

# Section 2

## Policies and Procedures

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Kirkwood Community College declares and affirms to its students, employees and to the public that it does not discriminate on the basis of sex, race, color, creed, religion, national origin, age, disability, sexual orientation or marital status in its educational programs, activities, admission procedures or employment practices. The college affirms its commitment to comply with all applicable federal and state laws, regulations and orders.

To assure that equal opportunity and non-discriminatory behavior is afforded to all students, employees and applicants, Kirkwood Community College recognizes the need for, and the implementation of, an Equal Employment Opportunity/Affirmative Action plan.

Any person who believes that he/she has been the recipient of a discriminatory act may file a complaint with the Director, Human Resources/EEO/AA Officer, 313 Kirkwood Hall, at extension 4965; or Vice President, Instruction, 211 Linn Hall, at extension 5509. Students may file a complaint with the EEO/AA Officer or the Dean of Students, 115 Iowa Hall. Retaliation against persons filing complaints, or for assisting in the investigation following the filing of a complaint, is strictly prohibited.

The college is firmly committed to prohibiting harassment or discrimination on any basis. It is the college's policy to employ, retain, promote, terminate and otherwise treat any and all employees and job applicants on the basis of qualifications and competence. The college considers discrimination of any kind to be serious and will take prompt action when it is discovered.

**Reference:** Affirmative Action/Equal Employment Opportunity Plan updated October 2006; copy available in Human Resources, 313 Kirkwood Hall; Student Development, 115 Iowa Hall; Library; or on the Human Resources website.

Faculty, staff and students at Kirkwood Community College have a right to be free from sexual harassment in the Kirkwood environment. Kirkwood does not condone actions, words, jokes or comments that a reasonable person would regard as sexually harassing or coercive. Anyone feeling it necessary to discuss what may appear to be a sexual harassment or discrimination problem should refer to the Discrimination and Sexual Harassment Complaint Process in Section 2.3.

### **Definition of Sexual Harassment**

Sexual harassment encompasses any sexual attention, from either gender, that is unwanted and is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission is made an express or implied term or condition of employment or status in a class, program or activity.
- Submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, promotion or grading a course).
- The conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creates an intimidating, hostile or offensive environment for work or learning, including harassment in the Kirkwood environment from an outside party, such as a vendor.

Sexual harassment may take many forms, for example:

- Physical assault.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion or grades.
- Direct propositions of a sexual nature.
- Comments of a sexual nature.
- Sexually explicit statements, questions, jokes or anecdotes.
- Unnecessary touching, patting, hugging or brushing against a person's body.
- Remarks of a sexual nature about a person's clothing, body, sexual activity or previous sexual experience.

Students, faculty and staff need to be concerned not only with the intent of their actions of this kind but also the effects; while sexual harassment involves repeated, unwanted sexual attention, persons involved in isolated or inadvertent incidents demonstrate insensitivity toward others. Repeated occurrences will be considered intentional violations of the policy, and educational programs are available to alleviate those occurrences.

Any Kirkwood employees, students or persons who have submitted applications for employment or admission who feel they have been denied equal opportunity on the basis of sex, race, age, creed, color, national origin, religion, sexual orientation, marital status or disability may seek remedy through an internal complaint process. This process also pertains to those who feel they have been the subject of sexual harassment (see definition in Section 2.2). The college assures that full cooperation will be provided to any individual filing a complaint with no threat of penalty or reprisal to the complainant. The EEO/AA Officer will advise the complainant of the necessary steps in the complaint process. If the complaint involves alleged discriminatory or harassing behavior by the EEO/AA Officer, the Vice President, Instruction, should be contacted in lieu of the EEO/AA Officer wherever referenced in the following procedures.

**Informal Inquiry**

Individuals are encouraged to make informal inquiry to their immediate supervisor, instructor, advisor or counselor as soon as possible following the date of occurrence of the event giving rise to the complaint communication. The staff member contacted will report the incident to the EEO/AA Officer for purposes of documentation and advice regarding the necessary steps of the complaint process. Every effort should be made to resolve the conflict at this time. If this is not possible, the individual will be referred to the EEO/AA Officer.

**Formal Complaint Process**

The EEO/AA Officer should be contacted immediately following the event giving rise to an alleged discrimination or harassment complaint or at the time the complainant becomes aware of such an event or situation. If a resolution has not been reached or is not possible through the informal process, the following steps may be taken.

