

HANDBOOK
FOR
NONEXEMPT STAFF PERSONNEL

2013

BALL STATE UNIVERSITY
UNIVERSITY HUMAN RESOURCE
SERVICES

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0.0 INTRODUCTION

This *Handbook* was prepared by University Human Resource Services. Policies, procedures, and benefits apply only to regular, full-time nonexempt Staff 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. The latest version of this *Handbook* can be found at the following website: www.bsu.edu/hrs/handbooks.

1.0 MISSION AND VISION OF THE UNIVERSITY

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

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

Customer Service – Ball State University expects each employee to join together with co-workers and management in a spirit of teamwork and cooperation to provide exceptional customer service by determining customer needs and serving customers in a professional and courteous manner to resolve issues proactively and achieve satisfaction of the customer's needs and expectations. Thus, it is the goal of the Roll Out the Red Spirit of Service customer service program to create a service culture on campus.

2.0 DEFINITIONS

Calculation of Years of Service for Retirement Benefits. Please go to: www.bsu.edu/payroll and click Benefits.

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

Exempt Employees. Those employees who are employed in an executive, administrative, or professional capacity as defined by the Fair Labor Standards Act of 1938 (FLSA). Exempt employees are not covered by the minimum wage and overtime provisions of the FLSA.

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

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

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

Nonexempt Employees. Those employees who are not classified as exempt as defined by the Fair Labor Standards Act of 1938 (FLSA). Nonexempt employees are covered by the minimum wage and overtime provisions of the FLSA.

Pay Status. Receiving remuneration from the university through work, sick leave, vacation, funeral leave, jury duty, university recognized holiday, short-term military leave, or some training programs.

Premium Pay. Rate of pay above the normal rate.

Promotion. A non-temporary movement to a position in a higher salary grade.

Regular Status. An employee who has successfully completed the probationary period will be considered in regular status.

Reporting Period. A 2 -week pay period consisting of 14 consecutive days which begins at 12:01 a.m. Sunday and ends 14 consecutive days later at 12:00 a.m. (midnight) Saturday.

Resignation. Voluntary termination of employment initiated by the employee.

Transfer. A non-temporary movement to a position in the same or lower salary grade.

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

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

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

3.0 EMPLOYMENT

3.1 General Information

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

3.1.1 Categories of Employment

Regular Full-time Position. A position assigned a normal workweek of 40 hours or more on a 12-month basis or assigned a normal workweek of 40 hours for a period of at least 9 months but less than 12 months on a fiscal year basis.

Regular Part-time Position. 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.

Temporary Full-time Position. A position assigned a normal workweek of 40 hours for at least 6 months on a fiscal year or other 12-month basis that is expected to continue beyond the 6-month assignment and is for a specified period of time.

Temporary Position. A position that is full time or less than full time which is seasonal, irregular, or extra help, and may be for a specified period of time.

3.1.2 Dress Code

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

3.1.3 Physical Examination

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

3.1.4 Staff Council

The Staff Council is an informal representative body that serves as an advisory group to administrative officers of the university on matters of personnel policy and working conditions. Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel are eligible for election to the Staff Council.

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

3.1.6 Use of University Vehicles

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

If the status of a driver's license changes, including a suspension for any reason or length of time, an employee must notify his/her supervisor immediately who will promptly notify Transportation Services. An employee whose job responsibilities require driving as an essential function will not be permitted to continue driving if he/she is not insurable under the university's auto fleet policy or if he/she does not maintain a valid driver's license, and his/her employment may be terminated.

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

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

3.2 Illness or Injury

If absent from work because of illness or injury, 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 disapproval of sick leave benefits and/or disciplinary action up to and including discharge. 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 workshift.

3.2.1 Injuries on the Job

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

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

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

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

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

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

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

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

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

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

3.2.3 Return to Work from Other Absences

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

EXCEPTIONS:

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

3.2.4 Position Held While Absent Due to Illness or Injury

Whenever an employee is absent from work due to personal or a family member's illness or injury for more than 90 workdays during any 12-month period, the employee will be placed on "limited job protection" status for the next 12 months. If during the time the employee is on "limited job protection" status and the number of days absent from work, excluding authorized vacation, exceeds the number of days worked, the employee's position may be posted. This policy runs concurrent with any other FML job protected leave, and is not in addition to those 60 days. See the FML section of this Handbook for more information.

3.3 Time, Time Records, and Pay

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

3.3.1 Garnishments and Tax Levies

Garnishments and tax levies are attachments to an employee's pay for an unpaid debt. The university is required by law to withhold wages due when a garnishment or tax levy has been served on the university, and it may collect a fee from the employee for this action. Such attachment on wages will be released upon 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 Overtime Policy for Nonexempt Staff Personnel Other Than Law Enforcement Officers

Compensatory Time Off. The terms "compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable workweek for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

Compensatory Time Off and Monetary Overtime Pay. Compensatory time off will be earned at a rate of one and one-half hours for each hour actually worked over 40 within the established workweek. An employee may accumulate up to 240 hours of compensatory time off, and the employee will receive

monetary overtime compensation for overtime hours actually worked which could cause the employee's accumulation to exceed 240 hours. Compensatory time off earned during a work year (July 1 to June 30) must be used during that work year. If that is not possible, monetary overtime pay will be substituted for compensatory time off for all compensatory time off hours earned by the employee but not used by the last day of the final pay period paid in June.

An employee may use the earned compensatory time off with the approval of the employee's supervisor. If it is not possible to approve the particular compensatory time off requested by the employee, time off will be granted within a reasonable period, normally two weeks, unless the requested time off would unduly disrupt operations. If a mutually appropriate time cannot be scheduled for the employee to use the earned compensatory time, the supervisor may elect to substitute monetary overtime pay in lieu of earned compensatory time off. Monetary overtime pay is calculated at one and one-half times the employee's equivalent hourly rate of pay for the hours worked in excess of 40 hours during the established workweek.

