Handbook For Regular, Part-Time Service Personnel

Ball State University
University Human Resource Services

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0.0 Introduction

This Handbook was prepared by Employee Relations. Policies, procedures, and benefits apply only to regular, part-time Service Personnel unless otherwise indicated. Please read this Handbook carefully.

In some cases, only summaries of the university's policies and procedures have been listed; consequently, the text of the official policies and procedures shall govern in all cases. The university's policies, benefits, rules and regulations, whenever and however expressed, whether in handbooks, policy statements or otherwise, do not create and are not to be considered as creating terms and conditions of an employment agreement, expressed or implied. The employment of any employee may be terminated, with or without cause, and with or without notice at any time, at the option of either the employee or the university. No employee of Ball State University, other than the President or vice presidents of the university, has any authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing. The university's policies, benefits, rules and regulations are subject to unilateral change by the university without notice.

1.0 Mission, Vision, and Customer Service

Vision – Ball State University will be a national model of excellence for challenging, learner-centered academic communities that advance knowledge and improve economic vitality and quality of life.

Mission – Ball State University is an innovative, supportive academic community that inspires students by offering action-oriented learning, including immersive out-of-class experiences, research, and study-abroad; providing extraordinary access to professors who create scholarship to advance knowledge, improve teaching, and transform learning; and engaging state, national, and international communities to enhance educational, economic, and cultural development.

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

<u>Date of Employment</u>. First day of actual work during the most recent period of employment at the university.

<u>Fiscal Year</u>. Begins at 12:01 a .m. on July 1 and ends at 12:00 a.m. (midnight) on June 30.

<u>Health Care Provider</u>. 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.

<u>Leave Year</u>. A 12-month period measured backward from the date an employee uses any leave of absence.

<u>Pay Status</u>. Receiving remuneration from the university through work, sick leave, vacation, jury duty, university recognized holiday, or military leave if applicable.

<u>Pay Period</u>. A two (2) week pay period consisting of fourteen (14) consecutive days which begins at 12:01 a.m. Sunday and ends fourteen (14) consecutive days later at 12:00 a.m. (midnight) Saturday.

<u>Regular, Part-Time Position</u>. A less than full-time position that is expected to continue on a regular weekly schedule and for a specific assignment and is for regularly assigned duties within the department on a continuing basis.

<u>Vacation/PTO Year</u>. A consecutive 52-week period starting with the beginning date of the pay period for which the first check is issued in July (date adjusted annually to coincide with the biweekly pay period) and ending on the last date of the last pay period for which pay will be received by June 30 of the following year.

<u>Workday</u>. A consecutive 24-hour period commencing with the beginning of the employee's regularly scheduled work shift.

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

3.0 Employment

3.1 General Information

Regular, part-time positions are expected to continue on a regular weekly schedule and for a specific assignment and are assigned regularly to the same duties within the department on a continuing basis. Although a part-time employee might work a 40-hour week for a limited period of time, he or she would not be eligible to participate in group insurance programs. Part-time employment is not a guarantee of regular, full-time employment.

3.1.1 Probationary Period

A regular, part-time employee is required to complete a probationary period of 3 continuous working months. An employee will be referred to as a regular, part-time employee upon satisfactory completion of the probationary period. If the probationary period is not satisfactorily completed, the employee will be terminated. While in a probationary period, progressive discipline does not apply. Rehires also must complete a probationary period.

The probationary period may be extended by the University by the number of days the employee is absent from work.

3.1.2 Job Duties and Responsibilities

Usually, the supervisor will explain the employee's job responsibilities and the performance standards expected of the employee. A part-time employee may request a copy of his or her job description from the appropriate Human Resources Representative. 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.

3.1.3 Contact Information

It is the responsibility of the employee to keep the University apprised of his or her correct phone number and mailing address.

3.1.4 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 is at the discretion of the department head.

3.1.5 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 5 minutes at the end of the workshift to change into street clothes.

3.1.6 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.

3.1.7 Telephone Use

Except in extreme emergencies, personal calls should be made and received during normal rest or meal periods.

Some departments may restrict the possession or use of cell phones during working hours; an employee should consult with his/her supervisor for specific information about such use.

Electronic devices, such as cell phones, should not be used while driving a motor vehicle. University employees that need to use an electronic device while operating a motor vehicle are expected to utilize a speakerphone or hands-free headset.