Step One

Kirkwood requires that aggrieved persons who believe they have been the subject of sexual harassment or discrimination because of sex, race, age, creed, color, national origin, religion, sexual orientation, marital status or disability submit a written complaint to the EEO/AA Officer within 30 calendar days of the occurrence of the event or situation. The written complaint should contain the date of the occurrence, location, party or parties involved, names of witnesses, the facts and/or rationale of the complaint and the category (age, sex, disability, etc.).

Step Two

The EEO/AA Officer will conduct an investigation based upon the complaint. The investigation will be conducted per the following process:

- a. Meet with the person against whom the complaint is made and provide them with complete information of the complaint. The alleged perpetrator will have the opportunity to respond to the complaint at that time or may respond within the next five days.
- b. After the response has been made, the EEO/AA Officer will conduct the investigation through interviews with others who may have witnessed the incident or been in the vicinity where the alleged behavior occurred.

- c. The EEO/AA Officer will provide a written summary/report to the complainant and alleged perpetrator within 30 calendar days of receipt of the complaint. The summary will include a thorough and documented review of the circumstances under which the alleged discrimination or harassment occurred.

## **Discrimination and Sexual Harassment Complaint Process (cont.)**

**2.3**

### Step Three

The EEO/AA Officer will make recommendations for resolution of the complaint. If a satisfactory resolution can be arrived at, the terms of the resolution will be documented in writing and made part of the complaint file. In the event the complaint is found to be valid and involves an individual's behavior, that person will receive appropriate counseling or disciplinary action. Ultimate dismissal is included in any disciplinary actions that may occur.

### Step Four

If a satisfactory resolution has not been arrived at, the complainant will have ten calendar days to request in writing that the President review and adjudicate the complaint. The President will review the complaint and within ten calendar days take appropriate action to resolve the matter.

### Step Five

All aggrieved persons are encouraged to process complaints of alleged discrimination or harassment through the internal procedures established for this purpose. However, the complainant may seek remedy at any time from the Cedar Rapids Human Rights Commission, the Iowa Civil Rights Commission, the Federal Equal Employment Opportunity Commission or other appropriate agencies. The complaint must be filed within 180 days of the alleged discrimination.

The complainant may withdraw the complaint at any time and resolution reached at any step of the process.

## **Employee Complaint Process (other than discrimination) Board-Approved Employees 2.4**

Any employee may pursue a job-related complaint. Complaints should be brought to the attention of the employee's immediate supervisor within ten working days from the date of the occurrence of the event giving rise to the complaint, or ten working days from the date that the employee should have reasonably become aware of the event. Within five working days after presentation of the complaint, the immediate supervisor or designee shall respond in writing to the employee.

In the event the complaint has not been satisfactorily resolved at this level, the employee may pursue the process in written form to the next level of authority within five working days. The response from this administrative level will be given in writing no later than ten working days after receipt of this written complaint. This time frame shall be followed at all subsequent administrative levels through the President or designee.

Complaints that come to the attention of the members of the Board of Trustees shall be referred to the President for resolution.

Concerns of employees that are addressed within a Master Contract agreement shall be processed through the procedures established in that agreement.

**Alcohol**

The on-campus use of alcoholic beverages is allowed at Kirkwood Community College ONLY where prior written approval for the serving of alcohol has been obtained from the President or designee. All Iowa state laws and local statutes regarding sale, purchase and distribution of alcohol must be observed. Food and non-alcoholic beverages must also be made available at events when alcoholic beverages are served. Any activity where alcoholic beverages are the focal point of the event or which contributes to alcohol overindulgence or abuse is prohibited.

Alcohol and drug prevention activities are coordinated through the Kirkwood Campus Health office. The Campus Health office provides alcohol and drug abuse related information and can refer individuals to area agencies if further assistance is needed.

**Drugs**

The use or possession of any narcotic, dangerous drug or controlled substance by any person who does not have a legal license or valid prescription is strictly prohibited on campus or at any college-sponsored activity. The unlicensed distribution or sale of any narcotic, dangerous drug or controlled substance by any person is strictly prohibited on campus or at any college-sponsored activity.

**Truck Driver Training Program**

Kirkwood Community College is committed to providing its students with a safe training program that encourages high standards of health. A drug and alcohol-free environment is especially important in the transportation industry because of the basic responsibility to serve the public safely and without interruption. The purpose of this policy is to ensure safety of highway travel by our drivers and to comply with the Omnibus Transportation Employee Testing Act of 1991 (OTETA).

