

HANDBOOK  
FOR  
TEMPORARY STAFF, TEMPORARY  
SERVICE, CASUAL, AND SUBSTITUTE  
PERSONNEL

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BALL STATE UNIVERSITY  
UNIVERSITY HUMAN RESOURCE  
SERVICES

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2013

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# HANDBOOK FOR TEMPORARY STAFF, TEMPORARY SERVICE, CASUAL, AND SUBSTITUTE PERSONNEL

## UNIVERSITY HUMAN RESOURCE SERVICES

### BALL STATE UNIVERSITY

#### 0.0 INTRODUCTION

This *Handbook* was prepared by University Human Resource Services. Policies and procedures contained herein apply only to Temporary Staff, Temporary Service, Casual, and Substitute Personnel unless otherwise indicated. Please read this *Handbook* carefully.

In some cases, only summaries have been listed; consequently, the text of the official policies and procedures shall govern in all cases. The university raises and reserves all rights with respect to subject matter not addressed within this *Handbook*. The university's policies, rules, and regulations are subject to unilateral change by the university without notice. The latest version of this *Handbook* can be found at the following website: [www.bsu.edu/hrs/handbooks](http://www.bsu.edu/hrs/handbooks).

#### 1.0 VISION AND MISSION

**Vision** – We seek to become recognized for providing bright and curious students a holistic, learning experience that occurs both in and out of the classroom; for being relentlessly focused on learning outcomes; for embracing and solving today's greatest educational challenges; and for bringing fresh and pragmatic thinking to the problems facing communities, businesses, and governments in Indiana and beyond.

**Mission** – As a public research university, we focus on students and high-quality, relevant educational outcomes. Disciplinary knowledge is integrated with application. We do this in a manner that fundamentally changes students, researchers, and our external partners, who look to the university for guidance. We transform information into knowledge, knowledge into judgment, and judgment into action that addresses complex problems.

**Customer Service** – Ball State University expects each employee to join together with co-workers and management in a spirit of teamwork and cooperation to provide exceptional customer service by determining customer needs and serving customers in a professional and courteous manner to resolve issues proactively and achieve satisfaction of the customer's needs and expectations.

#### 2.0 DEFINITIONS

**Employment-at-will** - Assignments typically exist on an "as needed" basis; therefore, employment and compensation can be terminated with or without just cause and with or without notice at any time at the option of either the university or the employee.

**Health Care Provider** - A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the state in which the doctor practices or as otherwise defined by the Department of Labor.

**Pay Period** - A two-week pay period consisting of fourteen (14) consecutive days which begins 12:01 a.m. Sunday and ends fourteen (14) consecutive days later at 12:00 a.m. (midnight) Saturday.

**Pay Schedule** - Receiving pay from the university for time worked on the first Friday following the completion of the pay period.

**Pay Status** - Receiving pay from the university through work only.

Workday - A consecutive 24-hour period beginning with the start of the employee's regularly scheduled workshift.

Workweek - Begins at 12:01 a.m. Sunday and runs continuously until 12:00 a.m. (midnight) the following Saturday.

Work Year - Begins at 12:01 a.m. on July 1 and ends at 12:00 a.m. (midnight) on June 30. This is the same as fiscal year.

## **3.0 EMPLOYMENT**

### **3.1 General Information**

Ball State University is an equal opportunity/affirmative action employer and is committed to employing qualified employees who possess good professional character and standards and who are legally authorized to work in the United States. Therefore, background checks are performed on applicants who have been recommended for employment. In addition, Ball State University is a drug-free workplace.

#### **3.1.1 Benefits**

Although a temporary, casual, or substitute employee might work a normal 8-hour day, 40-hour week for a limited time, he or she would not be eligible for benefits. Temporary, casual, and substitute employees receive compensation for time worked only.

#### **3.1.2 Dress Code**

An employee must wear clothing suitable to the work expected to be performed in a given work environment. Clothing should be neat, clean, tasteful, and not constitute a safety hazard. Interpretation of this code will be left to the discretion of the department head.

#### **3.1.3 Physical Examination**

The university may require any employee to undergo a medical examination by a health care provider of the university's selection at the university's expense when it is job related and consistent with business necessity or necessary in order to secure a second or third medical opinion.

#### **3.1.4 Uniforms**

Some university departments require the wearing of uniforms. The uniforms issued by the university remain the property of the university. An employee is required to be in the designated uniform and be prepared for work at the start of the workshift. An employee may be allowed five minutes at the end of the workshift to change into street clothes.

#### **3.1.5 Outside Employment**

If an employee is unable to maintain a satisfactory work performance standard at the university as a result of the employee's moonlighting at an outside job, the employee may be subject to dismissal.

#### **3.1.6 Use of University Vehicles**

A driver must have a valid U.S. driver's license and be insurable under the university's auto fleet policy. As a condition of driving any university vehicle, a driver must give Ball State University authorization to conduct a comprehensive driving record check to comply with liability insurance provider requirements.

If the status of a driver's license changes, including a suspension for any reason or length of time, an employee must notify his/her supervisor immediately who will promptly notify Transportation Services. An employee whose job responsibilities require driving as an essential function will not be

permitted to continue driving if he/she is not insurable under the university's auto fleet policy or if he/she does not maintain a valid driver's license, and his/her employment may be terminated.

A driver is expected to operate a university vehicle in a safe, prudent manner. A cell phone should not be used while driving. Seat belts must be worn at all times; and the use of tobacco, alcohol, or drugs by a person driving a university vehicle is strictly prohibited. Personal use of a university vehicle is prohibited.

An accident in a university vehicle, regardless of the extent of damage, must be investigated by the police and reported to Transportation Services immediately. Contact Transportation Services at 285-1022 for additional information on driving policies or go to [www.bsu.edu/facilities](http://www.bsu.edu/facilities) and click Transportation to review the entire Driving Privileges Policy.

### **3.2 Illness or Injury**

#### **3.2.1 Injuries on the Job**

Regardless of the nature or severity, all injuries arising out of or in the course of an employee's work at Ball State must be reported to supervision at once, during the same shift on which the injury occurred. The Health Center provides and/or directs the medical care for employees injured on the job. The Health Center hours are 8:00 a.m. to 4:30 p.m. Monday, Thursday, and Friday and 9:00 a.m. to 6:30 p.m. on Tuesday and Wednesday. The doors lock and last patients are accepted at 4:30 p.m. and 6:30 p.m. respectively.

Employees injured outside Health Center operating hours who are in need of immediate medical treatment but whose injuries are not so severe as to warrant Emergency Room treatment, should be referred to the US HealthWorks medical clinic on 3911 W. Clara Lane (just east of Stoops Automotive Group). U.S. HealthWorks is open 8:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. Saturday and Sunday, except major holidays. After US HealthWorks hours or due to the severity of the injury, such injured employees should be referred to the BMH Emergency Room which is open twenty-four (24) hours a day every day.

If an employee is injured while on authorized travel outside of the Ball State area, he/she may obtain emergency treatment as needed, but should contact the University as soon as possible to discuss the situation.