3.1.8 Use of University Vehicles

Drivers 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, drivers 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, employees must notify their supervisor immediately who will promptly notify Transportation Services. Employees whose job responsibilities requiring driving as an essential function will not be permitted to continue driving if they are not insurable under the University's auto fleet policy or if they do not maintain a valid driver's license, and their employment may be terminated.

Drivers are expected to operate vehicles in a safe, prudent manner. Cell phones should not be used while driving. Seat belts must be worn at all times, and the use of tobacco, alcohol, or drugs by persons using university vehicles is strictly prohibited. Personal use of a university vehicle is prohibited.

Accidents in University vehicles, 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.

3.1.9 Essential Personnel

During University declared weather emergencies or certain other emergencies, a decision may be made to close the University. Under such circumstances, essential services must continue regardless of conditions, and personnel who have been designated as providing essential services must report to work. Essential Personnel should report to work for their regular shifts regardless of weather conditions or other factors and regardless whether the University is officially "open" or "closed." Absences for essential personnel who fail to report for work will not be excused and may result in discipline.

3.1.10 Weather and Emergency Hotline

Service employees may call an information hotline at 285-WORK (285-9675) for the most up-to-date information about reporting to work. Specific questions and/or problems should be directed to the employee's supervisor. Also available is the University's website: www.bsu.edu.

3.1.11 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/Communications will be the coordinating officer. The procedure applies 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. If there are no announcements, assume that classes will held and the university will remain open.

In the event all classes are cancelled but the university remains open, staff personnel 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.

3.1.12 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 sires 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, initiative 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, li8e 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 Communications for additional copies.

3.1.13 Performance Review

On an annual basis, an employee will have a written review and discussion of his or her performance and job-related behavior conducted by his or her supervisor. At the supervisor's discretion, written reviews may be undertaken more frequently.

Performance reviews are designed to help an employee understand his or her responsibilities and to show how to improve his or her job performance and job-related behavior. The supervisor will explain the review, and the employee will be asked to sign the Employee Performance Appraisal form. An employee's signature indicates the employee has read and discussed the review but does not indicate that

the employee is in agreement. Under all circumstances, an employee will have an opportunity to respond in writing to any part of the evaluation covered by the supervisor. An employee's response will be attached to the Employee Performance Appraisal form and filed in University Human Resource Services.

3.1.14 Transfers

Transfer from Part Time to Full Time

Paid Time Off (PTO) will be earned beginning with the date of regular, full-time employment, but are not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. A part-time employee who earned PTO prior to the full-time position may continue to use those hours.

Transfer from Full Time to Part Time

A regular, full-time employee with one or more years of service who transfers to a part-time position will continue to earn Paid Time Off (PTO) in accordance with procedures listed in this Handbook. In case of transfer to part-time with less than one year of service, the employee must have two years of part-time service before earning vacation and sick leave hours.

3.1.15 Resignation

The employment relationship may be terminated at any time for any reason with or without notice. A part-time employee who terminates his/her employment with the university must turn in keys, an ID if applicable, and other university property to his or her supervisor. The ID will be forwarded to University Human Resource Services. An employee will be paid for accrued and unused Paid Time Off (PTO)

3.2 Absences, Job Injuries, and Return to Work

3.2.1 Reporting Absences

If unable to report for scheduled work, an employee must notify his or her supervisor according to departmental regulations for reporting absences. Failure to notify his or her supervisor within the departmental prescribed time may result in the employee's absence being considered unexcused. Unexcused absences will result in disciplinary action up to and including termination. If there is no specific departmental regulation, the employee is required to notify his or her supervisor no later than 30 minutes after the beginning of the work shift. The employee's notification to management of an unscheduled absence does not imply management's approval or permission to be absent or excused from work.

3.2.2 Injuries on the Job

Regardless of the nature or severity, all injuries incurred when on the job must be reported immediately to the employee's supervisor. Any employee who fails to report an injury during the shift on which the injury occurred will be subject to disciplinary action.

An injured employee who is sent home by a university physician will be paid for the remainder of the regularly scheduled workday on a one-time basis per injury.

The University Health Center provides and/or directs the medical care for an employee injured on the job. In emergency situations immediately following an onthe-job injury, emergency room care and ambulance charges are covered by Worker's Compensation. An employee must seek follow-up treatment at the University Health Center.

This policy is consistent with Indiana Code 22-3-3-4. Questions regarding this policy should be referred to Employee Relations, 285-1823.