It is the policy of Kirkwood Community College that its Truck Driver Training Program drivers be free of substance abuse and/or alcohol abuse. Consequently, the use of illegal drugs by any drivers in the Truck Driver Training Program, including students and college employees, is prohibited. All drivers will comply with the Kirkwood Community College truck driver training drug and alcohol regulations, including drug testing requirements, which became effective January 1, 1996.

Violation of the Alcohol and Drug Policy may result in disciplinary action up to and including termination.

**Smoking Policy**

In compliance with the state of Iowa's Smoke Free Air Act, as of July 1, 2008, all Kirkwood Campus locations and Kirkwood property are tobacco-free. Tobacco use, including smokeless tobacco is prohibited.

The use of tobacco products, which includes smokeless and smoking tobaccos, is prohibited:

- \* In all areas within Kirkwood Community College buildings.
- \* On all property owned, leased, or occupied by Kirkwood Community College.
- \* In all vehicles owned, leased, or rented by the school.

This policy applies to all employees, students, partners and visitors.

Persons willfully refusing to comply will be considered in violation of Kirkwood Community College policy and subject to disciplinary actions.

All persons in non-compliance of the Smoke Free Air Act and Kirkwood's policy will be considered in violation and subject to disciplinary action.

## **Handling of Confidential Information** **2.7**

Many employees will be exposed and have access to information which is of a confidential nature. Such information should not be shared with unauthorized personnel.

## **Personnel Files** **2.8**

An official file for each employee will be kept at all times within the Human Resources office. All employment documentation such as contracts, evaluations, educational attainment records and application materials will be kept in this file. Employees may have access to their file (except for confidential letters of reference) at any time by calling Human Resources to make an appointment. Some personnel information will be maintained in electronic form only (scanned) and with adequate notice, can be printed for the employee's review. Personnel and payroll information is also maintained in our electronic database.

Medical information, such as sick leave verification forms and physician return to work forms, will be kept in a "Medical File" separate from the employee's general employment file. Only the Human Resources staff will have access to an employee's confidential medical file.

Release of personnel file information would be executed only through court order, employee signed release or on a "need to know" basis as determined by the Director, Human Resources.

Upon completion of college course work, employees should forward a copy of the transcript to the Human Resources office to be maintained in the employee's personnel file.

The college will maintain personnel records for the period of time as required by law.

### **Changes in Personal Data**

In order to maintain accurate records, it is necessary that the Human Resources office be notified promptly of any changes in name, address, phone number, and name and phone number of the individual to contact in case of an emergency.

## **Employment of Relatives**

**2.9**

Relatives of Board-approved regular full-time employees may be considered for Board-approved regular part-time or Board-approved regular full-time employment provided they are qualified for the position.

Immediate family relatives (defined as spouse, family partner, children, parents, siblings, grandparents, grandchildren, step-parents, step-children, in-laws, as well as aunts, uncles, nieces, nephews, cousins related within the second degree) shall not be permitted to work in positions where one would supervise the other, nor shall they be hired to work within the same department.

It is not the policy of the college to hire spouses/family partners of administrators or trustees to Board-approved positions.

All individuals will be required to go through the usual application and interviewing process, and the usual hiring standards that apply.

Exceptions to the above policy may be made at the discretion of the President of the college.

## **Immigration Act Compliance Procedures**

**2.10**

All employees are required to personally present documents verifying identity and eligibility to be employed in the United States. Acceptable documents can be a(n):

- Valid driver's license (with picture) and a social security card or birth certificate.
- U.S. passport.
- Certificate of U.S. Citizenship.
- Certificate of Naturalization.
- Alien registration card.

The employee must complete and sign an "Employment Eligibility Verification Form" (Form I-9) within three business days of his/her hire date. If an employee is unable to present the required document or documents within this time frame, the employee must produce a receipt showing that he or she has applied for the document. In addition, the employee must present the actual document within 90 days of the hire date.

This form will be held confidentially as part of the personnel file.

In pursuit of its mission of teaching, educational excellence and public service, the Board of Trustees of Kirkwood Community College provides access to computing and information resources for students, faculty, staff and other authorized users within institutional priorities and financial capabilities.