The right to direct the medical treatment of employees injured on the job is retained by the University. Therefore, the decision of when and where to send an employee for medical treatment will be made by the person in charge of the affected employee's shift based on the nature and extent of the injury. If an employee is referred to US HealthWorks or the Emergency Room, the person in charge of that shift who made the referral should leave a voice mail message for the Worker's Compensation Leave and Programs Specialist at 765-285-1036, so that worker's coverage can be verified and claims management may begin as soon as possible.

If an employee is referred outside of the University to obtain emergency treatment, he/she must follow-up at the Health Center the next day the Health Center is open. Although US HealthWorks or the Emergency Room may advise the employee to return to their location or to an employee's personal health care provider for follow-up treatment, such non-emergency visits are not covered by worker's compensation.

The injured employee's supervisor should complete an accident report and forward it to the Health Center within twenty-four (24) hours of the accident's occurrence. The accident report may be faxed to the Health Center at 765-285-1103. The accident report can be printed from the BSU website by going to the following link and choosing Worker's Comp First Report:

<http://cms.bsu.edu/About/AdministrativeOffices/HumanResources/EmployeeInfo/HRForms.aspx>

Questions regarding worker's compensation or on-the-job injuries should be directed to the Worker's Compensation Leave and Programs Specialist at 765-285-1036 or the Director of Employee Relations at 765-285-1823.

### **3.2.2 Return to Work from an On-The-Job Injury (Worker's Compensation)**

If absent from work due to an on-the-job injury or illness, clearance from the University Health Center must be obtained before return to work.

### **3.2.3 Return to Work from Other Absences**

If a Temporary staff or Casual employee is absent from work for other than an on-the-job injury or illness of 7 or more calendar days, a clearance form from the employee's health care provider must be presented to University Human Resource Services (UHRS). UHRS will process the clearance form from the health care provider and give the employee a release form to give to his or her supervisor.

If a Temporary or Substitute Service employee is absent from work for other than an on-the-job injury or illness of 7 or more calendar days, he/she must obtain a "Return to Work" release form from the University Health Center.

### **EXCEPTIONS:**

1. Staff personnel in the **food service units** must obtain a "Return to Work" release form from the University Health Center after being absent from work for more than two days following an injury or illness.
2. If the release to work form obtained by the employee from a health care provider lists any medical **restrictions** as to the employee's ability to perform his or her job, the employee must obtain the "Return to Work" release form from the University Health Center and then present it to his or her supervisor. UHRS is notified by the University Health Center.

### **3.3 Time, Time Records, and Paychecks**

Pay is calculated on a biweekly basis, and access to pay is available on the Friday following the appropriate pay period. An employee is expected to use direct deposit and to use Self-Service Banner to access his/her paystub. If an error is detected in the pay amount, promptly contact the immediate supervisor.

#### **3.3.1 Garnishments and Tax Levies**

Garnishments and tax levies are attachments to an employee's pay for an unpaid debt. The university is required by law to withhold wages due when a garnishment or tax levy has been served on the university, and it may collect a fee from the employee for this action. Such attachment on wages will be released upon receipt by the university of an order from the court or tax agency that issued the attachment or upon full compliance with the garnishment order.

#### **3.3.2 Rest Periods and Lunch Hours**

During each 4-hour working period, an employee is allowed one 15-minute rest period which is limited to 15 minutes of absence from the job. The rest period is to be preceded by and followed by an extended work period; thus, it may not be used to cover any late arrival to work or early departure, nor may it be regarded as cumulative if not taken. Rest periods are to be scheduled by the supervisor who will advise an employee of the scheduled time and place for such rest periods.

Each employee will be informed as to when to take a lunch hour and what the length of the lunch hours is. As with rest periods, lunch hours are to be preceded by and followed by an extended work period.

### **3.3.3 Privacy for Mothers**

To the extent reasonably possible, a breast-feeding mother shall be provided a private location, other than a toilet stall, where she can express her breast milk in privacy during any meal period. A refrigerator or other cold storage space for keeping milk that has been expressed will be made available, or any employee may provide her own portable cold storage device.

### **3.3.4 University Hours**

The official university office hours are 8:00 a.m. to 5:00 p.m. during the academic year. Currently, summer hours are 7:30 a.m. to 4:00 p.m. Some operating units within the university may require different schedules depending upon the needs of the unit.

## **3.4 Work Life Issues**

### **3.4.1 Americans with Disabilities Act**

If a disabled Ball State University employee needs a workplace accommodation, that employee should contact the Office of University Compliance immediately upon learning of the need for the accommodation. All disability accommodation requests will be reviewed in a timely manner and through an interactive process typically involving the employee, the supervisor of the employee, and the Executive Director of University Compliance or her designee.

If a Ball State University employee is only temporarily impaired, he/she should work with his/her immediate supervisor and/or department head to determine if temporary accommodations can be made or are appropriate. Temporary impairments are not covered by the Americans with Disabilities Act.

### **3.4.2 Anti-Nepotism Policy**

This anti-nepotism policy is intended to reinforce the university's commitment to employment practices which create and maintain constructive working relationships within the university community and which reflect the university's commitment to management practices that are fairly, efficiently, and evenhandedly applied to all Staff and Service Personnel and applicants for employment in these job classifications without actual or apparent bias or favoritism.

1. It is the general policy of Ball State University not to employ, or to continue to employ, relatives on a regular or part-time or temporary basis within the same functional work unit or to have one relative under the direct supervision of another relative.
  - a. A relative, for the purposes of this policy, is defined as an individual for whom a faculty or professional or staff or service employee has been assigned legal responsibility in a guardianship capacity, parent, child, brother, sister, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, or such persons related by marriage.
  - b. For the purposes of this policy, a "functional work unit" normally will be defined as an academic department or an administrative office. If questions should arise as to what constitutes a "functional work unit" in the administration of this policy, that determination will be made by the university officer to whom the unit reports within which the affected employees are employed.
  - c. For the purposes of this policy, "direct supervision" means the lowest level of supervision responsible for assigning work, supervising activities related to that work, appraising performance, determining salary or wage increases, and/or making decisions in regard to the hiring, firing, and disciplining of an employee.
  - d. In addition to the prohibition against the direct supervision of a staff or service employee by a relative, no faculty or professional or staff or service employee shall initiate, participate in, or in any way influence institutional decisions involving a direct benefit (initial appointment, retention, promotion, salary/wage, leave of absence, grievance adjustment, etc.) to members related by family or marriage as defined in paragraph 1.a.

above. In instances where a conflict of interest might occur because of general supervisory responsibilities (supervision at least one step above that of the direct supervisor) under normal operating procedures, the responsibility for institutional decisions involving a direct benefit will pass to the next higher administrative level.

2. If any of the relationships defined in paragraph 1 above are created subsequent to the employment of the affected staff or service employee, one of the persons affected must give up his or her position no later than 6 months from the date the relationship was established. Within 30 days after the relationship, as defined in paragraph 1 above has been established, the affected persons must inform in writing the university officer to whom the unit in which he or she is employed reports that such a relationship exists and must state which of the affected persons will relinquish his or her position.

Should the written notification to the university officer fail to specify which of the affected persons will give up his or her position, it will be assumed that the party with the least seniority (length of continuous service from the last date of hire at the university) will relinquish his or her position. The person giving up his or her position may be re-employed within the university subject to the needs of the university.