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

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

3.2.4 Return to Work from Other Absences

For any absence (other than Worker's Compensation) due to illness or injury of seven (7) or more calendar days, a clearance form from the employee's health care provider must be presented to the University Health Center. The Health Center will process the clearance form from the health care provider and give the employee a release form to give to his or her supervisor. **Exception:** Employees 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 (2) days following an injury or illness.

3.3 Time, Time Records, and Paychecks

Pay is calculated on a biweekly basis, and paychecks are direct deposited into the employee's bank account on the Friday following the appropriate pay period. Paycheck stubs may be reviewed and printed via the Employee Self-Serve (ESS) system accessed from the Payroll & Employee Benefits webpage. If an error is detected in the paycheck, 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 the university's receipt of an order from the court or tax agency that issued the attachment or upon full compliance with the garnishment order.

3.3.2 Pay Adjustments

The pay of all employees is reviewed annually; and pay adjustments, when appropriate, may be made if the Board of Trustees determines funds for such adjustments are available.

3.3.3 Rest Periods

During each 4-hour working period, a nonexempt 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.

3.3.4 Meal Period

For an employee working six (6) hours or more, an unpaid thirty (30) minute meal period is typically scheduled. An employee will be informed when to take the meal period and may not adjust his/her work schedule without supervisor approval. If leaving the work unit/campus for a meal period, an employee should notify supervision before leaving.

3.3.5 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 rest or meal period. A refrigerator or other cold storage space for keeping milk that has been expressed will be made available, or an employee may provide her own portable cold storage device.

3.3.6 Shift Differential

When assigned to the second shift, an employee receives a shift differential of 18 cents per hour. The second shift is any regularly scheduled shift starting between 2:00 p.m. and 10:00 p.m.

When assigned to the third shift, an employee receives a shift differential of 30 cents per hour. The third shift is any regularly scheduled shift starting between 10:00 p.m. and 5:00 a.m.

An employee is entitled to receive the shift premium for the shift he or she is regularly assigned the majority of the time during the workweek.

3.3.7 Time Clocks

To clock in employees must use their Ball State ID card with a special bar code sticker attached. Never allow another employee to "punch in" one's time card. If an employee forgets to clock in or out, report the problem to the supervisor on the day of occurrence.

3.4 Work Life Issues

3.4.1 Americans With Disabilities Act (ADA)

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 Office of University Compliance.

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 work is available within the parameters of the specific temporary restrictions.

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 reflects 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 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, step-parent, step-child, step-brother, step-sister, step-grandparent, step-grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent-in-law, grandchild-in-law, step-father-in-law, and step-mother-in-law.
 - 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 increase, 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 six (6) months from the date the relationship was established. Within thirty (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 reemployed 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 twelve (12) months and shall be conditional upon the annual review procedure set forth in paragraph 4.
- If 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 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 the 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 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 as long as the incumbents remain in their current positions; 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 working relationship as long as the incumbents remain within the same functional work unit in non-supervisory positions.

3.4.3 Delinquent Accounts Owed the University

The "Procedures for Collecting Delinquent Accounts Owed the University by its Employees" was passed by the Board of Trustees in order to collect charges remaining unpaid after 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 promotions and/or upgrades of positions. At the option of the university, delinquent accounts may be referred to collection agencies or pursued in court.

3.4.4 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 occupational qualification), sexual orientation, 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 occupational qualification), sexual orientation, 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.

4.0 Absences from Work

4.1 Absences with Pay

4.1.1 Court Duty

If an employee is summoned for jury duty or subpoenaed as a court witness during the employee's regularly scheduled working hours, time off will be granted upon presentation to the supervisor of a copy or other evidence of the subpoena prior to such duty. Also, the employee must submit a copy or other evidence of the subpoena to the Office of Payroll and Employee Benefits. The employee will be allowed time off with pay for required jury duty or when subpoenaed to testify in a court case except when the employee is a party to such action.

A third-shift employee shall not be required to work his or her scheduled shift immediately prior to the first morning of jury duty. If a third shift employee is released by the court by 5:00 p.m. and is not scheduled for jury duty the following day, he or she shall be required to work his or her scheduled shift that night. If released after 5:00 p.m., he or she shall not be required to work his or her scheduled shift that night.

A court appearance of a personal nature must be taken as time off without pay or as paid vacation if scheduled in advance with the supervisor.

4.1.2 Holidays

Part-time service personnel employees working in Residence Halls Dining Service or University Banquet and Catering or University Food Court should check with their supervisors regarding holiday pay practices in those three areas.

