

## **Policy 1309**

### **Closings, Class Cancellations and Exam Postponements Due to Inclement Weather or Emergencies**

**Date of Current Revision: June, 2024**

**Primary Responsible Officers: Director of Human Resources, Provost and Senior Vice President for Academic Affairs, Vice President for Administration & Finance**

#### **1. PURPOSE**

The purpose of this policy is to establish a process by which the university may close or cease parts of its operation for the safety and wellbeing of students and employees in response to inclement weather or emergencies.

#### **2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The board has delegated the authority to manage the university to the president.

#### **3. DEFINITIONS**

##### **Administrative & Professional (A&P) Faculty**

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience; however, the university recognizes administrative faculty and professional faculty as distinct position types.

*Administrative Faculty* positions are generally administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent (50%) of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, vice provost, dean, assistant or associate vice president, assistant or associate vice provost, or assistant or associate dean. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting, and implementing institutional policy, and exercise substantial independence, authority, and discretion in areas such as program planning, design, and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions. For Academic Affairs, this would include: Vice Provost/Dean (level 1), Academic Unit Head/Director (level 2) and Associate Director (level 3).

*Professional Faculty* require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Typical professional faculty positions are librarians, counselors, coaches, physicians, lawyers, engineers, or architects. Other professional positions may support education, research, university life and other such activities. Professional faculty positions must require the incumbent to regularly exercise professional

discretion and judgment and to produce work that is intellectual and varied and not standardized.

### **Authorized Closing**

The closing of university operations, as determined by the president or a designee, for specific periods of time as needed. An authorized closing may be for a full or partial shift, such as in the case of delayed openings or early closings.

### **Designated Employee**

An employee identified by the employing department whose work is essential to university operations and who is required to work during periods of authorized closings.

### **Emergency Conditions**

Conditions as determined by the president or a designee, that severely hamper employee travel to and from work, reporting to or remaining at work (including, but not limited to, inclement weather, utility failure, sustained flu pandemic, fire, or other forced evacuations).

### **Exempt Employee**

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to receive overtime pay for hours worked in excess of 40 in a workweek.

### **Instructional Faculty**

A faculty member whose primary responsibility includes teaching, scholarly achievement and professional qualifications, and professional service.

### **Non-Designated Employee**

An employee who is not required to work during an authorized closing. For purposes of identification in media announcements, such employees will be identified as “non-designated employees.”

### **Non-Exempt Employee**

An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and therefore must be paid at a rate of one and one-half times the employee’s regular rate of pay for hours physically worked in excess of 40 in a workweek.

### **Professional Librarian**

Instructional faculty who are affiliated with JMU Libraries. Their responsibilities include instruction, research/scholarship and service as defined in the Libraries’ Promotion and Tenure Guidelines.

### **Telework**

A work arrangement in which supervisors direct or permit employees to regularly perform their usual job duties away from their central workplace at least one day per week in accordance with a [Standard TeleWork Agreement](#).

## **4. APPLICABILITY**

This policy applies to all employees of the university.

## **5. POLICY**

James Madison University is primarily a self-contained campus with a large number of residential students requiring a variety of support services, regardless of inclement weather conditions or emergency situations. For the safety and well-being of its students and employees, the university may close or limit its services, based on inclement weather or other emergencies.

It is the policy of the university to provide full-time employees pay continuity for absences necessitated by the authorized closing or delay of operations due to inclement weather conditions or other emergencies such as utility failure, fire, and other forced evacuations. Many employees are considered non-designated and are not required to work when university operations are closed due to inclement weather or other emergency situations; however, to continue to provide services to students, some positions are considered designated and, as a condition of employment, must report to work when university operations are closed due to inclement weather or other emergency conditions.

This policy is designed to establish the guidelines and procedures for university closings, class cancellations, and the compensation of designated employees. In an emergency situation posing imminent danger, real-time instruction from JMU police officers or other emergency responders must be followed.