3. Whenever any supervisor may propose because of the best interests of the university to employ a person, or to continue the employment of a person, in a position where he or she would be working in the same functional work unit with a relative or would be under the direct supervision of a relative as specified in paragraph 1, such supervisor shall prepare a written request for approval of such employment setting forth the reasons for the request. The request shall be submitted to his or her immediate supervisor for review and recommendation, through each higher supervisory level, to the university officer responsible for the affected unit. The university officer may reject the request or grant it subject to such conditions as he or she may deem appropriate and in the best interests of the university and in such a way as to be consistent with the general purposes of this policy as set forth above. If the request is granted, it shall be for a period of no more than 12 months and shall be conditional upon the annual review procedure set forth in paragraph 4.
4. The university officer shall review annually each request previously approved. If the university officer finds that the circumstances under which the approval was granted have materially changed or that the conditions attached to the approval, if any, are ineffective or inadequate, he or she shall take such action as he or she finds to be in the best interests of the university, including termination of the employment or continuance of the employment under different conditions. The affected employee(s) may appeal the decision by the university officer as provided in section 4 of this policy through the appropriate grievance procedure -- Staff/Non-Bargaining Unit Affiliated with Staff or Service Personnel.
5. Students, graduate assistants, research assistants, and doctoral fellows employed by the university are covered under this policy.
6. If a university officer is made aware of possible violations of this policy, he or she shall have the matter investigated. If the facts alleged are found to be correct so as to establish a violation of this policy, the President may terminate the employees violating this policy or the person having administrative supervision of the affected employees may request, pursuant to paragraph 3, that the employment be continued, in which event the matter shall be treated as provided in paragraphs 3 and 4.

7. This policy applies to all persons employed after the effective date of the adoption of the policy. This policy also applies to persons whose employment precedes the adoption of this policy with the following exceptions:
  - a. persons who directly supervise another person related by family or marriage, or
  - b. persons related by family or marriage who are employed within the same functional work unit upon the effective date of the adoption of this policy shall not be subject to the provisions of this policy in regard to that supervisory relationship or working relationship as long as the incumbents remain in their current positions.

Effective date: October 2, 1987

### **3.4.3 Consensual Sexual or Romantic Relationships**

Legal and ethical risks are inherent in any sexual or romantic relationship between a person with instructional responsibilities (full-time or part-time faculty, lecturer, visiting professor, graduate assistant, or tutor) and a student whose academic work is being supervised by the person with instructional responsibilities, even when the relationship seems to be consensual. The same is true of a sexual or romantic relationship between a person with non-instructional supervisory responsibilities (faculty, administrator, staff, or student) and someone over whom the person has supervisory responsibility. Individuals involved in a romantic relationship cannot be expected to be able to render an objective assessment of the performance of his or her partner in the relationship; the ability to render an objective assessment is crucial to the role of instructor or supervisor.

Because of these legal and ethical risks, it is the university's policy that persons shall not have instructional or supervisory responsibilities over anyone with whom they have a sexual or romantic relationship. If such a relationship exists or develops, the person with instructional or supervisory responsibilities shall immediately make arrangements to terminate his or her instructional or supervisory responsibilities over the partner in the relationship. A member of the campus community who fails to withdraw from participation in decisions that may reward or penalize the party with whom he or she has or has had a sexual or romantic relationship will be deemed to have violated his or her ethical obligation to the university.

Violations of this policy may be reported to the Office of University Compliance or in the case of a student, he or she may report the conduct to the administrative head of Student Affairs. All such complaints and reports will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." To knowingly file a false or malicious complaint or report is a violation of this policy.

### **3.4.4 Delinquent Accounts Owed the University**

"The Procedures for Collecting Delinquent Accounts Owed the University by its Employees" was passed by the Board of Trustees August, 1988, in order to collect charges remaining unpaid after sixty (60) calendar days after appropriate hearings and other appeal procedures, if any, have been concluded. Penalties assessed may include withholding employee privileges, recording of the delinquent account in the personnel file, refusing class registration, withholding salary increases, and withholding offers for full-time, regular, or part-time regular positions. At the option of the university, delinquent accounts may be referred to collection agencies or pursued in court.

### **3.4.5 Equal Opportunity and Affirmative Action Policy**

Ball State University provides equal opportunity to all students and applicants for admission in its education programs, activities, and facilities without regard to race, religion, color, sex (except where sex is a bona fide qualification), sexual orientation, gender identity/gender expression, physical or mental disability, national origin, ancestry, age, or citizenship (for U.S. citizens and protected lawfully-admitted aliens).

Ball State University provides equal opportunity to all employees and applicants for employment in its recruitment, hiring, retention, promotion, tenure, transfer, layoff, return from layoff, training and other employment decisions and in its compensation and benefits programs without regard to race, religion, color, sex (except where sex is a bona fide qualification), sexual orientation, gender identity/gender expression, physical or mental disability, national origin, ancestry, age, or citizenship (for U.S. citizens and protected lawfully-admitted aliens).

The university also takes affirmative action to employ and advance minorities, women, qualified disabled persons, and qualified disabled veterans and veterans of the Vietnam era. Information concerning the university's affirmative action programs can be obtained from the Office of University Compliance, Ball State University, Muncie, IN 47306.

Each line administrator is responsible for ensuring that educational and employment decisions are made and implemented in accordance with the university's equal opportunity and affirmative action policy. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Office of University Compliance is responsible for developing, coordinating, and implementing policies and procedures for institutional compliance with all applicable federal and state equal opportunity laws and regulations and for preparing and monitoring compliance with required affirmative action programs.

Complaints regarding unlawful discrimination should be filed within 45 calendar days following the alleged act or incident giving rise to the complaint in the Office of University Compliance in accordance with the "Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance. The President will review the university's equal opportunity and affirmative action policy and programs at least once each year, measure progress against the objectives stated in the affirmative action programs, and report findings and conclusions to the Board of Trustees.

Effective date: July 19, 2013

#### **3.4.6 GLBA Information Security Program**

Ball State University is committed to providing a security program mandated by the Federal Trade Commission's Safeguard Rule and the Gramm Leach Bliley Act (GLBA). This program ensures the security and confidentiality of any record containing nonpublic financial information about a student or other third party who has a relationship with Ball State University. In addition to this coverage which is required under federal law, Ball State University chooses as a matter to policy to also include in this definition any credit or debit card information received in the course of business by the university whether or not such credit or debit card information is covered by the GLBA. Examples of student financial information include but are not limited to the following: bank and credit card account numbers; income, credit histories, and other consumer report information; social security numbers; loan information, including loan applications and loan servicing; loan collection and delinquent loan processing; money wiring and other electronic funds transfers; financial aid information; student account balance information; other non-public personally identifiable information relating to a financial transaction.

#### **3.4.7 Identity Theft Prevention Program**

The university adopts this Program in an effort to detect, prevent and mitigate identity theft in connection with its covered accounts. The Program is further intended to help protect students, faculty, staff, and other constituents and the university from damages related to the fraudulent activity of identity theft. For more information, go to [www.bsu.edu/legal](http://www.bsu.edu/legal).