For part-time service employees hired on December 1, 2002, or after, the following holiday policy is applicable:

The following holidays are observed as official holidays: July 4, Labor Day, Thanksgiving Day, the day following Thanksgiving, Christmas Day, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, and a special holiday declared by the President of the university. The university-designated holiday may or may not be on the same day as the calendar holiday.

Payment for the above university holidays will be granted on a prorated basis dependent upon the part-time employee's total number of hours worked during the preceding 30 days (or nearest 30 days tracked in the Human Resources Information System) assuming the employee has been employed at least 30 calendar days immediately preceding the holiday. The employee must be scheduled to work regularly at least 20 hours per week to qualify for holiday pay. In addition, during the week of the designated holiday, the part-time employee has to be in pay status for 20 hours (including holiday pay).

Thus, in order for part-time employees to receive holiday pay, the following must happen:

- 1. employed at least 30 days
- 2. regularly scheduled to work at least 20 hours per week
- 3. in pay status for 20 hours (including holiday pay) during the week of the designated holiday(s).

Requirement: If the employee doesn't work enough hours in combination with the prorated amount for holiday pay to reach the 20 hours, available sick leave and/or vacation may be used to remain in pay status. In order to earn vacation and sick leave, a part-time employee must be employed for at least two years.

Any corrections regarding holiday pay will be made on the employee's next regular paycheck.

If an employee terminates employment, no pay will be received for holidays occurring after the last day worked even though the holidays fall within the period of the employee's projected terminal vacation leave if any.

Regular, part-time employees who are normally scheduled to work between 3:00 PM and 5:00 PM on the day(s) the university closes early prior to certain holidays will not suffer a loss of earnings due to the early closing.

Because of the unusual schedule followed by Residence Halls Dining Service (RHDS), this procedure does NOT apply to RHDS regular, part-time service personnel.

For part-time service employees hired on November 30, 2002, or before, the following holiday policy is applicable:

The following holidays are observed as official "university" holidays: July 4, Labor Day, Thanksgiving, the day after Thanksgiving, Christmas Day, New Year's Day, Martin Luther King Day, Memorial Day, and a special holiday declared by the President of the university. The university-designated holiday may or may not be on the same day as the calendar day.

Payment for the above university holidays will be granted on a prorated basis dependent upon the part-time employee's total number of hours worked during the preceding 30 days (or nearest 30 days tracked in the Human Resources Information System) provided:

- 1. The employee has been on staff at least 30 calendar days immediately preceding the holiday and
- 2. The employee is in pay status the last "regularly scheduled" workday preceding the holiday and is in pay status the first "regularly scheduled" workday following the holiday.

"Regularly scheduled" means that the employee was in pay status the last normal workday before the holiday and the first normal workday after the holiday. For example, if the holiday is Friday and the employee was in pay status (vacation or sick leave, if available, or working) the last normal scheduled workday of Wednesday before the holiday and the employee was in pay status (vacation or sick leave, if available, or working) the first normal scheduled workday of Tuesday after the holiday, then the employee would qualify for holiday pay. The key is that the employee must actually work or use vacation or sick leave if available. A supervisor is not to re-arrange an employee's regular work schedule for the sole purpose of paying the employee holiday pay.

It is the responsibility of the supervisor to record on the time sheet whether or not holiday pay is to be granted. If the time sheet has been signed and forwarded to be paid, it will be processed based on the supervisor's approval or denial of holiday pay. Any corrections regarding holiday pay will be made on the employee's next paycheck.

If the employee terminates employment, no pay will be received for holidays occurring after the last day worked even though the holidays fall within the period of the employee's projected terminal vacation leave if any.

Regular, part-time employees who are normally scheduled to work between 3:00 p.m. and 5:00 p.m. on the day(s) the university closes early prior to certain holidays will not suffer a loss of earnings due to the early closing.

Because of the unusual schedule followed by Residence Halls Dining Service (RHDS), this procedure does NOT apply to RHDS regular, part-time service personnel.

4.1.3 Scheduled Paid Time Off (PTO)

The first pay period following the completion of 2 years of continuous employment from the employee's effective date of hire, a part-time employee will begin earning Paid Time Off (PTO) at the rate of .0461538 of an hour for each hour in pay status,

excluding overtime hours. PTO must be taken in 1-hour increments. Current PTO available is printed on the paycheck stub. Only PTO earned and reported on the paycheck stub may be used.