The supervisor may elect to substitute monetary overtime pay for earned compensatory time off, either at the time overtime is actually worked or in any later period. Monetary overtime compensation will be based on the employee's regular pay rate at the time of payment.

Compensatory time earned or monetary overtime pay for overtime must be approved by the supervisor on the "Work Record and Absence Report for Nonexempt Staff Personnel" and sent to the Office of Payroll and Employee Benefits by noon on Monday following the pay period ending date.

The university also may elect to apply earned compensatory time off to hours the employee has missed due to personal absence (including medical leaves if not covered by paid sick leave, vacation, or Salary Continuation Insurance) resulting in lost time.

In the event an employee leaves employment at the university for any reason, the employee will be paid for earned compensatory time off at the employee's final regular rate of pay, or the employee's average rate during the last three years of employment, whichever is higher.

Paid time off for holidays, vacation, sick leave, jury duty, and funeral leave is counted as time worked for computing overtime. All other time off, with or without pay, is treated as time not worked for purposes of calculating overtime.

Except: If a recognized holiday falls on an employee's regular day off, he or she will be given one day's pay at his or her regular straight-time rate. In such cases, the unworked holiday shall not be included as hours worked for the purpose of computing overtime.

A separate overtime policy for nonexempt law enforcement officers is in effect. Law enforcement officers should see the Director of Public Safety as to this policy's provisions.

Overtime must be approved by a supervisor before it is worked. An employee is prohibited from working unauthorized overtime or from working "off-the-clock."

3.3.3 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.

3.3.4 Rest Periods and Lunch Hours

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

A 65-minute unpaid lunch period is provided during the academic year. During the summer, the unpaid lunch period is 35 minutes. Each employee will be informed as to when to take a lunch period. As with rest periods, lunch hours are to be preceded by and followed by an extended work period.

3.3.5 Shift Differential

When assigned to the second shift, an employee receives a shift differential of 25 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 35 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.

3.3.6 Privacy for Mothers

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

3.3.7 University Hours

The official university office hours are 8:00 a.m. to 5:00 p.m. during the academic year. Currently, summer hours are 7:30 a.m. to 4:00 p.m. Some areas of the university may require different schedules depending upon the needs of the area; however, it is expected that all areas will provide continuous customer service from the beginning until the end of official university office hours.

3.4 Work Life Issues

3.4.1 Americans with Disabilities Act

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

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

3.4.2 Anti-Nepotism Policy

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

1. It is the general policy of Ball State University not to employ, or to continue to employ, relatives on a regular or part-time or temporary basis within the same functional work unit or to have one relative under the direct supervision of another relative.
 - a. A relative, for the purposes of this policy, is defined as an individual for whom a faculty or professional or staff or service employee has been assigned legal responsibility in a guardianship capacity, parent, child, brother, sister, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, or such persons related by marriage.
 - b. For the purposes of this policy, a "functional work unit" normally will be defined as an academic department or an administrative office. If questions should arise as to what constitutes a "functional work unit" in the administration of this policy, that determination

will be made by the university officer to whom the unit reports within which the affected employees are employed.

- c. For the purposes of this policy, "direct supervision" means the lowest level of supervision responsible for assigning work, supervising activities related to that work, appraising performance, determining salary or wage increases, and/or making decisions in regard to the hiring, firing, and disciplining of an employee.
 - d. In addition to the prohibition against the direct supervision of a staff or service employee by a relative, no faculty or professional or staff or service employee shall initiate, participate in, or in any way influence institutional decisions involving a direct benefit (initial appointment, retention, promotion, salary/wage, leave of absence, grievance adjustment, etc.) to members related by family or marriage as defined in paragraph 1.a. above. In instances where a conflict of interest might occur because of general supervisory responsibilities (supervision at least one step above that of the direct supervisor) under normal operating procedures, the responsibility for institutional decisions involving a direct benefit will pass to the next higher administrative level.
2. If any of the relationships defined in paragraph 1 above are created subsequent to the employment of the affected staff or service employee, one of the persons affected must give up his or her position no later than 6 months from the date the relationship was established. Within 30 days after the relationship, as defined in paragraph 1 above has been established, the affected persons must inform in writing the university officer to whom the unit in which he or she is employed reports that such a relationship exists and must state which of the affected persons will relinquish his or her position.
- Should the written notification to the university officer fail to specify which of the affected persons will give up his or her position, it will be assumed that the party with the least seniority (length of continuous service from the last date of hire at the university) will relinquish his or her position. The person giving up his or her position may be re-employed within the university subject to the needs of the university.
3. Whenever any supervisor may propose because of the best interests of the university to employ a person, or to continue the employment of a person, in a position where he or she would be working in the same functional work unit with a relative or would be under the direct supervision of a relative as specified in paragraph 1, such supervisor shall prepare a written request for approval of such employment setting forth the reasons for the request. The request shall be submitted to his or her immediate supervisor for review and recommendation, through each higher supervisory level, to the university officer responsible for the affected unit. The university officer may reject the request or grant it subject to such conditions as he or she may deem appropriate and in the best interests of the university and in such a way as to be consistent with the general purposes of this policy as set forth above. If the request is granted, it shall be for a period of no more than 12 months and shall be conditional upon the annual review procedure set forth in paragraph 4.
 4. The university officer shall review annually each request previously approved. If the university officer finds that the circumstances under which the approval was granted have materially changed or that the conditions attached to the approval, if any, are ineffective or inadequate, he or she shall take such action as he or she finds to be in the best interests of the university, including termination of the employment or continuance of the employment under different conditions. The affected employee(s) may appeal the decision by the university officer as provided in section 4 of this policy through the appropriate grievance procedure -- Staff/Non-Bargaining Unit Affiliated with Staff or Service Personnel.