#### **3.4.8 Job Duties and Responsibilities**

Whenever an employee begins a new position, he or she will receive a job description for his or her position setting forth the essential functions of the position. Generally, the supervisor will explain the employee's job responsibilities and the performance standards expected of the employee. Job

responsibilities may change at any time during employment, and an employee may be asked from time to time to work on special projects or to assist with other work necessary or important to the operation of the unit or the university. The employee's cooperation and assistance in performing such additional work is expected. The university reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

### **3.4.9 Social Security Number Statement**

Ball State University is committed to protecting the privacy of its students, employee, and alumni, as well as other individuals associated with it. At times the university will ask you for your Social Security Number. Federal and state law requires the collection of your Social Security Number for certain purposes such as those relating to employee compensation, tuition payments and financial aid. Whenever your Social Security Number is requested on a Ball State University form or other document, the written or electronic form used to request your number will be clearly marked as to the reason for the request and will state whether this request is voluntary or mandatory. Visit [www.bsu.edu/bsuid/policy](http://www.bsu.edu/bsuid/policy) for the policy.

## **4.0 ABSENCES FROM WORK**

### **4.1 Absences Without Pay**

#### **4.1.1 Court Duty**

If a Temporary Staff, Temporary Service, Casual, or Substitute employee is summoned for jury duty or subpoenaed as a court witness during the employee's regularly scheduled working hours, consult with the supervisor if unpaid time off work is necessary.

#### **4.1.2 Family and Medical Leave**

The Family and Medical Leave Program is intended to provide up to 12 weeks' time off without pay during a "leave year" to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). It is the practice of Ball State University to voluntarily apply the FMLA provisions to same-sex domestic partners as qualified by the university's Affidavit of Domestic Partner Relationship. To qualify for Family and Medical Leave, the employee must meet all of the following conditions:

- have at least 12 months (need not be consecutive) of service at the university; and
- have worked at least 1250 hours during the 12 months immediately preceding the date the requested leave is to begin; and
- have a qualifying reason for taking Family and Medical Leave; and
- have a remaining balance of Family and Medical Leave.

A qualifying reason for a Family and Medical Leave is any of the following:

- the birth of the employee's child and in order to care for the newborn child; or
- the placement of a child with the employee for adoption or foster care; or
- to care for the employee's spouse, child, parent, or qualified same-sex domestic partner who has a serious health condition; or
- a serious health condition that renders the employee incapable of performing the functions of his or her job.
- a qualifying exigency arising out of the fact that the employee's spouse, child, parent, or qualified same-sex domestic partner is a covered military member on active duty (or has been notified of an impending call or order to active duty); or
- to care for a covered (military) service member, including some qualifying veterans, with a serious service-related injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list if the employee is the spouse, child, parent, qualified same-sex domestic partner, or next of kin of the service member.

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider which includes any period of incapacity due to: (1) a health condition lasting more than 3 consecutive days; (2) pregnancy or prenatal care; (3) a chronic serious health condition (e.g., asthma, diabetes); (4) a permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, terminal cancer); or (5) any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than 3 days if not treated (e.g., chemotherapy or radiation treatments for cancer).

A “leave year” is defined as a 12-month period measured backward from the date the employee uses any Family and Medical Leave. A new “leave year” is calculated with each occurrence of Family and Medical Leave use. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement.

An employee is required to use all of his or her accrued paid sick leave and may request to use his or her accrued vacation when requesting Family and Medical Leave for his/her own serious health condition. The remainder of the Family and Medical Leave will consist of unpaid leave. When requesting Family and Medical Leave for a family member, the employee may opt to use vacation leave, a portion of sick leave or unpaid leave. The maximum sick leave allowance that may be used for the care of a family member is 40 hours in a fiscal year.

Family and Medical Leave may be requested in a continuous block of time or on an intermittent or reduced leave schedule. Intermittent Family and Medical Leave may not be taken in less than 15-minute increments. The employee must make a reasonable effort to schedule intermittent leave at a time that will not unduly disrupt the workplace. An employee on an intermittent or reduced leave schedule may be temporarily transferred to an alternative position with equivalent pay and benefits for which the employee is qualified and better accommodates recurring periods of leave than the employee’s regular position.

An employee is required to provide a 30-day advance notice when the leave is foreseeable. If the 30-day notice is not provided, the leave may be delayed until the 30 days have passed. If the leave is not foreseeable, notice must be given as soon as practicable, generally at least verbal notice within 1 to 2 workdays after the need for the leave becomes known to the employee.

An employee may be required to provide a medical certification of either the need to provide care to a spouse, parent, child, or qualified same-sex domestic partner with a serious health condition or for the employee’s own serious health condition. Failure to provide a required certification within 15 calendar days of the date notice is received may result in delay or denial of Family and Medical Leave. Recertification of an employee’s own serious health condition or the serious health condition of an employee’s family member may be required periodically during the leave period in accordance with applicable law, normally no more frequently than every 30 days. The university may require an employee to obtain a second or third medical opinion at the university’s expense. An employee, for his or her own serious health condition, may also be required to submit a “fitness for duty” certificate prior to returning to work. The university may require an employee to submit periodic written statements of his or her intent to return to work in accordance with applicable law, normally no more frequently than every 30 days. During Family and Medical Leave, the university will continue to pay the university’s portion of premiums for the employee’s health plan under the same conditions that applied before the leave began. However, the employee must continue to make any contributions as if he or she were continuously employed during the Family and Medical leave period.

An employee who returns from Family and Medical Leave with the exception of an employee designated as a “key employee” will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment as if the employee had been continuously employed during the Family and Medical Leave period. Ball State University will determine whether a position is an “equivalent position.” An employee who fails to return to work and work for a period of 30 days will be required to reimburse the university for the portion of health premiums paid by the university

during the employee's Family and Medical Leave. EXCEPTION: When the following circumstances occur, the employee's failure to return to work from a qualifying Family Medical Leave will not require the repayment of the university's portion of premiums paid during the leave: (a) the continuation, recurrence, or onset of a serious health condition; or, (b) other circumstances beyond the control of the employee. Additional medical certification may be required to substantiate the need to remain off work. Family and Medical Leave may run concurrently with other university leave programs including, but not limited to, Emergency Leave, Child Care Leave, Maternity Leave, or Worker's Compensation. If there is a conflict between the provisions of another university leave policy and the Family and Medical Leave Act, the Family and Medical Leave Act provisions will control.

On January 28, 2008, the National Defense Authorization Act for Fiscal year 2008 was signed, and on October 28, 2009, the National Defense Authorization Act for Fiscal Year 2010 was signed. These acts under the FMLA allow for a spouse, child, parent, or next of kin of a covered service member to take up to 26 weeks of unpaid leave in a single 12-month period to care for a service member suffering from a serious injury or illness sustained in the line of covered active duty who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list. This leave is also available to qualified family members of veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness sustained, but not necessarily manifested, in the line of covered active duty at any time during the period of 5 years preceding the date on which the veteran undergoes the above treatment.

In addition, the above National Defense Authorization Acts allow for an eligible employee to take up to 12 workweeks of leave for a "qualifying exigency" arising out of that employee's spouse, child, or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. Contact the Leave Program Specialist (285-1036) in UHRS with questions.

#### **4.1.3 Funeral Leave**

Temporary Staff, Temporary Service, Casual, and Substitute employees are not eligible for paid funeral leave. Consult with the supervisor if unpaid time off work is necessary.