PTO is to be scheduled in advance and at a time agreeable to the supervisor and in accordance with the needs of the department. At its sole discretion, the university reserves the right to assign an employee's available PTO balance toward time off.

The PTO year is a consecutive fifty-two (52) week period beginning with the pay period for which the first paycheck is issued in July and ending on the last day of the last pay period for which pay will be received by June 30 of the following year. All PTO accrued in a PTO year must be used before the end of the following PTO year except balances of less than one (1) hour will be carried forward to the next PTO year.

Holidays recognized by the university are not counted as part of PTO. Extra pay in lieu of PTO is not allowable. PTO is accrued through the last day worked by the employee, regardless of the effective date of resignation.

A regular part-time employee who is scheduled primarily during the academic year when students are present (i.e. Bus Drivers and many Dining employees) should utilize SPTO during periods of time when he/she is not otherwise scheduled to work such as summer and academic year break periods. SPTO may be approved during the regular academic year or other required work periods only for "once in a lifetime opportunities," funeral leave, military family leave, or other special circumstances.

An employee leaving the University's employment will be paid for accrued and unused Paid Time Off (PTO).

4.1.4 Unscheduled Paid Time Off (UPTO)

Except during times when the University has determined no employees may be spared from work, an employee may be permitted to utilize up to forty (40) hours of his/her accrued Paid Time Off (PTO) balance during a fiscal year without scheduling it in advance provided the absence is for the employee's own personal illness or injury, to attend personal medical or dental appointments, to take care of an ill or injured family member, or to deal with personal emergencies. UPTO must be utilized in blocks of no less than four (4) continuous hours. See the specific department's *Attendance Rules and Regulations* for further details.

For employees not yet earning PTO, refer to the specific department's *Attendance Rules and Regulations* for further details regarding unscheduled absences.

4.1.5 Income Protection Bank (IPB)

Each employee has an Income Protection Bank (IPB) where he/she may elect once a year to deposit up to 40 hours of his/her accrued Paid Time Off (PTO) by requesting in writing that such transfer be made. The purpose of IPB is to help protect an employee from loss of income when he/she suffers from a serious illness or injury, and in a more limited way, to provide some additional paid absence hours to tend to some non-serious health conditions. An employee may only utilize IPB while on

personal FMLA; the first seven calendar days of disability due to an on-the-job injury; or with the submission of the appropriate medical certification form, up to 32 hours IPB per fiscal year may be used for non-serious illnesses or injuries of the employee or his/her family. IPB must be utilized in blocks of no less than four (4) continuous hours.

An employee who resigns from the University will be paid two-thirds (66%) of this IPB account in a lump sum in the employee's last paycheck. Upon the death of an active employee, eighty percent (80%) of this IPB account will be paid in a lump sum in the employee's last paycheck. In the case of discharge, no IPB is paid.

4.2 Absences Without Pay

4.2.1 Emergency Leave

Service personnel who have been employed at least 1,250 hours for the twelve (12) months immediately preceding the request for leave, may be granted a leave of absence without pay of up to three (3) months to provide care for a member of the employee's immediate family or household suffering from a serious health condition. The Request of Leave of Absence Form must be accompanied by medical certification to substantiate the medical necessity for the employee's absence from work.

4.2.2 Funeral Leave

A part-time employee is not eligible for funeral leave. If time off work is needed due to a death, an employee should consult with his/her supervisor for excused time off per section 4.2.5.

4.2.3 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).

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 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, or parent who has a serious health condition; or
- a serious health condition that makes the employee unable to perform the functions of his or her job; or
- a qualifying exigency arising out of the fact that the employee's spouse, child, or parent 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, 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 may request to use his or her accrued Paid Time Off (PTO) and/or Income Protection Bank (IPB). The remainder of the Family and Medical Leave will consist of unpaid leave.

Family and Medical Leave on an intermittent or reduced leave schedule may be requested when medically necessary for the employee's serious health condition or the serious health condition of the employee's spouse, child, or parent. Intermittent Family and Medial Leave may not be taken in less than 1-hour 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.

A reduced leave schedule (not intermittent leave) may also be requested in advance for the care of a newborn child or a child placed with the employee for adoption or foster care. Approval of such leave will be determined on a case-by-case basis by the employee's department head, in consultation with University Human Resources Services, depending on the needs of the department.

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, or child 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.

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 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."

Family and Medical Leave may run concurrently with 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.