## **6. PROCEDURES**

### **6.1 Closing Decisions**

Decisions to close university operations (those operations that do not operate in emergency or inclement weather conditions) will be made by the president or a designee. Individual vice presidents, deans, directors, department heads, academic unit heads, and supervisors are not authorized to make closing decisions in their areas. The president or a designee may make such a decision at any time during the calendar year to protect the best interest and welfare of the university community. Should inclement weather or emergency conditions dictate that the university operate with only inclement weather or emergency operations services, the following procedures will be followed:

1. The Office of Public Safety, in cooperation with state and local police, the director of facilities management, and other staff personnel, gathers information on local and regional conditions and provides that information to the vice president for administration & finance in order to make a delayed opening/closing decision.
2. The chief of police then contacts University Communications and they contact local media outlets and post announcements on the JMU website. The chief of police then directs public safety dispatchers to send out the delay/closure messages via our emergency notification systems.
3. Announcements will be sent via:
  - Area radio and television stations
  - JMU emergency notification systems including texts and emails
  - JMU radio station 1610 AM
  - JMU weather line (540-433-5300)

- [JMU website](#)
- LIVESAFE

If the university is open, the vice president for administration & finance confers with the president on decisions to close university operations. At the time the closing announcement is made, vice presidents will make arrangements for contacting departments within their divisions. Announcements will include the following:

- Start and stop times of shift closings
- Reference to all shifts affected by the closing
- Reference to Saturday and Sunday closings, as appropriate

Human Resources will provide begin/end times for the official closing/delay to departmental contacts, in order to compute compensatory leave.

## 6.2 Classes and Exams

### a. Classes

When the university campus in Harrisonburg is closed due to weather or other emergency, all Harrisonburg-based in-person classes are cancelled on that day. In situations where the university closes mid-way through the day (e.g., 1:00 pm), all classes must cease at that time even if there is class time remaining. When the university is delayed in opening, classes can convene when the university opens, but must end at the regularly scheduled class time. For all classes based outside of Harrisonburg, closures will align with the local school district or organization in which the class is facilitated.

During closures, faculty members may not require students to attend events, classes, laboratories, or any other functions on campus. However, students who are participating in off-campus activities, including but not limited to: course work at remote locations solely outside of Harrisonburg, internships, practica, student teaching, health services placements, or study abroad are excepted, unless the remote site is closed or the student is unable to reach the remote site safely. It is the responsibility of the student to contact the relevant professor or supervisor to receive instructions on attendance at the remote site, and to notify the instructor of record in the course of remote site closings or the student's inability to safely reach the site because of inclement weather conditions.

Faculty members have several options for making up missed instructional time, including but not limited to:

- Incorporate the course content missed on that day into other classes throughout the semester.
- Hold class at a time acceptable to all class members other than the regularly scheduled time. Time and location will be arranged by the academic unit.
- Prepare the lecture asynchronously and allow the students to review the lecture in a reasonable amount of time.
- Provide students with alternate assignments that can be completed through electronic means.

- Hold class through electronic means, with the understanding that there may be no academic support services from IT or the Libraries. Students who are not able to attend class virtually, due to lack of internet, living situation, etc. must not be penalized for missing class.

Faculty are encouraged to provide a written statement, in their syllabus/syllabi, of their method for addressing class cancellations due to inclement weather conditions or emergency situations.

b. **Final Examinations Rescheduled or Cancelled Due to Inclement Weather or Emergency Closing**

In response to inclement weather and other emergencies, the university may be forced to reschedule or cancel final examinations. Decisions to close university operations will be made by the president or a designee. If the decision to close the university and reschedule or cancel final examinations is made, announcements will be made as noted above.

When the university closes due to weather or other type of emergency, faculty will administer regularly scheduled examinations at a time designated by the university. The official make-up dates and times will be designated as part of the closing announcement or shortly thereafter. Unless otherwise notified, examination locations will be the same as the location for the regularly scheduled exam.

If it is determined that exams cannot be given because of inclement weather or other emergency, faculty will assign final grades to students based on course requirements completed prior to the regularly scheduled exam date.

### **6.3 Faculty and Staff**

a. **All Employees**

1. If an authorized closing falls on the employee's normally scheduled telework day and the employee is teleworking, the employee is expected to continue work, if practical. During an authorized closing, teleworking employees will not receive compensatory leave. See Policy [1332](#) – Teleworking.
2. When travel is required during an authorized closing, the travelling employee shall be deemed designated and will receive compensatory leave. See Policy [1303](#) – Granting Overtime and Compensatory Leave.

b. **Designated Classified Staff and Administrative & Professional Faculty**

1. When it can be predetermined that for certain types of emergencies the employees' services will be necessary, supervisors shall inform employees in writing that they will be required to work during authorized shift closings and thus designated. It is recommended that designated employees be notified at the time of employment, annually just prior to the winter season, and when it can be predetermined that for certain types of emergencies these employees' services will be necessary.