#### **4.1.4 Military Family Leave**

A leave of absence without pay of up to 10 working days will be granted to the spouse, parent (defined as biological father or mother, adoptive father or mother, or a court appointed guardian or custodian), grandparent (defined as biological grandparent), or sibling (defined as brother or sister by blood, half blood or adoption) of a person ordered to active duty in the United States armed forces or the National Guard. The employee must have been employed by Ball State University for at least 12 months and have worked at least 1,500 hours during the 12-month period immediately preceding the day the leave begins. The employee is expected to provide written notice and a copy of the active duty orders if available before taking the leave. The employee may take the leave of absence during one or more of the following periods: 1) during the 30 days before active duty orders are in effect; 2) during a period in which the person ordered to active duty is on leave while active duty orders are in effect; 3) during the 30 days after the active duty orders are terminated. An employee taking such leave is to be restored to the position the employee held before the leave or to an equivalent position. Also, the employee may continue the employee's health care benefits with the university continuing to pay 75% of the premium contribution. An employee may be eligible for child care assistance from the Indiana Military Family Relief Fund. (2007 HEA 1092)

See the last paragraph under Family and Medical Leave for other benefits under the National Defense Authorization Act for Fiscal Year 2008.

## **5.0 EMPLOYEE CONDUCT**

### **5.1 Anti-Harassment Policy**

Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender\*, sexual orientation, gender identity/gender expression, age or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This Policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.

The university is also committed to protecting the academic freedom and freedom of expression of all members of the university community. This Policy will be construed and applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.

The term "harassment," as used in Paragraph 1 of this Policy, refers to verbal, physical, graphic or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute harassment under this Policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

Members of the university community and others who believe they have been harassed in violation of this Policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of University Compliance. Formal complaints must be filed in the Office of University Compliance within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the "*Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.*" A copy of this document may be obtained by contacting the Office of University Compliance. Complaints involving students may instead be filed in the Office of the Vice President for Student Affairs for handling under the procedures set forth in the Student Code.

Any university employee who becomes aware of conduct by another University employee, student, vendor or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to the Office of University Compliance; or, if the harassment involves students, the conduct may instead be reported to the Office of the Vice President for Student Affairs. To knowingly file a false or malicious complaint or report of harassment is a violation of this policy.

\*This Policy covers gender-based harassment that is non-sexual in nature. Sexual harassment is covered by a separate "Statement on Sexual Harassment."

Effective date: July 19, 2013

### **5.2 Background Checks for Employment**

Background checks are performed on all applicants recommended for hire, and they may be repeated as necessary during employment. Employees are responsible for notifying their department heads immediately if the status of any required license(s) changes or if they are convicted of a crime subsequent to their employment with the university.

Hiring Supervisors/Managers/Search Committees are responsible for ensuring that all recommendations for appointment are made contingent upon the results of the background checks and

assisting University Human Resource Services in securing the necessary consent from the applicant/employee. They should also check references and verify the following information: all work experience listed on application/resume/vita that qualifies the individual for the position sought (for example, if the minimum qualifications for the position require 10 years experience as a department head, then all positions contributing to the calculation of that 10 years experience are verified); all employment during a period of at least seven years immediately preceding the date of application; all academic diplomas and degrees; and any required licensure(s).

Department heads who receive information regarding a change in the status of an employee's required license(s) or his/her conviction of a crime should consult with University Human Resource Services or Employee Relations who will work with the appropriate Vice President of the area to determine appropriate action. To review the entire Background Check Policy, go to [www.bsu.edu/hrs](http://www.bsu.edu/hrs), click Jobs.

### **5.3 Bloodborne Pathogens/Universal Precautions**

The university complies with the Occupational Safety and Health Act's Bloodborne Pathogens Standard as adopted pursuant to the Indiana Occupational Safety and Health Act. In compliance with this standard, all employees are required to use the "universal precautions" whenever they come in direct contact with blood or body fluids and follow university procedures for the containment, treatment, transportation, and disposal of infectious waste. Appropriate training is provided to affected employees. The university has also developed a written exposure plan that is available in departmental offices. If an employee is exposed to blood, other body fluid, or infectious waste, report the exposure incident immediately to the supervisor. Failure to follow universal precautions, including those regarding the containment, treatment, transportation and disposal of infectious waste, may result in disciplinary action for failure to use such procedures. Please refer to the universal precaution procedure at the end of this handbook.

### **5.4 Cancellation of Classes and/or Curtailment of Services at the University**

Under certain emergency conditions it may become necessary to cancel classes and/or curtail services at the university. The authority for such decisions has been delegated by the Board of Trustees to the President, who has assigned such decisions to the Vice President for Business Affairs and Treasurer. The purposes of this statement are to ensure orderly communication and implementation of any decisions to cancel classes and/or curtail services at the university and to maintain essential services.

If a decision is made to cancel classes and/or curtail services, the Vice President for Business Affairs and Treasurer will assume the responsibility as coordinating officer. In the absence of the Vice President for Business Affairs and Treasurer, the Vice President for Enrollment, Marketing and Communications will be the coordinating officer. These procedures apply to all on-campus classes, including evening and Saturday classes. The Associate Vice President for Economic Development and Community Engagement will be the coordinating officer for off-campus classes.

Announcements regarding cancellation of classes and/or services will be communicated over television and radio stations and possibly the university's website and email system. If there are no announcements, assume that classes will be held and the university will remain open.

In the event all classes are cancelled but the university remains open, employees who are scheduled to work should report to work. If there are no classes and the university is closed, all essential services personnel—those who have been advised by their supervisors that they are essential services personnel—should follow instructions given to them by their supervisors about reporting to work.

### **5.5 Code of Ethics Statement**

Many university employees have access to student records and to the records of other employees. Information concerning students or other employees is not to be discussed with anyone, including fellow employees, who is not directly connected with the office in which the records are kept unless that person specifically has been authorized to receive such information.

Because various federal and state laws govern the release of confidential information, inquiries about students or other employees should be referred to the department head or chairperson unless the employee has received specific direction concerning the release of such information. Divulging confidential information to unauthorized personnel may result in immediate dismissal.

Complaints of unethical behavior should be reported to the supervisor of the individual whose behavior is being questioned. If the person making the allegation of unethical behavior does not feel comfortable reporting the situation to the appropriate line administrator, the employee may report concerns to University Human Resource Services.

### **5.6 Conflict of Interest and Conflict of Commitment Policy**

It is the responsibility of each employee to promptly and prospectively disclose a conflict of interest or a conflict of commitment involving the affairs or activities of that employee. Examples of activities that may, *depending on the facts and circumstances*, constitute such a conflict are: (i) activities of the employee which advance his or her own financial, professional, or other interests, or those of a dependent, to the detriment of the university; (ii) teaching by a full-time faculty member at another educational institution, including teaching through the Internet; (iii) utilizing university students, employees, facilities or materials in the pursuit of outside activities from which the university will derive no benefit; and (iv) engaging in research or consulting activities that interfere or compromise the employee's execution of his or her university responsibilities. Contact the Office of Academic Research and Sponsored Programs for the appropriate forms regarding the policy.

**Indiana Ghost Employment Law.** The Indiana Ghost Employment Law, with a limited exception which is set forth below, makes it a criminal and civil law offense for Ball State University to employ and pay an employee when that employee is not assigned duties or is assigned duties not related to the operation of the University. Both the supervisor and employee may be subject to criminal and civil penalties for such violation.