4.2.4 Maternity Leave

Maternity leave is taken at the time determined by an employee and her physician to be when she is unable to work due to pregnancy, childbirth, and related conditions. It is treated the same as any other medical leave and will be counted against the employee's FMLA entitlement.

4.2.5 Military Leave

A leave of absence will be granted to an employee who is called to a tour of training duty. An eligible employee is entitled to a Military Leave of absence with pay not to exceed 15 calendar days in any one calendar year. The maximum number of paid military leave days in any one calendar year is 10. Evidence, such as military orders, must be submitted to University Human Resource Services before approval for pay will be given.

Active duty Military Leave of more than 15 calendar days will be without pay. Military Leave without pay of up to and including 5 years may be granted after the date of induction, enlistment, or call to active duty.

4.2.6 Military Family Leave

A leave of absence without pay of up to 10 working days during a calendar year will be granted to the spouse, child (defined as biological child, adopted child, foster child, or step-child), parent (defined as biological father or mother, adoptive father or mother, a court appointed quardian or custodian, a foster parent, or a stepparent), grandparent (defined as biological grandparent, an adoptive grandparent, a foster grandparent, or a step-grandparent) or sibling (defined as a biological brother or sister, a foster brother or sister, or a step-brother or step-sister) of a person ordered to active duty in the United State 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. An eligible employee may elect or an employer may require the employee to substitute any accrued Paid Time Off (PTO) for leave during the ten-day period. An employee may be eligible for child care assistance from the Indiana Military Family Relief Fund. (2009 Indiana SEA 356)

See the last paragraphs under Family and Medical Leave for other benefits under the National Defense Authorization Acts for Fiscal Years 2008 and 2010.

4.2.7 Supervisory Authorization

An employee's supervisor and department head may authorize a leave of up to 10 consecutive workdays without pay for an employee.

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, 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 Office of 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."

5.2 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 "universal precautions" whenever they come into direct contact with blood or other 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 control 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.

5.3 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.

5.4 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.

5.5 Consensual Sexual or Romantic Relationship Policy

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.

5.6 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 Coordinator of WorkLife Programs in University Human Resource Services (5-1187).

5.7 Hazard Communication Standard

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

5.8 Rules and Regulations—Disciplinary Process

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. Maintaining the proper decorum and wearing the appropriate attire for the position held and the work station occupied is required. A satisfactory level of performance on each of the tasks and responsibilities identified in the position description or assigned by the supervisor is expected.

DISCIPLINARY STEPS

The University's progressive disciplinary policy ranges from verbal warnings to discharge. The four-step disciplinary procedure is as follows:

Step 1: Verbal Warning - all verbal warnings are documented in writing

Step 2: Written Warning

Step 3: Suspension without pay, 3 days Step 4: Up to and including discharge

Variations in these penalties may take place, at the sole discretion of the University, where there are extenuating circumstances, including prior unlike violations.

When, in the interest of the employee and/or the University, a supervisor suspends an employee for the duration of the workshift, such action will be reported to Employee Relations (285-1823).

The examples discussed above and in the following rules are meant to be illustrative and should not be considered exhaustive.

Examples of Violations Discipl			linary Steps			
1.	Excessive Tardiness	1	2	3	4	
2.	Excessive Absenteeism	1	2	3	4	
3.	Careless or substandard workmanship resulting in such things	1	2	3	4	
	as, waste, spoilage, or delay and/or failure to follow directions					
	given by a supervisor					
4.	Posting, defacing, or removing notices from University bulletin boards or in other places	1	2	3	4	
5.	Failure to report for overtime work after acceptance without a justifiable reason or failure to promptly notify the University	1	2	3	4	
6.	Engaging in horseplay or scuffling	1		3		
7.	Leaving the work location during workshift without authorization					
8.	Idling, loafing, or inattention during working hours		2			
9.	Failure to properly ring time clock		2			
10.	Failure to promptly notify supervisor on each day of unscheduled	1	2	3	4	
	absence					
11.	Using profane or obscene language or gestures		2			
12.	Violations of minor safety rules and practices	1	2			
13.	Misusing, damaging, or destroying University property			3		
14.	Gambling or possession of gambling devices or paraphernalia on		2	3	4	
	University property					
15.	Insubordination			3	4	
16.	Violations of major safety rules or practices				4	
17.	Sleeping or giving the impression of sleeping during working hour	`S			4	
18.	Ringing another employee's time card or having one's time card			3	4	
	rang by another person			_		
19.	Falsifying or altering time cards or other records without regard to time of discovery			3	4	
20.	Reporting to work while under the influence of alcoholic beverage				4	
	unlawful controlled substances, counterfeit drugs, misused prescr drugs, or their possession or use/misuse on University property	ipt	ion	1		
21.	Immoral conduct or indecency			3	4	
22.	Fighting, assaulting, threatening, or attempting bodily harm to ar on University property	ıyo	ne		4	
23.	Unexcused absence of three consecutive days				4	
24.	Conviction in a civil or criminal court or detention by law enforcen	ner	nt		4	
	authorities without a reason acceptable to the University					
25.	Theft of employee, University, or student property or unauthorize	d			4	
	conversion of employee, University, or student property					
26.	Unauthorized possession of weapons or explosives on University property				4	
27.	Any other conduct which is inconsistent with proper behavior	Pe	ena	lty		
		de	epe	nd	s on	
					stances	
28.	Multiple violations, whether or not simultaneous, of the	Pe	ena	lty		
	fore-going rules and regulations		ере	_		
			•		stances	
29.	Falsification of employment application without regard to time		ena			
	of discovery		ере	_		
					stances	

