interest occurs when an individual's private interest interferes, or appears to interfere, with the interests of the University. Such conflict of interest can arise when an employee takes actions or has interests that impair his or her ability to perform University work objectively and effectively. Conflicts of interest also may arise when an employee receives improper personal benefits as a result of his or her position with the University.

Employees shall not have any financial or other relationships with suppliers, agencies or competitors that would impair, or appear to impair, the independence of any judgment they may make on behalf of the University.

Gifts, gratuities, entertainment and similar favors may not be accepted if offered, or appear to be offered, as an inducement to perform an act inconsistent with the best interest of the University or if acceptance would place the recipient under an obligation to the provider. Receipt of or payment of kickbacks or bribes by employees in any way related to the performance of their duties for or on behalf of the University is considered a violation of this Code.

Employees must disclose to their immediate supervisor any financial or other relationships with suppliers, agencies or competitors they may have and the reasons they believe such a relationship does not violate this Code. In making such a disclosure, employees must follow this code as well as guidelines contained in the University's Personnel Manual.

Employees are prohibited from (a) taking for themselves, a family member, friend or acquaintance opportunities that are discovered through the use of University property, information or position; (b) using University property, information, or position for personal gain, and (c) competing with the University.

Employees of the University have an obligation to act in the best interest of the University and render their best services to the University. In this regard, all employees are expected to comply with any University policy concerning other or outside employment.

Employees also may not acquire any ownership of a material interest in any competitor, vendor, customer, client, supplier, contractor, subcontractor, or other entity with which the University does business. This prohibition does not apply to incidental ownership of minimal stock interests pursuant to a mutual fund or other investments.

After such a disclosure is made, the situation will be reviewed by the supervisor and appropriate University Officer and a decision will be made in writing as to whether the disclosed item constitutes a conflict of interest and requires a waiver of the Code, termination of the activity, or disciplinary action. Because of the possibility of severe consequences, employees are encouraged to request pre-clearance on any potential conflicts of interests prior to engaging in the relationship or transaction.

Any situation involving a conflict of interest or appearance of a conflict of interest as described herein must be approved in writing by the appropriate officer or considered a violation of this Code.

### **Protection and Proper Use of University Property**

University employees are charged with safeguarding the University's assets and property and ensuring their efficient and proper use.

- Property. All University assets shall be used solely for legitimate University purposes. The unauthorized personal use, borrowing, or removal of University property is prohibited. University property shall not be given away, sold or traded without proper authorization.
- Records. Personnel who prepare, maintain or have custody of the University's records and reports should exert their best efforts to see that these documents are: (i) accurate and complete and clearly reflect the assets and transactions of the University; (ii) safeguarded from loss or destruction; (iii) retained for specified periods of time in accordance with the University's document retention requirements, and (iv) maintained in confidence. Any financial accounting shall be performed in a manner accepted by the accounting industry and communicated in a readily understandable form to all appropriate parties.
- Political contributions. The direct or indirect use by employees of any funds or other assets of the University for political contributions in any form (whether in cash or other property, services or the use of facilities) is prohibited.
- Gifts and Entertainment. No gifts of substantial value or lavish entertainment shall be offered, furnished, or accepted by anyone. Reasonable entertainment and courtesies may be extended or accepted only if not prohibited by law and then only to the extent that is customary and appropriate and permitted by policy. Before acceptance, all offers of gifts, entertainment and courtesies with a value in excess of \$100 must be reported to and approved by the immediate supervisor.

### **Reporting of Illegal or Unethical Behavior**

Employees must report promptly any conduct or omission they suspect violates this Code to the vice president for administration and finance, or any of the individuals or entities designated in the University's Personnel Manual. The University shall keep all reports confidential to the extent possible and as permitted by law.

The University will not tolerate retaliation against anyone reporting in good faith any suspected violation of this Code. The University also prohibits any officer or employee from discriminating or taking adverse action against another employee who provides information to governmental authorities about actions they reasonably believe to represent misconduct.

All employees are expected to cooperate fully in any investigation by the University or the Audit and Ethics Committee of the Board of Trustees. Any failure or refusal to cooperate in an investigation may result in corrective action, up to and including discharge or removal from duties.



## POLICY ACKNOWLEDGEMENT

### STAFF

I acknowledge receipt of the St. Mary's University's policies listed below. I further acknowledge that I have read and understood each policy.

- Sexual Harassment Policy and Procedures
- Drug-Free Workplace Policy
- Weapons Policy
- Employee Code of Business Conduct

I also acknowledge that I have been notified that the Personnel Manual can be accessed online at [cww.stmarytx.edu](http://cww.stmarytx.edu). I acknowledge that I will refer to and read the manual for any personnel related matters.

### FACULTY

I acknowledge receipt of the St. Mary's University's policies listed below. I further acknowledge that I have read and understood each policy.

- Sexual Harassment Policy and Procedures
- Drug-Free Workplace Policy
- Weapons Policy

I also acknowledge that I have been notified that the Faculty Handbook can be accessed online at [www.stmarytx.edu](http://www.stmarytx.edu) under the Faculty Senate webpage. I acknowledge that I will refer to and read the handbook for any personnel related matters.

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Employee's Signature

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Employee's Name (Please Print)

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Date