**Exception to the Indiana Ghost Employment Law.** The Indiana Ghost Employment Law does permit an employee of a governmental entity, such as Ball state University, to voluntarily perform services during the normal hours of employment as long as those services do not:

**2.1** Promote religion.

**2.2** Attempt to influence legislation or governmental policy, or

**2.3** Attempt to influence elections to public office;

And the services may only occur:

**2.4** For the benefit of another governmental entity or a not-for-profit organization exempt from taxation under IRC 501(d)(3).

**2.5** With the approval of the employee's supervisor, and

**2.6** In compliance with a written policy approved by the governmental entity.

**Outside Services Activities of Employees.** Employees may be permitted to perform one or more outside services activities provided that such activities conform to this policy and do not otherwise constitute a conflict of interest or commitment. Employees may be permitted to spend up to a total of Four Hundred and Sixteen (416) university compensable hours in a fiscal year in performing outside services activities for a governmental entity or one or more 501(s)(3) not-for-profit organizations as determined in the sole discretion of and with the prior approval of the employee's supervisor. In the administration of this policy the University may take any measures in its sole discretion which are reasonable and necessary for the orderly and efficient operation of its business, including but not limited to altering or terminating the outside services activities that have been approved. An employee who performs the university approved outside services activities during normal hours of employment as provide herein shall be considered to be performing duties related to the operation of the University.

**Administration and Record-Keeping.** It is the responsibility of the employee to keep a record of the time spent on outside services activities and it is the supervisor's responsibility to oversee the employee's record-keeping and to ensure that such records are maintained for audit purposes.

**Exceptions.**

The President shall determine the limitation on the total time during any fiscal year and any record keeping requirements that the President and members of the President cabinet may spend on performing outside services activities.

It is anticipated that employees in professional and faculty positions will be asked to serve on particular outside boards because of their University related areas of expertise or the offices or positions they hold. "Outside Board" means the board, council, or other governing or advisory body of a business, educational, civic, professional, or social organization, whether for-profit or not-for-profit. Service on an Outside Board is of particular value to the University and is actively encouraged because of the recognition it provides to the University, and the additional information, exposure, understanding, and insight the person will receive. This service is deemed to be service to the University and need not require the use of a person's own time. This service is considered to be a duty or duties related to the operation of the University. The conflict of interest and commitment policies still apply to any service on an Outside Board.

The service of officials elected or appointed to public office is not included in the definition of service on an Outside Board and such officials are not eligible to perform the duties of their office during university compensable time under this policy.

**5.7 Driving Privileges Policy**

The safety of Ball State University's students, faculty, staff, and the public is a central concern to the University. This policy governs the use of BSU's vehicles by applicable individuals and is designed to support safe and prudent use of BSU owned, leased, or rented vehicles and personally owned, leased, or rented vehicles used on University business. An approved driver must immediately report to his/her supervisor any incident or situation such as moving violations, license suspension or revocation, medical restrictions which may interfere with driving, or any other incident or situation that may result in a suspension or termination of university driving privileges as enumerated in the driving policy. Go to [www.bsu.edu/facilities](http://www.bsu.edu/facilities) and click Transportation to review the entire policy.

**5.8 Drug Abuse Policy**

The Drug-Free School and Communities Act Amendments of 1989 required the university to adopt and implement a program to prevent the unlawful possession, use, or distribution of illegal drugs and alcohol by employees and students. In addition, the Drug-Free Workplace Act of 1988 and the State of Indiana Drug-Free Workplace Executive Order of 1990 required the university to establish and maintain a policy designed to create a drug-free workplace.

The university does not condone the inappropriate use of a controlled substance by any individual employed by the university. Therefore, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in university facilities which is a violation of federal and state law is prohibited. Compliance with this policy is a condition of employment, and violations may be cause for one or more of the following actions:

- Referral to the Employee Assistance Program for evaluation and assessment to determine appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Suspension from the university; and/or
- Termination of employment.

For a copy of the complete policy text, contact the Drug/Alcohol Coordinator in the Health Center.

**5.9 Electronic Devices Policy**

Electronic devices including all cellular telephones and email devices are valuable tools to enable staff to fulfill the needs of the university. The best method for electronic device usage is for the employees to purchase and maintain their own contract for services. The university will then provide a technology allowance payment to offset the business use of the personally owned device. In limited

situations, department heads may authorize the use of university owned electronic devices for short-term events, emergency purposes, or multiple staff needing to share a single device with dean or vice president approval.

Electronic devices should not be used to conduct university business while operating a motor vehicle. In addition, supervisors of nonexempt employees should closely monitor the use of electronic devices by nonexempt employees during non-regularly scheduled work hours. To review the entire policy, go to [www.bsu.edu/its](http://www.bsu.edu/its) and click Business Operations.

### **5.10 Emergency Responses (Fires and Tornadoes/Severe Weather)**

**Fire.** If a burning odor or smoke is present, pull a fire alarm to activate the fire alarm system. If possible, shut off gas in your area. If you can help control the fire without personal danger and have received training, take action with available fire extinguisher or fire hose. If not, leave the area. Never allow the fire to come between you and an exit. Leave the building, checking as you leave to make sure everyone has left the immediate area. Close doors behind you to confine the fire. Once you have evacuated the building, dial 285-1111 (University Police) and report the location of the fire and the material burning if known. Report this information to fire and police personnel as they arrive.

If the audible fire alarm sounds, evacuate the building. Shut off any gas in your area. Leave immediately; do not delay to locate personal items. Try to make sure that all members of your department hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms, etc. as you exit. Use the nearest stairway. Do not use the elevator. If requested, accompany and assist persons with disabilities. Shut all doors behind you as you go. Closed doors can slow the spread of fire and smoke. Evacuate as quickly as possible but in an orderly manner. Do not push or shove. Once outside, move at least 100 feet from the building. Meet at a predetermined location to account for all members of your unit. Return to the building only when given the "all clear" by university police or other proper emergency personnel. Do NOT assume that when the audible alarm stops that it is safe to enter the building. There are many possible reasons for the alarm to stop sounding.

**Tornadoes/Severe Weather.** A tornado watch means that weather conditions are favorable for the formation of a tornado. A tornado warning is issued when a tornado has actually been sighted in the surrounding area. Emergency warning sirens are activated when there is a tornado warning.

**Emergency Warning Sirens.** An emergency warning siren emits a continuous three-minute sound warning. The siren is used to alert the public of an impending danger such as tornado, severe thunderstorm with high winds or large hail, hazardous material spill, or a national threat. If you hear the siren, take cover inside and tune to a local radio or television station for further instructions. If you cannot get to a radio or television, initiate tornado protection procedures as this is the most likely reason for the siren to sound.

The siren does not sound for the entire duration of a tornado warning. Do not assume that the danger has passed when the siren stops sounding. The emergency warning siren is tested each Friday at 11 AM. These tests last for 30 seconds. If the emergency warning siren sounds on a Friday morning for longer than 30 seconds, you should initiate tornado protection procedures.

