

## SIMMONS MOTOR VEHICLE USE POLICY

Effective August 25, 2015  
Amended July 2023

### PURPOSE

Simmons University (“Simmons” or “University”) has instituted the following Motor Vehicle Use Policy to ensure the safe operation of Simmons vehicles while transporting our students, faculty or staff. A Simmons vehicle is defined for the purposes of this policy as any motor vehicle owned, leased, or rented by Simmons. The purpose of this policy is to set *minimum* standards for operating a Simmons vehicle, to prevent accidents and to minimize insured and non-insured liabilities.

### SCOPE

This policy applies to any Simmons vehicle and any Authorized Driver operating a Simmons vehicle on behalf of the University. An Authorized Driver is a University employee who has been authorized to operate a Simmons vehicle under and pursuant to this policy, including, but not limited to, employees in Simmons Police (SSPO sworn officers only), Athletics (Coaches, Assistant Coaches, and Trainers), and Building and Grounds (all positions).

### AUTHORIZED DRIVER ELIGIBILITY

To qualify as an Authorized Driver, an employee must, at a minimum:

1. Be at least eighteen (18) years of age; and
2. Have a valid driver’s license for a minimum of two (2) years; and
3. Be insurable by Simmons’s insurance carrier(s); and
4. Carry their license with them when driving a Simmons vehicle; and
5. Have an acceptable Standard Motor Vehicle Record (MVR) background check, as determined by the University; and
6. Have obtained a copy of the Motor Vehicle Use Policy, signed the Acknowledgement Form [Attachment A] indicating that they have read and understand the policy, and returned the completed form to HR; and
7. Been notified by HR that they are deemed an Authorized Driver.

The University reserves the right to impose different or additional eligibility criteria. Individuals with a record of Driving under the Influence (DUI) or Operating a Motor Vehicle under the Influence (OUI) within the last five (5) years will not be eligible to serve as an Authorized Driver or drive a Simmons vehicle.

Generally Simmons students are not permitted to drive Simmons vehicles and are not eligible to serve as Authorized Drivers.

### REQUIRED MVR BACKGROUND CHECK

MVR background checks will be completed via a third-party hired by Simmons’ Department of Human Resources (HR). Results of the MVR background check will be reported to HR. Simmons employees (either upon initial hire or with a job change) who are identified by the University as potential Authorized Drivers will be subject to a standard MVR background check. Individual departments, such as Public Safety, Buildings and Grounds, and Athletics, may have additional guidelines, specific to their department, which must also be adhered to.

A prospective employee, whose position requires a valid driver's license as an essential function of the job, may be offered a position, conditioned on passing the MVR background check. Prospective employees will be required to complete the online authorization form provided to them by HR, granting permission to Simmons University to conduct the MVR background check and/or separately obtain the individual's motor vehicle record. The prospective employee's supervisor is responsible for ensuring the prospective employee returns the completed form to HR.

In addition, any employee who has been identified as an Authorized Driver will be subject to an annual, standard MVR background check rescreen. The University will conduct annual rescreens for Authorized Drivers on or around July 1<sup>st</sup> of every calendar year.

A post-accident MVR background check will be performed for any Authorized Driver involved in a motor vehicle accident. The Authorized Driver's supervisor should contact HR to facilitate the MVR background check. Authorized Drivers with one or more moving violations and/or at-fault accidents incurred while driving a Simmons vehicle will be subject to disciplinary action, including, but not limited to, loss of eligibility to drive a Simmons vehicle and termination of employment.

### **DUTY TO NOTIFY CHANGE OF DRIVER'S LICENSE STATUS**

An Authorized Driver is required to immediately notify their department manager or their Dean of any loss or change in their driver's license status within 48 hours of the change. Upon notification of the loss and/or change of an Authorized Driver's license status, where driving is an essential function of the job, a review of job function and responsibilities will result to determine continuation of employment.

### **USE OF SIMMONS VEHICLES**

The University's liability insurance protects both the University and an Authorized Driver against damages resulting from bodily injury and/or property damage incurred by the authorized use of the University vehicle.

University vehicles are intended for use only in the conduct of University business and/or for University-approved activities. The University has insurance for damage occurring to University vehicles.

The guidelines for Authorized Drivers and the use of a Simmons vehicle are as follows, and are subject to change at any time:

- Only Authorized Drivers may operate a Simmons vehicle.
- Authorized Drivers are responsible for safe and responsible driving, and are expected to adhere to and comply with all governing laws, regulations, and University policies, regarding driving and the operation of a motor vehicle and/or Simmons vehicle, including, but not limited to, laws regarding the use of mobile communication devices and other electronic devices while driving, traffic laws and speed limits, and laws regarding the use of seat belts.
- Authorized Drivers must practice defensive driving and avoid any activity that has the potential to divert attention from driving safely. Authorized Drivers are required to ensure their passengers use seatbelts.
- Prior authorization must be obtained from the Authorized Driver's manager or Dean for an Authorized Driver to use a Simmons vehicle outside the scope of their regular job responsibilities. To gain permission for each event, the request must be made five (5) days in advance [**Attachment A**].
- Authorized Drivers are prohibited from operating a Simmons vehicle under the influence of drugs or alcohol or while taking any medication which may affect their ability to operate a vehicle safely and in accordance with this policy.