5.9 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;
 - requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
 - use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class;
 - 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 any 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 allegation 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 promptly come 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 the 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;
 - 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. (December 17, 1999-Board of Trustees; revised 8/02).

5.10 Smoking Policy

Ball State University has demonstrated a continuing commitment to the health and wellness of its students, faculty, and staff as evidenced by the John and Janice Fisher Institute for Wellness, various wellness programs, employee health enhancement programs, and a number of curricula devoted to developing health and wellness professionals. Years of documented research has substantiated the health problems caused by both smoking and secondhand smoke. The State of Indiana adopted the Clean Indoor Air Law which is applicable to all state entities. The law sets forth minimum guidelines but allows state entities to adopt a more stringent policy if they desire. Therefore, Ball State University establishes the following smoking policy for all facilities, campus areas, and vehicles in which the 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, "smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment or the inhalation or exhalation of smoke from any lighted smoking instrument.
- 2. Smoking is prohibited in all university buildings and outdoor campus areas except for officially posted designated smoking areas.
- 3. Smoking is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.
- 4. Smoking may be permitted in the following areas:
 - A. In officially posted designated smoking areas.
 - B. In venues where artistic productions are held when it is called for by the director of a production. Smoking may be done only by the specified characters during rehearsals and performances. The appropriate department in charge of the production shall include notification that there will be smoking in the show.

Smoking in the Green Room is prohibited.

- C. In designated individual University Apartments as determined by the Office of Housing and Residence Life. The Office of Housing and Residence Life will make every effort to maintain separate smoking areas in the apartment complex, consistent with the need to provide housing for students.
- 5. While the responsibility for the enforcement and communication of this policy rests with all members of the university community, primary enforcement of this smoking policy will be the responsibility of Public Safety staff personnel, those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, and others designated by the University.
 - A. Failure to comply with this policy shall result in a fine of \$50.00 per occurrence.
 - B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from fine assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.
 - C. Citations may be appealed 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.
 - E. In addition, under Indiana Code 16-41-37-4, a person who smokes in a University building where smoking is prohibited commits a Class B infraction, which is punishable by a fine of up to \$1,000.
- 6. This smoking policy shall be effective March 17, 2008.

5.11 Use of University Technology

University employees are provided with the use of university resources for work related purposes. Incidental personal usage of Ball State University information technology resources by employees is acceptable, provided the usage adheres to all applicable university policies and does not result in additional costs to the university. Ball State University reserves the right to limit or restrict the use of its information technology resources based on institutional priorities and financial considerations, and to access files, documents, and other information residing on university-owned or controlled equipment and services.

Access to university information technology resources is a privilege, and users of institutional systems must respect the legal and ethical boundaries of such usage.

Technology resources, including Internet access through the university network, may not be utilized in ways which may be inconsistent with the university's tax-exempt status or legal obligations, such as using university systems for hosting or advertising commercial services for private financial gain, political campaigning, or services to outside organizations not recognized by the university as being entitled to make use of university resources. It is unethical for employees to utilize Ball State University information technology resources to view pornographic content (other than in the context of an academic purpose fulfilling the university's educational mission) or to harass a person who has been requested to be left alone absent some legitimate institutional purpose for such communication. Harassment may also involve malicious public disclosure of private facts, threats, defamation, and vulgar or repulsive content posted about an individual or group. Under no circumstances may incidental personal or commercial usage involve violations of the law, interfere with the fulfillment of an employee's university responsibilities, or adversely impact or conflict with activities supporting the mission of the university.

