

The Art Institute of Chicago

Faculty Handbook

Legal Supplement

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It is the policy of SAIC not to discriminate on the basis of age, handicap, color, creed, national origin, religion, race, sex, or sexual preference in student recruitment and admissions, in financial aid programs, in student and employee services, in educational programs and activities, or in employment practices.

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1.0 EQUAL EMPLOYMENT OPPORTUNITY

The School is committed to ensuring equal employment opportunity in all aspects of employment without regard to race, color, gender, religion, national origin, disability, age, sexual orientation, gender-related identity, marital status, parental status, military or former military status, and any other basis prohibited by applicable federal, state, or local law. Discrimination against any employee, applicant, or third party based on any of these violates School/AIC policy and is absolutely prohibited.

The School is committed to making reasonable accommodations to otherwise qualified employees and applicants with disabilities and will accommodate religious beliefs and observances, provided that doing so does not pose an undue hardship to the School. If faculty members believe they may need reasonable accommodations to perform jobs to which they are assigned or for which they are applying, they are encouraged to contact their Department Chairs, the Dean of Faculty, or Vice President of Human Resources.

2.0 POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

The School is committed to maintaining an educational and working environment that is free from any form of unlawful discrimination. The School has a policy of nondiscrimination towards its students, employees and visitors, and will not tolerate unlawful acts or harassment based on race, color, gender, religion, national origin, disability, age, actual or perceived sexual orientation, gender-related identity, marital status, parental status, military or former military status, or any other basis protected by federal, state or local law.

For additional information the full policy is located on our website at:

<http://www.saic.edu/media/saic/pdfs/faculty/Faculty-Discrimination,-Harassment-and-Retaliation.7-1-15.pdf>

3.0 SAFETY OF EMPLOYEES

A. Drug Free Work Place Policy

The School has a strong commitment to provide a safe and healthy work environment. Consistent with this intention, the AIC's goal is to have an alcohol and drug free environment.

The School expects employees, including faculty members, to report for work in condition to perform assigned duties. While the School does not normally intrude into the private lives of its employees, the School recognizes that employees' involvement with alcohol and drugs can have an impact on the workplace. Accordingly, the School/AIC has developed these policies:

Illegal manufacture, distribution, dispensing, use, sale and/or possession of illegal drugs that could adversely affect an employee's job performance, the safety of other employees, visitors or the public, and School/AIC property may result in disciplinary action, up to and including termination. Such activity while on the job or on School/AIC property will not be tolerated, and the employee may be subject to immediate termination. Any illegal drugs or controlled substances will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

The use of alcoholic beverages by employees is prohibited during working hours. An employee drinking alcohol on the premises, other than for school sponsored events, will be subject to disciplinary action up to and including termination.

Employees may not work while under the influence of drugs or alcohol. Employees who appear to be unfit for duty will be temporarily relieved from their duties and may be subject to a physical examination, including testing for drugs or alcohol, at a designated medical facility. Refusal to comply with a physical examination may result in disciplinary action, up to and including termination.

Faculty members are obligated to report to the Dean of Faculty any conviction for violation of a criminal drug statute within five (5) days of that conviction. A "conviction" is defined as a finding of guilty (including a plea of nolo contendere) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

An "illegal drug" includes any drug which is not legally obtainable in the United States or which is legally

obtainable but is being used in a manner different from that prescribed by a physician or intended by the manufacturer. Over-the-counter or prescription medication that is prescribed by a physician and/or is being used for the purpose intended by the manufacturer do not violate this policy. The School may require the employee to produce a physician's prescription for any such medication.

Faculty members who wish to report drug or alcohol use in violation of this policy should contact their Department Chair, Dean of Faculty, and the Vice President of Human Resources. The School will make every effort to protect anonymity and such information will be treated in confidence.

Employees who voluntarily participate in the Employee Assistance Program (EAP) may do so without jeopardizing their employment with the AIC, provided that they do not violate School policy. Faculty members who wish to take advantage of the EAP should contact their Department Chairs or the EAP directly by calling 1-800-554-6931. Participation in the EAP is confidential and any disclosure concerning participation will be governed by applicable law and on a "need to know" basis.

Drug Testing

The following are some of the circumstances under which an individual may be required to undergo testing for illegal drugs and/or alcohol use:

- A. Where there is reasonable cause to believe that the employee has taken, used, ingested, or is otherwise under the influence of an illegal drug and/or alcohol;
- B. Where the School determines testing is appropriate based on particular considerations of the employee's duties;
- C. Where the employee is involved in an on-the-job accident;
- D. Where the employee is returning from required participation in or completion of a drug and/or alcohol rehabilitation program; and
- E. When an employee is arrested for an illegal drug and/or alcohol abuse related activity.