5. Students, graduate assistants, research assistants, and doctoral fellows employed by the university are covered under this policy.
6. If a university officer is made aware of possible violations of this policy, he or she shall have the matter investigated. If the facts alleged are found to be correct so as to establish a violation of this policy, the President may terminate the employees violating this policy or the person having administrative supervision of the affected employees may request, pursuant to paragraph 3, that the employment be continued, in which event the matter shall be treated as provided in paragraphs 3 and 4.
7. This policy applies to all persons employed after the effective date of the adoption of the policy. This policy also applies to persons whose employment precedes the adoption of this policy with the following exceptions:
 - a. persons who directly supervise another person related by family or marriage, or
 - b. persons related by family or marriage who are employed within the same functional work unit upon the effective date of the adoption of this policy shall not be subject to the provisions of this policy in regard to that supervisory relationship or working relationship as long as the incumbents remain in their current positions.

Effective date: October 2, 1987

3.4.3 Consensual Sexual or Romantic Relationships

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

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

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

3.4.4 Delinquent Accounts Owed the University

The "Procedures for Collecting Delinquent Accounts Owed the University" was updated and then passed by the Board of Trustees on January 29, 2010, 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. In addition, delinquency processing and late payment charges have been added to the revised policy. At the option of the university, delinquent accounts may be referred to collection agencies or pursued in court.

3.4.5 Equal Opportunity and Affirmative Action Policy

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

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, gender identity/gender expression, physical or mental disability, national origin, ancestry, age, or citizenship (for U.S. citizens and protected lawfully-admitted aliens).

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

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

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

Effective date: July 19, 2013

3.4.6 GLBA Information Security Program

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

3.4.7 Grievance Procedure for Staff Personnel & Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel

1. Applicability. A grievance is defined as a dispute between the university and a Staff Personnel or Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel employee or employees concerning the meaning or application of a university rule or regulation. All grievances shall be processed and disposed of in accordance with this procedure; provided, however:
 - a. Except as stated in subparagraph (b) below, if there exists a separate, university procedure for processing a grievance concerning the specific rule or regulation involved (e.g., parking violations), the grievance shall be processed and disposed of in accordance with that procedure.
 - b. If the grievance involves an employee's discharge or discipline and the employee alleges the discharge or discipline was, in whole or in part, due to discrimination relating 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 grievance shall be processed and disposed of in accordance with this procedure rather than the university's "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process," but in these circumstances the university's Vice President and General Counsel shall serve in an advisory capacity at each step of this procedure after Step 1 and two additional persons shall serve with the Staff Council Employee Relations Committee at Step 3.

An employee shall not have the right to pursue two separate procedures for a grievance, or grievances, arising out of the same event or circumstances.

If any question arises concerning the university procedure to be followed in processing or disposing of a particular grievance, the President of the university, in the President's sole discretion, shall determine the university procedure which shall be followed.

2. Procedure. Grievances subject to this procedure shall be processed and disposed of in the following manner:
 - a. **Step 1.** The aggrieved employee must submit his or her grievance, in writing, to his or her immediate supervisor within 10 calendar days following the occurrence of the event or circumstances giving rise to the grievance; in the absence of the immediate supervisor, the grievance may be submitted to the supervisor's designee. Within 3 workdays following receipt of the grievance by the supervisor, the supervisor, or his designee, will meet with the employee to discuss the grievance; the supervisor will give the employee a written answer to the grievance within 3 workdays following the meeting with the employee.
 - b. **Step 2.** If the employee wishes to further pursue the grievance, the employee must submit a copy of the written grievance and the immediate supervisor's answer to the employee's next higher supervisor within 3 workdays from the date of the Step 1 answer. Within 3 workdays following the receipt of the grievance at Step 2, the next higher supervisor will meet with the employee to discuss the grievance; the next higher supervisor will give the employee a written answer to the grievance within 3 workdays following the meeting with the employee.
 - c. **Step 3.** If the employee wishes to further pursue the grievance, the employee must, within 3 workdays from the date of the Step 2 answer, so advise the President of the Staff Council in

writing, and submit a copy of the written grievance along with copies of the Step 1 and Step 2 answers to him/her. Step 3 shall be conducted as follows:

- 1) Notice of Hearing. Upon receipt of an appeal, the President of Staff Council will notify the employee, the appropriate supervisor(s) and next higher supervisor(s) of the date, time and place the appeal will be heard. The date shall be within 5 workdays after the President of Staff Council receives the appeal.
- 2) Quorum and Challenges. The appeal shall be heard by the Staff Council Employee Relations Committee. A majority of the members of the Committee shall constitute a quorum. The employee, the supervisor(s) or the next higher supervisor(s) may challenge a member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present, conducted by secret ballot. In the event such challenges are upheld and a quorum could not thereafter exist, the President of Staff Council shall appoint additional ad hoc members for purpose of the hearing.
- 3) Procedure When Employee Alleges Discrimination. If the grievance involves the employee's discharge or discipline and the employee has alleged the discharge or discipline was, in whole or in part, due to discrimination relating 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 procedure at Step 3 shall be modified as follows:
 - a) Within 3 workdays after receipt of the appeal, the President of Staff Council will notify the employee and the appropriate supervisor(s) in writing of a time to meet in the office of the university's Vice President and General Counsel to choose two additional persons to serve with the Staff Council Employee Relations Committee to hear the appeal; the time so designated shall be within 7 workdays after receipt of the appeal. The two additional persons shall be chosen from among the 3 Equal Opportunity and Affirmative Action Complaint Appeals Board Panelists elected by Staff Personnel, pursuant to the university's "Complaint Investigation and Appeal Process." The employee shall choose one person and the appropriate supervisor(s) shall choose one person. If either the employee or the appropriate supervisor(s) fails to appear on or before the designated time to make a selection or otherwise fails to make a selection, the university's Vice President and General Counsel shall make that person's selection.
 - b) Within 3 workdays after the time designated by the President of Staff Council for the employee and appropriate supervisor(s) to choose the two additional persons, the university's Vice President and General Counsel shall notify the President of Staff Council of the names of the persons chosen. Upon receipt of this notification, the President of Staff Council will notify the employee, the appropriate supervisor(s) and next higher supervisor(s) of the date, time and place the appeal will be heard; the date shall be within 5 workdays after the President of Staff Council receives the notification from the university's Vice President and General Counsel.