Ability to access does not grant an unlimited right. Legitimate use of resources does not extend to whatever one is capable of doing with them. Although information security controls may permit access, an employee may not access confidential information unless they have some legitimate reason for doing so. Unauthorized access or disclosure of confidential information or information otherwise protected by the university is prohibited by policy and by law.

Sharing of passwords is prohibited. User accounts are generally assigned to individuals and may not be shared with any other person. No university employee may ask for a password assigned to another person. However, an employee may be directed to produce certain work files or to make information in a computer account accessible to a supervisor or other employee. In the event that business-related files stored on an employee's account or work station become inaccessible because of absence, death, or severance of employment from the university, the supervisor of the department may request access to such business-related files be granted to an alternate employee.

Anyone who becomes aware of conduct or content on university systems which may be in violation of ethical standards, university policy, or the law must report the incident to Employee Relations at 285-1823. Anyone who discovers or suspects an information security breach involving confidential information has a duty to report the breach to the Office of Information Security Services by e-mail at security@bsu.edu or by phone at 765-285-1549. Reporting must not be delayed in order to collect more information or to make a determination if a breach or the conduct has actually occurred.

Violations of the above policies and standards may result in penalties ranging up to and including discharge from the university.

Further information regarding the University's Information Technology Users' Privileges and Responsibilities policy may be found at http://cms.bsu.edu/en/About/AdministrativeOffices/InformationTechnology/~/media/DepartmentalContent/Information%20Technology/PDF/Policies/Users_Policy.ashx

5.12 Weapons Policy

Faculty, Professional, and Staff 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 the 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, materials 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 inches long), tear gas, chemical substances, brass knuckles, clubs or chains.

6.0 Other Benefits for Part-time Service Personnel

6.1 Training

The university develops training programs to facilitate improved job performance and enhance opportunities for transfers and promotions. Training programs generally will be conducted on university time, although there may be exceptions to this practice. Successful completion of university training programs may be prerequisites for promotion in selected areas.

6.2 WorkLife Programs

WorkLife Programs offers an employee a unique resource to use in his or her search for practical and suitable solutions to his or her personal needs. Services include customized child care options available within a six county area and information on agencies and services available to the elderly and their families.

Other services include relocation information for new residents [school systems, housing (apartments, condominiums, property management and relocation specialists firms, realtors), and employment opportunities for a partner of an employee] and a bimonthly parent newsletter.

6.3 Employee Assistance Program

The Employee Assistance Program (EAP) provides confidential assistance to an employee who experiences personal problems that affect work performance and/or attendance. Problems may be due to alcoholism, drug abuse, emotional problems, relationship difficulties, personal finances, or other concerns. The University recognizes that these problems may jeopardize an employee's health and have a serious impact on his/her life and ability to perform job duties.

The program is CONFIDENTIAL. Neither job performance problems nor opinions of such "personal problems" will be discussed with third parties who do not have a valid interest.

Without altering or amending any of the rights or responsibilities of the employee or the University, it is the University's policy to handle such problems within the following framework:

- An employee participating in the program will be expected to meet existing job performance standards and established work rules within the framework of existing policies, procedures, and agreements.
- The University does not waive its responsibility to maintain discipline or the right to invoke disciplinary measures in the case of misconduct, which may result from, or be associated with, personal problems.
- ♦ While participating or following participation in the Employee Assistance Program, an employee should not expect any special privileges or exemptions from standard personnel practices.
- An employee may obtain assistance under the program either by self-referral, supervisory referral, or family referral.

The University has no desire to intrude on an employee's privacy. The purpose of the program is to help people get assistance with problems at the earliest possible time so human and financial loss can be kept to a minimum. For additional information contact University Human Resource Services.

6.4 Identification Cards

Identification cards will be issued to part-time employees for use of the Library as well as for other facilities of the university.

6.5 Athletic Tickets at Special Rates

Contact the Athletic Ticket Office (285-1474).

6.6 Credit Union

Contact the Ball State Federal Credit Union (285-1065).

6.7 Discount at Bookstore

Contact the Ball State Barnes and Noble Bookstore (285-8080).