2. In the event of an authorized closing, a supervisor may change the status of any employee to designated status, based on the needs of the university.
3. The following conditions apply to designated classified staff and administrative & professional faculty who:
  - work their normally scheduled shifts during an authorized closing or delay, whether an entire shift closing or a partial-shift closing -- will be credited with compensatory leave for those hours worked.
  - are required to work in excess of the hours in their normally-scheduled shift - will be compensated in accordance with the Fair Labor Standards Act (FLSA) for the excess time worked (i.e., overtime payments), provided they are in a non-exempt classification.
  - do not report to work as scheduled - must charge time missed to leave.
  - leave before the end of the shift during an authorized closing - must charge time missed to leave.

c. Designated Wage and other Part-time Staff

The following conditions apply to designated wage and other part-time staff who:

- work during an authorized closing or delay under the provisions of this policy - will receive an additional half-hour pay for each hour they work.
- are required to work in excess of the hours in their normally-scheduled shift - will be compensated in accordance with the Fair Labor Standards Act for the excess time worked (i.e., overtime payments), provided they are in a non-exempt classification.

d. Non-Designated Classified Staff and Administrative & Professional Faculty

The following conditions apply to non-designated classified staff and administrative & professional faculty who are:

- scheduled to work on a day when a delayed opening is announced - are expected to report to work on time, factoring in the delayed opening time; however, when conditions create transportation difficulties that result in an employee's late arrival, supervisors may authorize up to two hours of such lost time beyond the delayed opening as an authorized absence not charged as leave. Supervisors should decide each case on its own merits.
- allowed to leave work prior to an announcement of an early closing - must charge the difference between that time and the official closing time to leave balances.
- on pre-approved leave with pay or who contact their supervisor requesting leave (and it is approved by the supervisor) on the day of a partial-shift closing - will have only the hours of operation charged to their leave balances.
- on approved leave with pay for an authorized closing day - will not be charged leave for the day.

To be eligible for pay, non-designated classified staff and administrative & professional faculty must work or be on paid leave the work day before and the work day after the authorized closing.

- Non-designated non-exempt classified staff and A&P faculty will be paid for the number of hours they were scheduled to work during the authorized closing.
- Non-designated exempt classified staff and A&P faculty will be paid for a full day for each full day the university is closed during an authorized closing.
- Non-designated classified staff and A&P faculty who work an alternate schedule will be paid for the hours they were scheduled to work during the authorized closing. If an employee's normal work schedule is more than the period of the authorized closing, the additional hours not worked must be charged to leave as appropriate or be worked at a later time in the same workweek.

e. **Non-Designated Wage and other Part-time Staff**

The following conditions apply to non-designated wage and other part-time staff:

- Employees are expected to report to work on time when a delayed opening is announced, factoring in the delayed opening time; however, when conditions create transportation difficulties, supervisors may use their discretion in determining the employee's schedule. Supervisors should decide each case on its own merits.
- If an authorized delay/early closing falls on a non-designated wage or other part-time employee's regularly scheduled hours, the employee will not report to work until the university opens or will leave upon an early closure and will not be paid for the hours not worked.
- If an authorized closing falls on a non-designated wage or other part-time employee's regularly scheduled hours, the employee will not report to work and will not be paid for the hours not worked.

- f. Instructional faculty and professional librarians will be provided pay continuity for absences necessitated by the authorized closing or delay of operations.

## **7. RESPONSIBILITIES**

It is the responsibility of vice presidents, deans, department heads, academic unit heads, directors, and supervisors to ensure that the provisions of this policy are reviewed with employees and administered to all employees in a consistent manner.

Supervisors are responsible for informing designated employees in writing that they will be required to work during authorized shift closings.

Supervisors are responsible for informing teleworking employees if they are expected to continue work during an authorized closing, if practical.

It is the responsibility of the supervisor to provide accurate time and leave information to Human Resources.

All departments, offices, and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

## **8. SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination.

## **9. EXCLUSIONS**

Not applicable.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

**Previous version:** May 2021

**Approved by the president:** September 2016

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