Employees who test positive for any illegal drug and/or alcohol will be removed from duty until it is determined that they are substance free and can safely perform their duties and may be subject to discipline up to and including termination.

An employee who tests positive for any illegal drug and/or alcohol may be offered the opportunity to participate in a treatment and rehabilitation program through the AIC's Employee Assistance Program. Ordinarily, an employee participating in the Employee Assistance Program will not be terminated, but the AIC reserves the right to impose the appropriate disciplinary action which, under the particular circumstances, may include termination. For example, some, but not all, of the situations which may lead to termination include: the employee's failure to complete the treatment/rehabilitation program, or a positive drug and/or alcohol test during or after the employee's participation in the treatment/rehabilitation program.

B. Workers' Compensation

All employees of the AIC are covered by the Illinois Workers' Compensation Act. If an employee suffers a work-related illness or injury, the payment of resultant reasonable medical expenses and a portion of lost income to the employee are determined by the Act. The AIC purchases Workers' Compensation Insurance to pay these medical expenses and lost income. The current Act states that eligible employees will be paid for lost time from work at a rate of 66 2/3% of their gross average salary (excluding overtime, but including shift differentials) after the first three days of absence. To avoid any financial hardship, the AIC will pay the first three days of absence upon notification by the insurance company that a

claim is found to be compensable under the Act. There are certain minimums and maximums that apply in some cases. Certain death benefits are also provided under Workers' Compensation Insurance.

All faculty members incurring a work-related injury or illness must notify their Department Chair within 24 hours of the occurrence. The Department Chair, in turn, must notify the Department of Protection Services ("DOPS") and Human Resources. DOPS will complete an incident report. Separately, the manager must complete a "Department Chair's Report of Employee-Related Accident". Copies of these reports must be delivered to Human Resources within 24 hours of the incident, or as soon as possible. The insurance company will review the claim and may ask the employee, their physician, or the AIC for additional information about the accident, the employee's duties, pay and hours and the employee's medical condition in order to make a determination of benefits to be paid.

Coverage under the Act is governed by Illinois statute that is complex and subject to change. Employees with any questions about their own work-related illnesses or injuries should contact the insurance carrier. Official notices regarding the law are also posted on the AIC's official bulletin boards.

Prior to returning to work from a work-related injury or illness, the employee must submit a written release from the attending physician to Human Resources. If there are any restrictions, Human Resources will work with the Office of Deans and Division Chairs and the department to see if the restrictions can be accommodated based upon the faculty member's job duties and the nature and duration of the restrictions.

4.0 APPROVED ABSENCES

A. Jury Duty

One means by which the School attempts to fulfill its civic obligation is to enable all employees, including faculty members, to serve as jurors and to make it possible for them to do so without incurring a financial loss. Therefore, all employees summoned for jury duty will be granted time off to serve as a juror. Fees granted by the courts for jury service and transportation will be retained by employees and not offset against their School pay. A copy of the summons must be provided to the Office of Deans and Division Chairs.

B. Voting

In any general or special election, faculty members are urged to vote before or after scheduled working hours. If this is not possible, a faculty member may take up to one hour off, subject to the advance approval of their Department Chair.

If a faculty member is serving as an official poll watcher or an election day judge, a full day off may be taken by submitting appropriate documentation received from the election board to their Department Chair in advance. Any compensation received for election duties will be handled in the same manner previously set forth for jury pay.

C. School Visitation Rights

An employee is able to take time off for up to eight hours during any school year but not more than up to four hours on any given day to attend school conferences for each of the employee's children. Faculty members are expected to provide their Department Chair with seven days advance written notice of the date and time of the requested absence; however, in emergency situations (e.g., disciplinary matters) no more than 24 hours notice is necessary. Schools are required to provide parents with written verification of school visits.

D. Military Services Leave Policy

If an employee is a member of a U.S. Military Reserve group or a National Guard unit, the employee will be granted the necessary time off to meet their annual minimum active-training requirements or to perform emergency military duty. The School will make up the difference, if any, between the employee's regular pay and gross military compensation, exclusive of subsistence, rental, travel, uniform allowances, and the like. This makeup of the pay differential is limited to two weeks in any calendar year for recurring annual training and to four weeks for emergency military duty. Payment of the makeup compensation is arranged through Human Resources Benefits upon submission of appropriate evidence of service, received from the military.