- c) The 2 additional persons so chosen shall be counted in determining whether a quorum exists and construed in all respects as being members of the Staff Council Employee Relations Committee for purposes of this grievance procedure.
- 4) Witnesses. The employee, the supervisor(s) and the next higher supervisor(s) may invite such person or persons who have information relevant to the grievance to present testimony at the hearing; provided, however, the Committee may limit the number of witnesses to avoid repetition and cumulative testimony. Each party shall be responsible for insuring the presence of his or her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a witness unless a majority of the Committee members determine that such witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the grievance by the parties and by any member of the Committee.
- 5) Attendance at Hearing. In addition to members of the Committee, the employee, the supervisor(s) and the next higher supervisor(s) the following persons and no other are permitted to attend the hearing: the Associate Vice President for Human Resources and Administrative Services, the President of Staff Council, other university-affiliated persons whose presence is requested or approved by the Associate Vice President for Human Resources and Administrative Services, any person designated by the Committee to record, transcribe or prepare a summary of the evidence presented at the hearing, and the university employee selected to assist the aggrieved employee. In addition, when the grievance involves alleged prohibited discrimination, the university's Vice President and General Counsel or his/her designee shall attend. Witnesses called by either party who are not otherwise entitled to attend the hearing shall be present only while they are testifying. Failure, without good cause, of the aggrieved employee to appear and proceed at the hearing shall result in automatic denial of the appeal and the decision or determination appealed from shall become final.
- 6) Conduct of Hearing. The hearing shall be conducted in an informal manner and without reference to any technical rules for the admission of evidence, with a view towards providing the Committee with a complete understanding of the circumstances surrounding the decision which is being appealed. Irrelevant, immaterial and unduly repetitious evidence may be excluded. The chairperson of the Committee shall preside at the hearing and shall make all procedural rulings, which rulings may be reversed by a majority vote of the Committee members present.
- 7) Continuances. The Committee in its sole discretion may continue the hearing to a later time or times, within 48 hours after the starting time of the initial Step 3 hearing. With the approval of the Associate Vice President for Human Resources and Administrative Services, the Committee may continue the hearing to a later time or times more than 48 hours after the starting time of the initial Step 3 hearing.
- 8) Hearing Record. The hearing may, but need not be, tape recorded or transcribed at the discretion of the Committee; however, if a recording or transcription is not made, a summary of the evidence presented at the hearing shall be prepared. The tape, transcript or summary shall be given to the Associate Vice President for

Human Resources and Administrative Services with the Committee's findings and recommendation.

- 9) Determination by Committee. The Committee shall meet in one or more private sessions after the conclusion of the hearing to consider the evidence presented at the hearing and shall determine whether the appeal should be upheld or denied, setting forth in writing its reasons therefore. The Committee's determination shall be based solely on the documents and evidence presented or summarized at the hearing and/or the credibility and demeanor of the parties and witnesses who testified at the hearing or private meetings; provided, however, the Committee members may take official notice of matters which would be within the general experience or knowledge of employees of the university.
- 10) Additional Rules. Procedural rules not inconsistent with this grievance procedure may be established by the Committee to fulfill its investigative and fact-finding function in an orderly manner.

Within 5 workdays following conclusion of the Step 3 hearing, the Staff Council Employee Relations Committee will give its written findings and recommendations to the Associate Vice President for Human Resources and Administrative Services, the employee, the supervisor(s) and next higher supervisor(s). The copy of the findings and recommendations given to the Associate Vice President for Human Resources and Administrative Services shall be accompanied by a copy of the written grievance, the Step 1 and Step 2 answers, and any written evidence or documents submitted at the Step 3 hearing.

- d. **Step 4.** Within 14 workdays after receiving the Staff Council Employee Relations Committee findings and recommendations, the Associate Vice President for Human Resources and Administrative Services shall review the findings and recommendations and communicate his or her decision to the President of Staff Council, the employee, the supervisor(s) and next higher supervisor(s).