The policy for Responsible Use of Information Technology at Kirkwood contains the governing philosophy for regulating faculty, student, staff and other authorized users of the college's information technology resources. This policy establishes the general principles regarding appropriate use of equipment, software and networks. By adopting this policy, the college recognizes that all members of the college are also bound by local, state and federal laws relating to copyrights, security and other statutes regarding electronic media.

### **Policy**

All members of the college community who use Kirkwood's computing resources are responsible for the integrity of the resources. All users of college-owned or college-leased information technology systems must respect the rights of other users, respect the integrity of the physical facilities and controls, and comply with all pertinent licenses and contractual agreements. Kirkwood's policy requires that all members of its community act within relevant laws and contractual obligations and with the highest standard of ethics.

Users and system administrators will respect the privacy of person-to-person communications in all forms, including voice (telephone) mail boxes, text (electronic mail and file transfer) and image (graphics and television). The principle of academic freedom will apply to public communications in all of these forms.

Access to the college's Information Technology facilities and resources is a privilege granted to college students, faculty and staff. Access to college information resources may be granted by the owners of that information based on the owner's judgment of the following factors: relevant laws and contractual obligations, the requester's need to know, the information sensitivity and the risk of damage to or loss by the college.

The college reserves the right to extend, limit, restrict or deny computing privileges and access to its information resources. Data owners—whether departments, units, faculty, students or staff—may allow individuals other than college faculty, staff and students access to information for which they are responsible, so long as such access does not violate any license or contractual agreement, college policy or any federal, state, county or local law or ordinance, and so long as such access does not negatively impact primary users.

College Information Technology facilities and accounts are to be used for the college-related activities for which they are intended and authorized. College Information Technology resources are not to be used for commercial purposes or non-college related activities without written authorization from the college. In these cases, the college will require payment of appropriate fees. This policy applies equally to all college-owned and college-leased computers and

peripherals. Similarly, solicitation for any purpose also requires written authorization from the college.

Access to information resources without proper authorization from the data owner, unauthorized use of college computing facilities and intentional corruption or misuse of information resources are direct violations of the college's standards for conduct.

### **Enforcement**

Alleged violations of this policy shall be handled according to the judicial processes outlined in the Kirkwood Community College Handbook, college collective bargaining agreements, the Student Code of Conduct and the Code of Academic Integrity. Kirkwood treats access and use violations of computing facilities, equipment, software, information resources, networks or privileges seriously. Kirkwood will pursue criminal and civil prosecution of violators as deemed necessary.

## **Family Educational Rights and Privacy Act of 1974 (FERPA) 2.12**

Student education records are official and confidential documents protected by one of the nation's strongest privacy protection laws, the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA applies to schools that receive federal education funds and non-compliance can result in the loss of those funds.

Confidential education records include student registration forms, graded papers, student information displayed on a computer screen and social security numbers linked to names. Employees who work around education records need to keep this information secure and protect the rights of students.

The essence of this act is that:

- Students upon reaching age 18 or students attending postsecondary institutions, regardless of age, must be permitted to inspect and review their own education records (any records from which the student can be individually identified), to the exclusion of third parties. There are no rights guaranteed under FERPA for parents of students attending a postsecondary institution.
- Institutions may not disclose information about students, nor permit inspection of their records, without the student's written permission unless such action is covered by certain exceptions as stipulated in the Act.

The law says colleges may release directory information about students but that each college should formulate its own policy about what directory information it will release and to whom it will be released. The directory information categories identified by the Family Educational Rights and Privacy Act are the student's name and address, e-mail address, telephone number, major field of study, participation in Kirkwood sports and activities, weight and height of athletes, dates of attendance, degrees and awards received, previous schools/colleges attended, place and date of birth, class schedule, class roster, full or part-time status, photograph and emergency information.

Kirkwood will release address, e-mail address, telephone number, previous schools/colleges attended, date of birth, and class roster only in specific pre-determined situations. Please contact Enrollment Services for a list of the situations in which Kirkwood will release directory information.

## **Workplace Violence**

**2.13**

Kirkwood Community College believes that all students, staff and visitors to the College are entitled to learn and work in a safe environment, free of fear for their personal safety and well-being. Therefore:

It is the policy of Kirkwood Community College that verbal harassment, threats of aggression, or acts of physical violence will not be tolerated.