If a tornado warning has been issued and you are inside, stay inside. Stay away from outside walls, windows, mirrors, glass, overhead fixtures, and unsecured objects, such as filing cabinets or bookcases. If possible, move to a below-ground-level floor, interior corridor, or room or office without windows. Crouch low with your hands covering the back of your head and neck. Do not use elevators. If requested, assist persons with disabilities to the safest area on the same floor. Do not leave the shelter area until after the storm is over. Continue to monitor the weather via radio or television until the tornado watch has been lifted for your area.

If a tornado warning has been issued and you are outside, look for a nearby safe structure in which to take shelter. If you are in your car, get out of it. Never try to outrun a tornado. If there is no shelter, lie down flat in a low area, such as a ditch away from trees with your hands covering the back of your head and neck.

*Ball State University Emergency Response Guidelines*. Each office should have a copy of these *Guidelines*, which cover numerous emergency situations. Please call the Office of University Marketing and Communications for additional copies.

### **5.11 Hazard Communication Standard**

The university complies with the Occupational Safety And Health Act Hazard Communication Standard as adopted by the Indiana Occupational Safety And Health Act. In accordance with that Standard, the university has developed and implemented a written hazard communication program together with related documents, including material safety data sheets (MSDS). Copies of the program including related documents and MSDS' are kept in departmental offices. The Office of Environmental Health and Safety in Facilities Planning and Management has overall responsibility for the program.

### **5.12 Minors, Policy on**

Ball State University, as part of its educational mission, has many University programs and activities that include minors, who are defined as persons under the age of eighteen. Such programs and activities include, but are not limited to, camps, lessons, workshops, clubs, teams, projects, practices, tours, research, or open-houses, but excludes single performances or events open to the general public such as athletic competitions, plays, or concerts and regularly scheduled classes or activities designed primarily for enrolled students who are age 17 and above. This definition may not capture certain circumstances in which minors are present on campus, and further consideration will be given as to whether they fall within the scope of the policy. The purpose of this policy is to provide appropriate protection and safety for minors who are involved in all programs and activities taking place on the Ball State University campus or under the authority and direction of the University at other locations. This policy applies to all University units and departments, including but not limited to, Athletics, Sports Facilities, Burriss Laboratory School, and the Indiana Academy for Science, Mathematics, and Humanities, and to all University employees, contractors or volunteers who interact with, supervise, chaperone, or otherwise oversee minors in program activities. To review the entire policy, please go to the university's website at [www.bsu.edu](http://www.bsu.edu).

### **5.13 NCAA Rules and Regulations**

As a faculty and/or staff representative at Ball State University, you are considered a representative of athletic interest and must adhere to the same NCAA rules and regulations as followed by the university and its Office of Athletic Compliance. For more information, please go to [www.ballstatesports.com](http://www.ballstatesports.com) and click Athletic Dept.

### **5.14 Pet Policy**

The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership. Written authorization is to be obtained from the appropriate Department Chairperson, Dean, or Administrative Head involved before a pet may be brought into university buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a university building. Pets are not permitted in Residence Halls with the exception of marine life in fresh water aquariums. Pets are not permitted on university grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet. Pets are not permitted in Student Family Housing Apartments with the exception of marine life in fresh water aquariums and small caged birds.

Violations of the university Pet Policy will be dealt with in accordance with university rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and Student Family Housing Apartments, will have action taken in accordance with "Conditions of Occupancy" for Student Family Housing, and "Policies of University Residence Halls" for the Residence

Halls. Provisions of this policy do not apply to seeing eye or guide dogs or to police or K9 dogs while such animals are performing their duties under supervision. The Pet Policy is in addition to applicable ordinances of the City of Muncie and statues of the state of Indiana.

### **5.15 Rules and Regulations**

Employment at the university brings many benefits to the employee, but accepting a job at the university also includes accepting the responsibilities that go with the position. For example, tardiness and excessive absenteeism cannot be tolerated. Employees are expected to call in and notify a supervisor on each day of unscheduled absence and are expected to receive permission to leave work prior to the end of the regularly scheduled workshift. Maintaining the proper decorum and wearing the appropriate attire for the position held and the workstation occupied are required. Some violations are so severe that they may result in immediate termination. Some examples include theft, fighting or assaulting, sleeping on the job, possession of a weapon on campus, and other inappropriate behavior(s). A satisfactory level of performance on each of the tasks and responsibilities identified in the position description or assigned by the supervisor must be maintained.

An individual who works in a temporary assignment will be evaluated by his or her supervisor, and the evaluation will be kept in the formal personnel file. An individual who works as a substitute will be evaluated at the discretion of his or her supervisor.

### **5.16 Sexual Harassment Statement**

1. Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the Civil Rights Act of 1964, as well as state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.
2. Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.
3. The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:
  - 3.1 submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
  - 3.2 submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments affecting an individual; or
  - 3.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.

4. Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment – such as a threat that a grade or promotion

will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting.

The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

5. Examples of conduct which may constitute sexual harassment include but are not limited to:
  - 5.1 requests for sexual favors;
  - 5.2 unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or brushing another's body;
  - 5.3 veiled suggestions of sexual activities;
  - 5.4 requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
  - 5.5 use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class;
  - 5.6 use in the workplace of sexual jokes, stories or images in no way germane to the subject of the work environment;
  - 5.7 remarks about a person's body or sexual relationships, activities or experience that are in no way germane to the subject of the work or academic environment;
  - 5.8 use of inappropriate body images to advertise events.
6. Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accused's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determine whether the behavior constitutes sexual harassment.
7. The University will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation – or encouragement of another to retaliate – is a serious violation of University policy and law, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes he or she has been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.
8. Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the *“Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.”* A copy of this document may be obtained by contacting the Office of University Compliance.

9. The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for an appropriate response.
10. Any dean, chairperson, director or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.
11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:
  - 11.1 oral or written reprimand, placed in personnel file;
  - 11.2 required attendance at a sexual harassment sensitivity program;
  - 11.3 an apology to the victim;
  - 11.4 loss of salary or benefit, such as sabbatical or research or travel funding;
  - 11.5 transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
  - 11.6 demotion;
  - 11.7 suspension, probation, termination, dismissal or expulsion.While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program.

If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the “Code of Student Rights and Responsibilities” may also be invoked.

12. The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of sexual harassment frequently have injurious, far-reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual harassment will be considered a serious violation of University policy.

Approved by the Board of Trustees December 17, 1999; Revised 8/02

### **5.17 Smoking Policy**

Ball State University is committed to providing a healthy working and learning environment for the entire campus community. The purpose of this policy is to reduce harm from tobacco use and secondhand smoke, provide an environment that encourages persons to be tobacco-free, reduce health insurance and health care costs, and promote a campus culture of wellness. Therefore, Ball State University establishes the following smoking policy for all facilities, campus areas and vehicles in which University functions or services are carried out or offered. All university students, employees,

contractors, and visitors are subject to these regulations.