Within 7 calendar days after receipt of the Associate Vice President's decision, the President of Staff Council, the employee, the supervisor(s) and/or the next higher supervisor(s) may request an appointment with the Associate Vice President for Human Resources and Administrative Services to discuss the matter. The request shall be submitted in writing to the Associate Vice President and shall set forth such person's objections, if any, to the Associate Vice President's decision and the reasons therefore. At this conference only those persons may attend whom the Associate Vice President invites and only matters that relate directly to the appeal will be discussed. As a result of the conference, the Associate Vice President may: (1) reaffirm his or her original decision; (2) overrule or modify his original decision; or (3) refer the grievance back to the Staff Council Employee Relations Committee for a rehearing to consider relevant and material facts not presented to the Committee at the original hearing; provided, however, that the Associate Vice President may refuse to grant a rehearing if he or she determines that failure to present the facts at the original hearing was the fault of the party requesting reconsideration. If the Associate Vice President decides to refer the grievance back to the Staff Council Employee Relations Committee, that Committee will be reconvened to hear the additional facts. The Committee's findings will be presented to the Associate Vice President who will render a final decision based upon all the information presented at either the original hearing or the rehearing. The Associate Vice President shall communicate his or her decision to the

President of Staff Council, the Staff Council Employee Relations Committee, the employee, the supervisor(s), and next higher supervisor(s). The decision reached by the Associate Vice President for Human Resources and Administrative Services in this Step 4 is final and binding, unless within seven (7) calendar days after receipt of the Associate Vice President's decision the Staff Council Employee Relations Committee, by majority vote, requests review of the Associate Vice President's decision by the President of the university. Such a request shall be made only in unusual circumstances, shall be filed in writing with the President of the university and shall set forth the objections to the Associate Vice President's decision and the reasons therefore. The President of the university shall thereafter review the Associate Vice President's decision in such a manner as the President of the university, in his or her sole discretion, deems desirable. As a result of this review, the President of the university may: (1) affirm the Associate Vice President's decision; (2) overrule or modify the Associate Vice President's decision; or, (3) refer the grievance back to the Associate Vice President for such action as the President of the university may direct. If the grievance is referred back to the Associate Vice President, the results of the Associate Vice President's action will then be communicated by the Associate Vice President to the President of the university for final decision. When the Staff Council Employee Relations Committee requests review by the President of the university, the decision reached by the President of the university is final and binding.

3. Time Limits. To settle grievances expeditiously, certain time limits have been established in this grievance procedure. When an employee fails to follow any of the time limits, his or her grievance shall be considered settled and he or she may not pursue the procedure further. Failure on the part of a supervisor, next higher supervisor, and the Staff Council Employee Relations Committee, or the Associate Vice President for Human Resources and Administrative Services to answer within the time limits established shall not be considered acquiescence in the grievance by the university, but the employee may proceed with his or her appeal to the next step of the procedure, if any, upon expiration of the time limit involved, without waiting for such answer.

As used in this grievance procedure, a "workday" means Monday, Tuesday, Wednesday, Thursday and Friday; it does not include Saturday or Sunday.

Recognized university holidays and declared university closedown days shall not be applied in computing time limits under this grievance procedure.

All time limits specified in this grievance procedure may be extended only by written agreement of the aggrieved employee and the Associate Vice President for Human Resources and Administrative Services, except:

- a. If a grievance is not filed within 10 calendar days following the occurrence of the event or circumstances giving rise to the grievance, the Associate Vice President for Human Resources and Administrative Services, in his or her sole discretion, where he or she believes a valid excuse exists for such a delay in filing, may permit the grievance to be filed at a later date. Such permission is effective only if given in writing.
- b. If a request by the Staff Council Employee Relations Committee for review by the President of the university of a decision of the Associate Vice President for Human Resources and Administrative Services is not filed within 7 calendar days after receipt of the Associate Vice President's decision, the President of the university, in his or her sole discretion, may permit the request to be filed at a later date. Such permission is effective only if given in writing.

4. Employee Assistance. At any of the steps in this grievance procedure, an employee may be accompanied and assisted by an advisor of his or her choice who must be an employee of the university and agree to act as the employee's advisor.
5. Action by Designee. Whenever an action may be or is required to be taken under this policy by a supervisor, department head, the President of Staff Council, the Associate Vice President for Human Resources and Administrative Services, the Vice President and General Counsel, or the President of the university, the action may be taken by that person's designee.
6. Grievance Forms. Forms for submission of a grievance are available in University Human Resource Services.

3.4.8 Identity Theft Prevention Program

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

3.4.9 Job Duties and Responsibilities

Whenever an employee begins a new position, he or she will receive a job description for his or her position setting forth the essential functions of the position. Generally, the supervisor will explain the employee's job responsibilities and the performance standards expected of the employee. Job responsibilities may change at any time during employment, and an employee may be asked from time to time to work on special projects or to assist with other work necessary or important to the operation of the unit or the university. The employee's cooperation and assistance in performing such additional work is expected. The university reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

3.4.10 Job Posting Procedure

New and vacant positions may be filled from within the university by promoting qualified employees or from outside the university by qualified candidates. Employees interested in being considered for posted vacancies must submit the appropriate documents as defined in the advertisements listed on the university's website, www.bsu.edu/hrs, or as listed in newspaper advertisements. Deadlines listed in advertisements must be observed, including receiving appropriate documents in UHRS by 5 PM (4 PM during summer hours) by the deadline date published for external applicants.

In addition, for detailed information of posted jobs, contact the Human Resources Voice Information System (HRVIS), 285-8565.

3.4.11 Performance Period

A regular, full-time employee who is transferred or promoted to a different job will be required to satisfactorily complete a performance period of 3 continuous working months.

The performance period is a "getting acquainted" period which gives the employee an opportunity to decide if the employee is satisfied with the job and gives the university an opportunity to determine whether the employee can perform satisfactorily. Whether or not the performance period has been completed does not affect the fact that employment at all times is at the mutual consent of the university and the employee. Either may terminate the employment relationship at any time for any reason with or without notice.

If the performance period is not satisfactorily completed, the employee will be terminated. The Director of Human Resources may, under unusual and extenuating circumstances, extend the performance period for an employee. With the exception of certain jobs in the Department of Public Safety, under no circumstances can the performance period extend beyond 6 months of the employee's active service in the new position.