During an unpaid military leave, employee benefits, including health and dental benefits, life insurance, accidental death and dismemberment benefits, pension, and short-term and long-term disability benefits will be suspended. A benefit eligible employee may choose to continue health and dental for up to one year, if they elect to pay the total cost at the premium rate paid by the AIC. However, upon restoration to employment the employee will receive credited service, but not credited benefits, for the period they were on military leave so that they may commence participation in the AIC's benefit plans and policies on the same basis the employee would have enjoyed if they had continued in active employment from the time of entering the armed forces until restoration to employment.

In administering its military leave policy, the AIC will comply with the provisions of the Military Selective Service Act or any other applicable laws or regulations.

E. Family/Medical/Life Event Leave

In compliance with the Family and Medical Leave Act of 1993 (FMLA), as amended, and its regulations, the AIC will consider and grant requests for FMLA leave consistent with the policy discussed below and the provisions of the applicable law and regulations.

Employees who have been employed by the School/AIC for at least one year and have worked at least 1,250 hours during the previous 12 months are generally eligible to take up to 12 weeks of unpaid leave under the FMLA (1) in connection with the birth, adoption, or placement for foster care of a child or (2) when needed to care for a spouse, child, or parent with a serious health condition or (3) when the employee's own serious health condition prevents them from performing the essential functions of their job.

Additionally, an employee who is the spouse, child, parent, or next of kin of a covered service member or covered veteran is eligible to take up to 26 work weeks of unpaid leave during a 12-month period to care for a covered service member who has suffered a serious injury or illness while on covered active military duty. An employee may utilize the 26-week entitlement for each service member and for each illness or injury incurred. The 26 weeks of leave is the maximum period of leave for an eligible employee; any FMLA leave taken by an employee for any other purpose in the same 12-month period would reduce the amount of leave available to an employee for this purpose.

The FMLA defines a covered service member as a member of the Armed Forces (including the National Guard or Reserves) or veteran who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status or on the temporary disability retired list for a serious injury or illness incurred in the line of duty while on covered active duty (including conditions existing prior to active duty military service, but which were aggravated by such service). A covered veteran is defined as a member of the Armed Forces, National Guard or the Reserves who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

In addition to the leave rights for employees with covered family members with injuries or illnesses incurred while on covered active duty or called to covered active duty status, the FMLA provides eligible employees the right to 12 weeks of unpaid FMLA leave to deal with any "qualifying exigency" that arises when the

employee's spouse, child, or parent is on covered active duty or is notified of an impending call to covered active duty status or covered active duty service in a foreign country.

The right to exigency leave, however, is limited to circumstances involving a covered family member currently serving or deployed to duty in the Regular Armed Forces, the National Guard or Reserves, or a retired member of the Regular Armed Forces or the Reserves called to duty. "Exigent" circumstances include "short notice" deployment, military events and related activities, child care and school activities, parental care, financial and legal arrangements, counselling, rest and recuperation, post deployment activities, and any additional activities arising out of the member's covered active duty or call to covered active duty as mutually agreed to by the School/AIC and the employee.

Medical and military-related leaves may be taken all at once or in smaller increments or intermittently (as medically necessary for medical leaves) within the applicable 12-month period. The employee requesting FMLA leave must explain the reasons for the leave. Under the FMLA, the School/AIC requires medical certification that the leave is needed due to the employee's own serious health condition or that of a family member and requires "qualifying exigency" certification when leave is requested for those purposes.

Medical certification is also required for a covered service member in the case of leave for an employee to care for a covered family member injured in military service. The School/AIC will accept certification of the family member's illness and the employee's need to care for them either through use of its approved certification form(s) or by appropriate certification from the military branch in which the employee's injured family member/covered service member served. In either case, the School/AIC will review the certification provided to determine that the employee's family member/covered service member has an injury or illness that qualifies the employee for leave as permitted by the FMLA.

In general, a serious health condition is one which requires either: a) inpatient hospitalization, or b) a period of incapacity of more than three consecutive days which also involves on-going treatment by or supervised by a health care provider. Additional information about what is considered a serious health condition or what illness or injury to a covered service member permits employees leave to care for such service member can be obtained from Human Resources Benefits. Official notices regarding FMLA are also posted on the School's/AIC's bulletin boards.