1. As used herein, tobacco includes but is not limited to cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco and any non-FDA approved nicotine delivery device.
2. Tobacco use is prohibited on Ball State University campus.
3. Tobacco use is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.
4. Tobacco use is prohibited in all university housing units.
5. Tobacco use will be permitted in the tailgating areas on home football game days only; otherwise, the area is to be tobacco free.
6. University regulated parking areas are included in the ban. Tobacco use in enclosed personal vehicles will be permitted as long as users contain smoke and tobacco products inside the vehicle (e.g., windows must be closed). Failure to do so is a violation of this policy.
7. Adherence to this policy is the responsibility of all members of the University community. It is expected that students, faculty, staff, University affiliates, contractors and visitors to campus will comply with this policy. Members of the University community are empowered to respectfully inform others about the policy to ensure compliance. Primary enforcement of this smoking policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, Public Safety personnel, and other designees.
  - A. Failure to comply with this policy shall result in a fine of \$100 per occurrence.
  - B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from the assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.
  - C. Citations may be applied through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.
  - D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.
8. This smoking policy shall be effective August 1, 2013.

### **5.18 Social Media Policy**

Social media are powerful communications tools that have a significant impact on organizational and professional reputations. Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to LinkedIn, Twitter, Facebook, YouTube, and My Space.

Both in professional and institutional roles, employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with students, parents, alumni, donors, media, and other university constituents apply online as

in the real world. Employees are liable for anything they post to social media sites. For the entire policy, go to [www.bsu.edu/umc](http://www.bsu.edu/umc).

### 5.19 Title IX Compliance

Each of us has a responsibility to report behaviors that may put others at risk. Title IX makes it essential that every employee know his or her obligations in reporting sexual harassment or assault.

It is equally important that an employee know that in Indiana everyone is considered a mandatory reporter regarding child abuse. Call Child Protective Services' 24-hour hotline at 1-800-800-5556 if you believe that a child is a victim of abuse or neglect. If the abuse has occurred on campus, please immediately call University Police at 765-285-1111.

Students who believe they have experience sexual harassment are encouraged to come forward to receive assistance. But regardless of whether the harassed student files a complaint or otherwise requests assistance, **university employees who know about possible harassment must take appropriate steps** to report the information to the Assistant to the Vice President for Student Affairs/Deputy Coordinator for Title IX.

Circumstances requiring an employee to report sexual harassment that occurs on or off campus include but are not limited to: a) a student **shares** information about an incident with an employee (even if he or she requests the employee's confidence); b) an employee **observes** a student, employee, or other representative of the university sexually harassing a student; c) a **third party** shares information about an incident with you.

To learn more about sexual harassment compliance and your role in maintaining a safe and respected campus, contact the Assistant to the Vice President for Student Affairs/Deputy Coordinator for Title IX at 765-285-1545.

### 5.20 Use of University Technology

Information technology plays a crucial role in the delivery of Ball State University's educational mission. In making use of these shared resources, members of the University community have a responsibility to help create an intellectual environment in which students, faculty, and staff may feel free to create and collaborate with colleagues both on and off campus without fear that the products of these efforts will be violated by misrepresentation, tampering, illegal access, destruction, or theft. The policy outlines the ethical and acceptable use of information systems and resources at Ball State University as well as the duties and responsibilities incumbent upon everyone who makes use of these resources. For the entire policy, please go to [www.bsu.edu/security/itpolicy](http://www.bsu.edu/security/itpolicy).

### 5.21 Weapons Policy

All employees of Ball State University are prohibited from possessing or carrying weapons of any kind while on university property, regardless of whether they are licensed to carry the weapons or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, toolboxes, personal vehicles, or other personal property or effects.

The exceptions to this policy are:

- A. firearms in the possession of university police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons;
- B. firearms in possession of sheriffs, police officers, law enforcement officers, and correctional officers who are duly authorized by law to carry such firearms;
- C. equipment, tools, devices and materials which are prescribed for use by university employees as a condition of employment or class enrollment; and
- D. legal chemical dispensing devices, such as pepper sprays, that are sold commercially for personal protection.

University property includes all university owned, leased, or otherwise controlled buildings and lands. University vehicles are covered by this policy at all times whether or not they are on university property.

University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.

For the purposes of this policy, "weapons" include:

- A. firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tasers, or electronic stun weapons;
- B. explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and
- C. other equipment, material and devices that, in the manner they are used, could ordinarily be used, or are intended to be used, are readily capable of causing serious bodily injury. The items described in clause (c.) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three [3] inches long), tear gas, chemical substances, brass knuckles, clubs or chains.

# UNIVERSAL PRECAUTIONS

## Procedure for Handling Blood and Other Potentially Infectious Material

1. Put on disposable gloves to prevent contamination of hands.
2. Wipe up the spill using paper towels or absorbent material and place in plastic biohazard bag.
3. Gently pour bleach solution onto all contaminated areas of the surface.
4. Wipe up the remaining bleach solution with paper towels or put on drying agent and sweep.
5. Place used paper towels and other debris in appropriate plastic biohazard bag.
6. Remove gloves by turning inside out and place in biohazard bag with all soiled cleaning materials.
7. Double-bag and securely tie-up biohazard bags and discard in appropriate waste container.
8. Immediately wash hands with soap and warm water up to elbows for 20 seconds or longer.



**FOR SAFE CLEANUP OF A MAJOR INCIDENT, CALL WORK  
CONTROL: 5-5081**

	<b>HIV/AIDS</b>	<b>Hepatitis B</b>	<b>Hepatitis C</b>
<b>Signs and Symptoms</b>	Lack of energy, fever, headache, swollen lymph nodes, weight loss, diarrhea.  Symptoms may not appear for months or years following original infection.	Jaundice, fatigue, abdominal pain, loss of appetite, fever, joint pain, nausea/vomiting.  30% of persons have no signs or symptoms.	Jaundice, fatigue, abdominal pain, loss of appetite, fever, joint pain nausea/vomiting.  70% of persons have no signs or symptoms.
<b>Long-term Effects</b>	Increased susceptibility to other infection, death.	Chronic infection, liver disease, death.	Chronic infection, liver disease, death.
<b>Transmission</b>	Blood or body fluids from an infected person enter the body of an uninfected person through cuts, needle sticks, or sexual contact.	Blood or body fluids from an infected person enter the body of an uninfected person through cuts; eye, nose, or mouth secretions; needle sticks; birth by an infected mother; or sexual contact.	Blood or body fluids from an infected person enter the body of an uninfected person through cuts; eye nose or mouth secretions; needle sticks; birth by an infected mother; or sexual contact.
<b>Prevention</b>	Follow universal precautions when coming into contact with any body fluids.	Vaccine is best prevention. Follow universal precautions when coming into contact with any body fluids.	Follow universal precautions when coming into contact with any body fluids.
<b>Available vaccine</b>	No	Yes – series of three (3) injections	No
<b>Treatment</b>	Antiretroviral drugs can help lower levels of virus in blood (viral load) to undetectable levels.	Acute: No medication available; best addressed through supportive treatment.  Chronic: Regular monitoring for signs of liver disease progression; some patients are treated with antiviral drugs.	Acute: Antivirals and supportive treatment.  Chronic: Regular monitoring for signs of liver disease progression; some patients are treated with antiviral drugs.
<b>Trends and Statistics</b>	Estimated 1 million Americans are currently infected.	Estimated 1.25 million Americans are chronically infected.	Estimated 3.2 million Americans are chronically infected.

**Ball State University Health Education      Phone: 765-285-3775**  
**visit: [www.bsu.edu/healtheducation](http://www.bsu.edu/healtheducation)      Source: CDC**