3.4.12 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 Performance Evaluation Form for Nonexempt Staff Personnel. The employee's signature indicates the employee has read and discussed the review but does not indicate that the employee is in agreement. A separate written response by the employee to any and all points may be attached to the Form. The employee has two weeks to submit the response to his/her supervisor. This completed Form with attachment if any is then filed in University Human Resource Services.

3.4.13 Probationary Period

A regular, full-time employee is required to complete a probationary period of 3 continuous working months. (For certain employees in the Department of Public Safety who are required to attend the Indiana Law Enforcement Academy after being hired, their probationary period is a maximum of 12 months after their original hire date OR 6 months after completion of the Indiana Law Enforcement Academy, whichever is sooner.) An employee will be referred to as a regular employee upon satisfactory completion of the probationary period.

The probationary period is a "getting acquainted" period which gives the employee an opportunity to decide if the employee is satisfied with the job and gives the university an opportunity to determine whether the employee can perform satisfactorily. Regardless of status, employment at all times is at the mutual consent of the university and the employee. Either may terminate the employment relationship at any time for any reason with or without notice. If the probationary period is not satisfactorily completed, the employee will be terminated. While in a probationary period, progressive discipline does not apply; and the employee cannot grieve a discipline or discharge action. An employee in a probationary period is not eligible to use any accrued vacation or sick leave benefits. Rehires also must complete a probationary period.

The Director of Human Resources may, under unusual and extenuating circumstances, extend the probationary period. With the exception of certain jobs in the Department of Public Safety, under no circumstances can the probationary period extend beyond 6 months of active service. An employee may not be required to serve a probationary period when the employee has been employed on a temporary, full-time basis for 3 continuous working months in the same job and is then assigned regular, full-time status in that same job.

3.4.14 Promotion

A promotion is a non-temporary movement to a position in a higher salary grade. The university generally will consider employees for promotions as well as external applicants by posting jobs on the university's website when vacancies occur. A performance period is required of an employee who gains a promotion. When an employee's position is upgraded as the result of a job audit, a performance period is not required. Under the promotion policy, an employee receives an increase in salary in accordance with the Compensation Policy on file in University Human Resource Services.

3.4.15 Reduction in Force for Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel

Policy:

1. It is the policy of the university to endeavor to provide continuing employment for Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel employees.

2. Reductions in the workforce which may be necessary for any reason will be accomplished through normal attrition whenever possible.
3. In addition to normal attrition, layoff due to lack of funds, lack of work or reorganization will be utilized as deemed necessary by the university.
4. Eligibility for recall shall apply only to those laid-off employees meeting the requirements stated below.
5. A Staff Personnel or Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel employee who is subject to layoff or who has been laid off shall be afforded a reasonable number of interviews for any open positions outside of the employee's work area (or subdivision) at the same or lower levels if University Human Resource Services deems he or she is qualified.

Applies to:

All regular, full-time Staff Personnel and Service Personnel employees not otherwise represented by a university recognized bargaining agent.

Definitions:

1. Layoff. The severance of an employee from the payroll with eligibility for recall. To be eligible for layoff, the employee must satisfy the following requirements:
 - a. Must be a regular full-time employee.
 - b. Must have completed the probationary period of service.
 - c. Must have a satisfactory work record.
2. Termination. The severance of an employee from the payroll without eligibility for recall.
3. Recall. The reinstatement of a laid-off employee to active status within a period which is the lesser of the employee's creditable service before layoff or 2 calendar years. In the event of recall the employee will retain the original service date but will not receive service credits for the period of an extended layoff. Accrued sick leave will be reinstated when the employee returns to work.
4. Length of Service. Continuous service calculated from the most recent date of hire as a regular full-time employee, except for periods in which the employee is in an extended layoff status.
5. Extended layoff. A layoff for a period in excess of 30 consecutive calendar days.

Order of Layoff:

1. Due to the nature of the work performed by Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel employees, the qualifications of the employee to fulfill the requirements of the work remaining shall be the prime factor in determining who is to be laid-off.
2. Where the qualifications of two or more employees to fulfill the requirements of the work are equal, the university will follow these priorities for reduction in force as much as practicable.
 - a. Temporary part-time before regular employees.
 - b. Temporary full-time before regular employees.
 - c. Employees in a probationary period before regular employees.
 - d. Employees with a shorter length of service before employees with a longer length of service.

Recall:

Employees who have been laid off from a work area (or subdivision) shall be recalled to available work, if any, in that same work area (or subdivision); employees with the greatest length of service will be recalled first, provided that they have the best qualifications to fulfill the requirements of the work.

Continuation of Insurance Benefits:

Except for salary continuance insurance which terminates on the last day of work, group insurance benefits may be continued for a period of 6 months by employees on layoff status by direct payment of the employee's share of the cost of the benefit programs to the Office of Payroll and Employee Benefits.

Notice of Reduction in Force:

When the university reduces the number of regular, full-time employees for a period in excess of 30 consecutive calendar days, the university will notify the affected regular, full-time employees in writing at least 30 calendar days prior to the effective date of their layoff. If the reduction in force is caused by emergency, government directive or decision or by Acts of God; such as a fire, storm, flood, power or mechanical breakdown, vital work stoppage or other causes of similar unforeseen nature beyond the control of the university, the 30 calendar day notice requirement is not required.

Termination of Layoff Status:

1. An employee on layoff status will lose all recall rights and be terminated upon the occurrence of any of the following:
 - a. Refusal to report for an interview at a time and place scheduled by the university.
 - b. Refusal to accept a position offered if the salary offered is equivalent to 80% or more of the employee's salary before layoff.
 - c. Refusal to return to work at a time specified by the university.
 - d. Expiration of the recall eligibility period.
2. Layoff status and attendant recall rights are also terminated should the employee accept regular employment with the university outside of the Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel employee groups. Refer questions to University Human Resource Services.