Employees who have been the object of such a threat or act must immediately report the incident to their immediate supervisor or to the Director of Human Resources. In most instances, a signed statement will be required. Any supervisor who observes, overhears or receives a report of verbal harassment, threats of aggression or acts of physical violence, must immediately report same to the Director of Human Resources, or in his/her absence, to the Dean of Students or Vice President.

Any harassment, threats, or acts of violence will be taken seriously. Upon receiving such a report, an immediate investigation will be undertaken. Reasonable steps will be taken to protect employees, students, visitors, and personal property from harm.

Any employee who is found to have harassed or threatened anyone at or from the workplace either in person or using telephones, fax machines, computers, or other communication devices, will be subject to disciplinary action up to and including termination.

If necessary, local law enforcement officials will be contacted to assist in handling a threat or act of violence.

## **HIPAA Notice of Privacy Practices**

**2.14**

The Health Insurance Portability and Accountability Act (HIPAA) includes components to ensure that your personal health information is protected so that individuals are not afraid to seek health care or to disclose sensitive information to health professionals. These privacy rules apply to entities such as health insurance carriers, medical providers (physicians, hospitals, clinic, etc.) and employers. It is designed to ensure that Protected Health Information is protected during its collection, use, disclosure, storage and destruction within these entities, including your employer, Kirkwood Community College. The policies and procedures noted herein are effective April 14, 2003.

## **Protected Health Information**

Protected Health Information means all information, recorded or exchanged verbally about an identifiable individual that relates to:

- The individual's health, or health care history, including genetic information about the individual or the individual's family.
- What Kirkwood has learned or observed, including conduct or behavior that may be a result of illness or the effect of treatment.
- Payment for healthcare provided to the individual, and includes:
  - The Protected health identification number and any other identifying number, symbol, etc. assigned to the individual.
  - Any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment of health care.

Protected Health Information does not include employment records held by the employer for medical information needed for an employer to carry out its obligations under:

- Family and Medical Leave Act
- American with Disabilities Act
- Occupational injury/Worker's Compensation
- Disability insurance eligibility
- Sick leave requests and justifications
- Drug screening results
- Workplace medical surveillance
- Fitness-for-duty tests

Persons associated with Kirkwood Community College include all Board-approved employees, part-time, adjunct, students, contracted employees and members of the Board of Trustees.

## **Policy**

All Kirkwood employees and persons associated with Kirkwood Community College are responsible for protecting the security of all Protected Health Information (oral or in recorded form) that is obtained, handled, learned, heard or viewed in the course of their work or association with Kirkwood.

Protected Health Information shall be protected during its collection, use, storage and destruction with Kirkwood Community College.

Use or disclosure of Protected Health Information is acceptable only in the discharge of one's responsibilities or duties (including reporting duties imposed by legislation) and based on the need to know. Discussion regarding Protected Health Information should not take place in the presence of persons not entitled to such information or in public places (elevators, lobbies, cafeterias, off premises, etc.).

Employees who have access to Protected Health Information will be required to execute a Protected Health Information Pledge of Confidentiality, as a condition of employment with Kirkwood Community College.

Unauthorized use or disclosure of confidential information will result in disciplinary action up to and including termination of employment.

All individuals who become aware of a possible breach of the security or confidentiality of Protected Health Information are to follow the procedures outlined below.

### **Procedure of Alleged Breach of Confidentiality**

Any individual receiving an allegation of a breach of confidentiality or having knowledge or a reasonable belief that a breach of confidentiality of Protected Health Information may have occurred should immediately notify the Privacy Officer, or in the case of the Privacy Officer being alleged to have breached confidentiality, contact the Director, Human Resources or the Vice President, Administration.

The Privacy Officer or designee in consultation with the employee's supervisor will decide whether to proceed with an investigation. It may be decided that a complaint does not require investigation if:

1. The length of time that has elapsed since the date of complaint makes an investigation no longer practicable or desirable.
2. The subject matter of the complaint is trivial or not made in good faith or is frivolous.
3. The circumstances of the complaint do not require investigation.

If the decision is made to proceed with an investigation, it is the responsibility of the employee's supervisor and the Privacy Officer to investigate the allegations and consult appropriate resources to make the determination if a breach of confidentiality of Protected Health Information has been made.

If a breach of confidentiality of Protected Health Information has occurred, disciplinary action should be taken.

All incidents of a breach of confidentiality of Protected Health Information should be documented and filed in the employee's personnel file in Human Resources and the office of the Privacy Officer.