- An Authorized Driver will be subject to drug and/or alcohol post accident testing or reasonable suspicion screening by the University, as applicable.
- Vehicles cannot exceed the recommended load capacity of the vehicle for both number of passengers and weight of cargo.
- Authorized Drivers may refuse transport of a passenger who is unable or unwilling to control their behavior and/or passengers carrying alcoholic beverages.
- Authorized Drivers shall not transport any alcohol, drugs, or other contraband in any Simmons vehicle unless specifically approved and required to do so by the University in conjunction with their duties as an employee of the University.
- Authorized Drivers are prohibited from giving rides to or picking up hitchhikers or otherwise transporting individuals not associated with the University or engaged in University business.
- Authorized Drivers should not store personal items in Simmons vehicles. Simmons is not responsible for any theft or damage to personal items.
- Authorized Drivers may not conduct personal business using, or while operating, a Simmons vehicle. Such behavior could render Simmons's liability insurance inapplicable; resulting in personal liability should an accident occur.
- Authorized Drivers may not smoke in Simmons vehicles or permit others to smoke in Simmons vehicles.
- Authorized Drivers may not use radar detectors (or similar speed enforcement detection) in Simmons vehicles unless specifically approved and required to do so by the University in conjunction with their duties as an employee of the University.
- Authorized Drivers shall comply with Simmons parking policies when parking vehicles on Simmons property.
- Authorized Drivers are responsible for locking and securing the vehicle and keys when not occupied.

### MAINTENANCE FOR SIMMONS VEHICLES

- Each department (Public Safety, Buildings and Grounds and Athletics, for example) with assigned vehicles shall ensure that the vehicles are regularly inspected consistent with state law requirements and receive required and necessary maintenance.
- Departments must provide the Finance/Budget Department, for insurance purposes, with an annual copy of maintenance records to comply with insurance obligations for Simmons University.
- Authorized Drivers are required to keep the vehicle clean and in good operating condition at all times.
- Authorized Drivers should check vehicles prior to use and upon return for maintenance needs or concerns and must report any maintenance issues immediately.
- Vehicles will be removed from the road when required maintenance either affects the safety of the driver and/or passengers, or when the maintenance issue violates laws for vehicle operation.

### ACCIDENTS OR INFRACTIONS

All accidents, regardless of circumstance or fault, must be reported to University management immediately. Even accidents which do not appear to have resulted in vehicle damage are to be reported promptly. Such reporting ensures all facts of the accident are available should unexpected claims be received at a later date and so that the University may take other necessary action, as determined by the University. Notification must be given to:

1. Purchasing Staff for insurance purposes and is required within 24 hours of the event;
2. Director of Public Safety /Chief of Police;
3. Human Resources representative; and
4. For rental vehicles, also contact the rental agency.

The driver is responsible for filing an accident report in accordance with the laws of the state where the

accident occurred. All accidents will be reviewed and investigated in a timely manner.

Drivers are responsible for reporting receipt of all traffic citations and are personally responsible for paying all traffic penalties, including parking violations.

Public Safety personnel driving vehicles involved in an accident will follow the policies concerning police vehicle accidents as described in their rules and regulations.

### **VIOLATIONS**

**You may be disciplined or terminated, if you are subject to this policy and engage in the following:**

- Driving while your driver's license is suspended/revoked;
- Driving under the influence of alcohol/drugs; driving while impaired;
- Permitting an unauthorized driver to drive a Simmons vehicle;
- Utilizing a Simmons vehicle for personal business or profit;
- Failing to safeguard a Simmons vehicle in your possession (e.g., leaving the keys in the vehicle resulting in its being stolen);
- Failing to stop after or report an accident;
- Attempting to elude law enforcement while driving a Simmons vehicle;
- Making a false accident report;
- Bodily harm to or assault of another arising out of the use of a Simmons vehicle;
- Speeding or reckless driving;
- Texting while operating a vehicle;
- Using a Cell phone while driving (except when using a 'hands-free' device);
- Any conduct or action that violates this policy.

### **ANTI-IDLING REGULATIONS**

The University is required to comply with the Massachusetts Department of Environmental Protection Regulation 310 CMR, which includes anti-idling requirements for motor vehicles. It states: "No person shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes."

**Exemptions from five-minute limit include:**

- Vehicles being serviced, provided that idling is essential to the proper repair thereof;
- Vehicles engaged in the delivery of acceptance of goods for which engine assisted power is necessary and substitute alternate means cannot be made available; or
- Vehicles engaged in an operation for which the engine power is necessary for an associated power need other than movement and substitute alternate power means cannot be made available, provided that such operation does not cause or contribute to a condition of air pollution.

**Attachment A**

**EMPLOYEE ACKNOWLEDGEMENT: MOTOR VEHICLE USE POLICY**

I acknowledge that I have received, read and understand the Motor Vehicle Use Policy of Simmons University. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.

Employee Name (print)\_\_\_\_\_

Employee Signature\_\_\_\_\_Date\_\_\_\_\_

Employee's Driver's License number\_\_\_\_\_State\_\_\_\_\_

Manager Signature\_\_\_\_\_