3.4.16 Resignation

An employee who resigns from the university after the beginning of the month following completion of the probationary period will be paid for accrued and unused vacation through the last day worked by the employee regardless of the effective date of the resignation.

3.4.17 Social Security Number Statement

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

3.4.18 Transfer

A transfer is a non-temporary movement to a position at the same or lower salary grade. A lateral transfer may result in a title change but does not result in a salary grade change. A transfer to a position in a lower salary grade may result in a salary reduction. A performance period is required of an employee who obtains a transfer.

4.0 ABSENCES FROM WORK

In some cases, the following programs are summarized. For program details and eligibility information, consult the benefits website: www.bsu.edu/payroll.

4.1 Absences with Pay

4.1.1 Compensation Policy for Declared and/or Specified University Close-downs

This section sets forth the compensation policy for certain university close-downs on days other than university holidays as previously described. Such close-downs shall be only as declared by the Board of Trustees and/or the President of the university and shall include declared days of mourning and days set aside to honor a specified person or event. The policy is applicable to unique, one-time close-downs that are generally of not more than one day's duration.

An employee who is scheduled to work but does not work due to the closing of the university for the reasons indicated will be paid according to the hours he or she was scheduled to work that day. (In other words, an employee will not suffer a loss in pay due to the closing of the university.) The hours for which an employee was scheduled to work but did not work due to the closing of the university are not counted as hours worked during the applicable workweek for purposes of overtime compensation for nonexempt employees. An employee who is in pay status but not scheduled to work will receive compensation according to his or her pay status. An employee who is not scheduled to work because of a scheduled day off or layoff status will not receive compensation.

If required to work to maintain essential or necessary services on the declared day, a staff employee will receive the regular rate of pay for the regularly scheduled workday plus the normal rate of pay for the hours actually worked. The employee will be considered to have worked or have been scheduled to work on the declared day if the majority of the regularly scheduled shift falls on the declared day.

This policy does not apply to close-downs or reductions in work force related to university vacation periods, energy or resource shortages, or other conditions beyond the university's control.

4.1.2 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. After being released by the court, an employee must return to work for the remainder of his/her regularly scheduled work shift.

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.

4.1.3 Funeral Leave

Funeral leave may be taken in the event of the death of an employee's immediate family or household:

Blood Relatives

Husband
Wife
Father
Mother
Son
Daughter
Brother

Step Relatives

Stepfather
Stepmother
Stepson
Stepdaughter

In-Laws

Father-in-law
Mother-in-law
Son-in-law
Daughter-in-law

Sister
 Grandmother
 Grandfather
 Grandchild
 Great Grandmother
 Great Grandfather
 Great Grandchild

Funeral leave is also extended to qualified same-sex domestic partners if they meet certain requirements as defined in the Board Report dated July 18, 2003.

The distance of funeral services from Muncie determines the period of leave as follows:

- 3 workdays - within a 150-mile radius of Muncie
- 4 workdays - between 150- to 300-mile radius of Muncie
- 5 workdays - beyond a 300-mile radius of Muncie
- 7 workdays - outside of North America.

(The additional days for travel are granted only when the employee travels to the services.)

Visit the website www.bsu.edu/hrs/leavesofabsence and click “Funeral Leave” to view a map used to determine days of funeral leave available.

Funeral leave may also be taken in the event of the death of a Staff Personnel member's other relative as listed below. Paid leave is limited to one workday.

| <u>Blood Relatives</u> | <u>Step Relatives</u> | <u>In-Laws</u> |
|------------------------|-----------------------|----------------|
| Uncle | Step-Father-in-law | Brother-in-law |
| Aunt | Step-Mother-in-law | Sister-in-law |
| Nephew | | |
| Niece | | |

With the exceptions as noted, the following rule applies:

If an employee is on a paid or unpaid leave at the time of the death of a family member (as defined within the funeral leave policy), funeral leave is not available to that employee.

Exception One: If an employee has taken an Emergency Leave, a non-intermittent Family and Medical Leave, or Sick Leave (limit of 40 hours per fiscal year) to care for a qualified family member, that leave terminates upon the death of the qualified family member and funeral leave would be available.

Exception Two: The employee is on an intermittent Family and Medical Leave.

Time off with pay may be granted to attend the funeral of a fellow employee. Such time off must be approved by the department head and University Human Resource Services and will be limited to the employees in the same work unit as the deceased employee. The interpretation of work unit will be the responsibility of the department head.

4.1.4. Holiday Pay when Shift Overlaps Two Calendar Days

If the workshift overlaps two calendar days, the calendar day on which the majority of the shift falls will be designated the official holiday for pay purposes.

4.1.5 Holidays

The following 9 holidays are recognized as university holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Day, and one additional holiday to be celebrated on a day declared by the President of the university. The university-designated holiday may or may not be on the same day as the calendar holiday. An employee will be entitled to the equivalent of 8 hours of pay for each of the aforementioned designated holidays provided the employee is in pay status for 40 hours (including holiday pay) during the workweek of the designated holiday.

The standard university workday is 8 hours; and the standard university workweek is 5 days. For most employees, the standard workweek occurs Monday through Friday; and the standard workweek is 40 hours.

The university, however, must provide some services on a 12, 18, or even a 24-hour per day basis and, in certain instances, must provide those services up to 7 days per week. Thus, the "normal" schedule for some employees varies considerably from the listed standards, although the total number of hours scheduled within the workweek is 40 hours. To accommodate the number of possible variations in work schedules under such a flexible system and to ensure equity among employees without regard to job assignment, all employees with holiday benefits will be eligible for the equivalent of 72 hours of holiday pay per year (8 hours per day times the 9 designated university holidays).