When it is foreseeable, the employee must give Human Resources Benefits 30 days advance written notice of the need for FMLA leave. In an emergency, notice of the need for leave must be given as soon as possible, but no later than the next business day after the leave begins. Failure to provide proper notice may result in delaying or denying the leave.

During approved FMLA leave, eligibility for all benefits will continue as normal. The School/AIC will continue the employee's health insurance under the same conditions as if the employee were working. In the case of an employee with a serious health condition, the FMLA leave will run concurrently with any Worker's Compensation Leave, as applicable and if approved, under the terms of those programs and policies. The school/AIC may ask employees to provide recertification as permitted under the FMLA and its implementing Regulations.

Upon return from FMLA leave the employee will be restored to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. For employees who have been on FMLA leave for their own serious health conditions, it is required that a release to return to work from their health care provider be provided to Human Resources Benefits in advance of the employee's scheduled return to work date. This release may also be brought in on the employee's first day back from the leave.

If an employee requires additional time away from work and FMLA leave has been exhausted, the employee may apply for an unpaid leave. For a full explanation regarding unpaid leaves, refer to the Faculty

Handbook. Employees who do not resume work immediately upon expiration of their leave will be separated from service and considered to have resigned as of the date on which they failed to return to work.

F. Victims' Economic Security and Safety Act Leave

In compliance with the Illinois Victims' Economic Security and Safety Act (VESSA), the School/AIC will provide an employee who is a victim of domestic violence or who has a family or household member who is a victim of domestic violence with up to twelve (12) weeks of unpaid leave per any twelve month period to address issues arising from domestic or sexual violence.

VESSA leave is available to both full and part-time employees and can be taken all at one time, intermittently (a few days or hours at a time) or on a reduced leave schedule (predetermined, scheduled days or hours off). Employees may use VESSA leave for any one or more of the following reasons:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member; or
- Obtaining services from a victim services organization for the employee or the employee's family or household member; or
- Obtaining psychological or other counselling for the employee or the employee's family or household member; or
- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensuring economic security; or
- Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

Definitions:

- "12-Month Period" means a rolling 12-month period measured forward from the date leave is taken and continuous with each additional leave day taken.
- "Family or Household Member" includes a spouse, parent, child or any other person related by blood, or by present or prior marriage, and any other person who shares a relationship through a child, and persons jointly residing in the same household, including a domestic partner or other resident not related by blood or marriage.
- "Parent" refers to the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.
- "Domestic or Sexual Violence" refers to domestic violence, sexual assault, or stalking.

An employee is required to give 48 hours advance notice to Human Resources Benefits in the event of a foreseeable leave. In unexpected or unforeseen situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known. Any employee needing VESSA leave should contact Human Resources Benefits immediately to coordinate leave requirements and certification.

During an approved VESSA leave, employment service will continue to accrue at the normal monthly rate. Eligibility for all benefits will also continue as normal. The AIC will continue the employee's health insurance under the same conditions as if the employee were working. During this unpaid leave, the employee will be responsible for paying the employee portion of the monthly health insurance cost.

The employee's health care coverage may cease if the premium payment is more than 30 days late. If the employee does not return to work at the end of the leave period, the employee may be required to reimburse the AIC for the cost of the premiums paid by the organization for maintaining coverage during the employee's unpaid leave, unless the employee cannot return to work because of the continuation, recurrence, or onset of domestic or sexual violence or other circumstances beyond the employee's control.

For leaves taken pursuant to this policy, an employee will be required to submit a certification demonstrating the need for the leave. The certification must be provided by the employee as soon as reasonably possible, but in most cases, within 15 days after the leave is requested. The certification requirement may be satisfied by the submission of a sworn statement from the employee and one of the following:

- Documentation from a victim services organization, attorney, clergy, or medical or other professional from whom the employee or the family/household member has sought assistance from in addressing domestic or sexual violence and/or its effects;
- A police or court record; or
- Other corroborating evidence.

All documentation related to an employee's need for the leave pursuant to this policy will be held in strict confidence and will only be disclosed as required or permitted by law.

Upon return from a VESSA leave the employee will be restored to the same or equivalent position with equal pay, benefits, and other terms and conditions of employment. If an employee takes a leave due to their own medical condition, the employee will be required to provide medical certification that they are fit to resume work. Employees who fail to provide the Return to Work medical certification form will not be permitted to resume work until it is provided.

The School/AIC will attempt to provide reasonable accommodations for any employee who is entitled to protection under VESSA unless the accommodations would present an undue hardship in the workplace.