### **Privacy Practices**

Kirkwood's designated Privacy Office is the Employee Benefits Coordinator, Human Resources Department, 313 Kirkwood Hall.

If an employee or covered family member has an inquiry with regard to a health care issue (medical, dental, vision, IRS Section 125 Flexible Benefit Plan, EAP, Wellness or Campus Health), the employee will be required to first contact the appropriate provider of services to resolve this issue. If this issue is not resolved to the employee's satisfaction working directly with appropriate provider of services, the employee or covered family member may contact Kirkwood's Privacy Officer to assist with resolution. The employee will be required to complete an Employee Authorization Form in order for Kirkwood's Privacy Officer to pursue resolution with the appropriate provider of services. This form is available at the Human Resources Office or the Human Resources Employee Resources Forms page.

Any Protected Health Information received by Kirkwood Community College (examples include medical insurance enrollment forms, Employee Authorization Forms and subsequent Claim Inquiry details) will be kept in a separate and confidential storage location, not in the employee's personnel file. Any and all individuals who have potential access to Protected Health Information are required to sign a Pledge of Confidentiality.

An employee has a right to inspect and obtain a copy of his/her Protected Health Information on file with Kirkwood Community College, except for information compiled for a civil, criminal, or administration action or proceeding. Requests to inspect or obtain a copy of your Protected Health Information must be made in writing to Privacy Officer, Human Resources, 313 Kirkwood Hall, P.O. Box 2068, Cedar Rapids, Iowa 52406-2068.

### **Notice of Privacy Practices**

Kirkwood's Notice of Privacy Practices can be obtained in the Human Resources Office, 313 Kirkwood Hall, or by visiting the Human Resources "Employee Resources" web site under Benefits.

## **Americans with Disabilities Act of 1990 (ADA)**

**2.15**

Kirkwood Community College does not discriminate against qualified individuals with disabilities. The college provides reasonable accommodation(s), as required by law, to otherwise qualified applicants, employees, and students with disabilities in all work settings, education programs, activities, services, and practices, including application procedures, admissions, course selection, the awarding of degrees, discipline, and dismissal. Educational, employment, or promotion opportunities will not be denied to an employee or students because of the need to make reasonable accommodation(s) or modification(s) for the physical and mental impairment(s) of any such individual.

### **Disability Accommodations for Employees**

Any employee of Kirkwood Community College who has a disability for which an accommodation is needed should follow these procedures.

The employee can meet with the Director of Human Resources who is responsible for ADA accommodations for employees. The employee and Director of Human Resources will meet. The employee will complete an application for accommodation. The employee will supply documentation of the disability to Director of Human Resources who will evaluate the documentation to determine if a disability exists. If so, the implications and impact as it pertains to the job/position and the accommodation needs of the employee will be considered.

The Director of Human Resources will function as the case manager for the employee to determine an accommodation plan and work with the employee and the college to implement a reasonable accommodation plan.

The Iowa Gift Law applies to all public employees, which includes employees of Kirkwood Community College. This outline is not a substitute for the law, but is provided as a guide and to put employees on notice of their responsibilities under the law. The gift law prohibits a public employee or that person's immediate family member, from accepting or receiving, directly or indirectly, any gift or series of gifts from a “restricted donor.”

A “restricted donor” is defined in the law as a person or company who is or is seeking to be a party to a sale, purchase, lease or other type of contract with the employer of the public employee.

There are some exceptions to the prohibitions in the gift law. The ones that would most commonly occur regarding college employees are as follows:

- Nonmonetary items with a value of three dollars (\$3.00) or less received from any one donor during one calendar day.
- Informational material relevant to the employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
- Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.

The most common situation an employee may encounter is acceptance of food or beverage, such as lunch provided by a restricted donor. This is acceptable when the expenses for food and beverages is given in return for the employee’s participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities.

The consequences for violating the gift law are severe. A person who knowingly and intentionally violates the gift law may be punished in ALL of the following three ways:

- Both donor and recipient are guilty of a serious misdemeanor. Serious misdemeanors are punishable by up to one year incarceration and a fine between \$250 and \$1500, plus 30% surcharge and court costs.
- The gift law specifically gives the public employer permission to fire the employee who takes a gift in violation of this law.
- Finally, violation of the gift law is a violation of the Board of Educational Examiner’s Code of Ethics. Therefore, the public employee who is also licensed by the BEE could lose his or her license.