Reasonable accommodation applies to applicants and employees and may include adjustment to a job structure, workplace facility or work requirement, transfer, reassignment or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure or assistance in documenting domestic or sexual violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic or sexual violence.

A qualified individual is an individual who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can perform the essential functions of the employment position that such individual holds or desires.

Requests for reasonable accommodations should be addressed to Human Resources - Employee Relations. Any request will be coordinated between Employee Relations and the employee's department.

If an employee requires additional time away from work and the VESSA leave has been exhausted, the employee may apply for an unpaid leave. For a full explanation regarding unpaid leaves, refer to the Faculty Handbook. Employees who do not resume work immediately upon expiration of their approved VESSA leave and who do not make arrangements for an unpaid leave will be separated from service and

considered to have resigned as of the date on which they failed to return to work.

Notices regarding VESSA rights are posted on all School/AIC official bulletin boards.

5.0EMPLOYEE PRIVACY/OFFICIAL PERSONNEL RECORDS

The official personnel files for all faculty members are maintained in a secure and confidential manner in the Office of Deans and Division Chairs . Though much of the information in an individual faculty's personnel record, such as annual salary, title and work experience, is automatically kept up to date by the Office of Deans and Division Chairs, some changes can be made only if the Office of Deans and Division Chairs is notified. These items include home address, telephone number, marital and military status, and whom to contact in case of emergency. It is very important that a faculty member's personnel file be kept current. Faculty's right to access and inspect their personnel files are governed by law and will be honored by the School, as discussed in the section entitled Faculty Member Access to Files. The School/AIC respects each faculty member's rights of privacy and intends to use and maintain personal information about its faculty members in accordance with applicable state and federal laws protecting confidentiality, while taking into account the School/AIC's need to protect its employees and School's/AIC's assets, including its art collections.

Benefits information for all benefit eligible faculty members is maintained in a secure and confidential manner in Human Resources.

A. Collection and Retention of Personal Information

As an employer, the School/AIC must request, receive, and maintain certain personal information about each employee in order to conduct operations effectively. Such information is essential if the School/AIC is to (1) properly administer its personnel functions, including, but not limited to, planning, job placement, job evaluation and performance evaluation, (2) carry out its compensation and benefit programs, (3) conduct appropriate background and incident investigations, and (4) satisfy government reporting requirements, i.e., reporting required by non-discrimination laws.

The Office of Deans and Division Chairs, because of its major role in the employment process, will be the primary collector of employee personal information. It will also be the custodian of the School's official faculty personnel files.

All new employees will be subject to a background investigation for the purpose of verifying information on the employment application form and other personnel documents. Investigations may also be conducted when an employee is being considered for duties that require increased trust and confidence, such as working with minors or with finances. All files containing personal information collected by DOPS during a background or incident investigation may, however, be retained in that department's offices until the investigation is completed. Upon completion, all background and incident investigation files will be forwarded to and retained by the Office of the Deans and Division Chairs.

All personal information will be maintained on a confidential basis and in a secure location.

B. Use and Disclosure of Personal Information

Sensitive or confidential employee personal information, such as telephone numbers and personal email addresses, will not be disclosed to persons or organizations outside the School/AIC without the employee's prior knowledge, except to comply with laws and government regulations, or as may be required by a disclosure order in a legal proceeding or as may otherwise be authorized by the employee.

To insure conformity with the above policies, Department Chairs and other employees should refer all

outside requests for personal/ personnel information, including employment verification to the Office of Deans and Division Chairs.

C. Faculty Member Access To Files

Faculty members will be permitted to inspect their official personnel records provided they have submitted a written request on applicable forms directly to the Office of Deans and Division Chairs. Normally the record inspection will be scheduled during regular business hours on the AIC premises within seven workdays of when the request was made. A representative of the Office of Deans and Division Chairs will be in attendance during each inspection.

Faculty members who disagree with the information contained in their personnel records may submit a written position statement to be attached to the disputed portion of the file. Such a statement will be retained in the file as long as the information to which it refers remains in the file.

Faculty members are not entitled as a general rule to access the following information:

- Reference letters
- Test documents, excluding cumulative scores
- Records relevant to pending legal claims
- Investigative or security records

The School will not be required to grant faculty members' requests to inspect their personnel records more than twice a year. Faculty members may obtain a copy of the information or part of the information contained in their personnel record. A fee will be charged for the duplication of requested information.