The vast majority of employees will be scheduled to work on the designated holiday, but they will not be required to work. This is the standard. However, there will be exceptions to that standard. For example,

1. Some employees may be regularly scheduled to work less than 8 hours on the day designated by the university to celebrate the holiday. Thus, they should be given time off on another day during the workweek equivalent to the difference between their actual scheduled number of hours and the standard 8 hours. For example, an employee is regularly scheduled for 6 hours, so he or she receives 6 hours holiday pay/time off that day and 2 hours holiday pay/time off another day during that workweek.
2. Some employees may be regularly scheduled to work more than 8 hours on the day designated by the university to celebrate the holiday. Thus, they should have their weekly schedule adjusted so that the difference between their actual scheduled number of hours and the 8 hours granted for the designated holiday is made up. For example, an employee is regularly scheduled for 10 hours, so he or she receives 8 hours of holiday pay/time off that day and is required to work the other 2 regularly scheduled hours on that day or on another day during that workweek.
3. Some employees may not be regularly scheduled to work on the day designated by the university to celebrate the holiday. Thus, they are still scheduled to work a 40-hour workweek and are not receiving a day off for the designated holiday. These employees should be given 8 consecutive hours off work on another day during that workweek.
4. Some employees may be required to work their regularly scheduled shift on the day designated by the university to celebrate the holiday. Thus, they are working a 40-hour workweek and are not receiving a day off for the designated holiday. These employees should be given 8 consecutive hours off work on another day during that workweek.
5. Some employees may be required to work more or less than 8 hours on the day designated by the university to celebrate the holiday. Regardless of the number of hours actually worked on the designated holiday, the equivalent time off/holiday pay granted during the workweek should equal 8 hours.

For each of these exceptions, it will be the responsibility of the supervisor to adjust the employee's schedule during the workweek within which the designated holiday falls to ensure that the employee receives the equivalency of exactly 8 hours of holiday pay. If an employee works on the designated holiday and is not given equivalent time off during that workweek, the employee will receive 8 hours of holiday pay to compensate the employee for the missed designated holiday.

When required to work on a calendar day on which a holiday falls but not required to work the university-designated holiday which falls either preceding or following the calendar holiday, an employee will be entitled to receive premium pay on the calendar holiday. When required to work on the university-designated holiday but not required to work on the calendar day on which the holiday falls, an employee will be entitled to receive premium pay on the university-designated holiday. If required to work a normal 8-hour shift on a calendar day on which a holiday falls and also required to work on the university designated holiday, an employee will be entitled to receive premium pay on the calendar holiday only. An employee cannot receive premium pay for both the university-designated holiday and the calendar holiday.

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

On the last university workday preceding both the designated Christmas holiday and New Year's holiday, the work shift for regular, full-time employees will normally be reduced by 2 hours. The reduced work shift permits time off with pay for employees who work a full 6 hours on these days to prepare for the holiday. Employees who work on these days and cannot be granted the 2 hours off will receive 2 hours additional pay at the regular straight-time rate.

4.1.6 Maternity Leave

Maternity Leave is leave 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 sick leave. Vacation days earned and available for use may be taken contiguous to paid sick leave days. A Maternity Leave will be counted against any leave entitlement required under the Family and Medical Leave Act.

4.1.7 Paid Sick Leave

The university sick leave policy is intended to encourage the accumulation of sick leave to cover extended illness. It is recognized that employees may become ill or injured, and, therefore, are unable to perform their assigned duties. Accumulated sick leave should not be considered as earned time off with pay and may not be granted for any reason other than for an absence due to illness or injury of the employee, including maternity-related conditions, or for the care of a family member during an illness or injury of that family member. The total paid sick leave hours used for the care of a family member shall not exceed 40 hours in any fiscal year. Paid sick leave applies only if the employee is regularly scheduled to work at the time of illness or injury. Abuse of sick leave may be deemed justification for discharge of the employee.

It is urged that all employees be impressed with the value of accumulating a balance of up to 720 paid sick leave hours to cover potential periods of extended illness or injury. An employee needs approximately 520 hours of accumulated sick leave to cover the **60-calendar day waiting period plus 30 calendar days** for processing time before receiving a check for long-term disability benefits under the university's salary continuance program. Additional processing time may be needed by the salary continuance insurance company for certain health care situations.

Paid sick leave is accrued beginning on the employee's effective date of employment; but for a new employee, it is not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. Only paid sick leave hours accrued and reported in Kronos on pay dates may be used. Paid sick leave must be used in 1-hour increments. A maximum of 720 hours of accumulated paid sick leave may be used during a fiscal year. For accrual rates, go to www.bsu.edu/hrs, click Employee Resources.

If absent from work because of illness or injury, 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 disapproval of sick leave benefits and/or disciplinary action up to and including discharge. 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 workshift.

The university may require for any sick leave, and particularly sick leave requested on the day before or after a paid holiday or vacation period, a medical statement from a health care provider confirming the illness of the employee before granting sick leave benefits. At its sole discretion, the university reserves the right to assign the unused sick leave balance or any portion thereof toward time taken off which would otherwise qualify for sick leave. Whenever an employee is on sick leave, including sick leave for maternity-related conditions, the employee may be required to submit to the university periodic statements from the employee's health care provider. Failure to provide requested evidence may result in disapproval of sick leave benefits and/or disciplinary action up to and including discharge.

Sick leave payments will cease whenever an employee enters a layoff status. If an employee is on a paid or unpaid sick leave and fails to return from the leave to the university and work one entire workshift, then the actual last day worked before the leave began will be the last day of employment at the university. Benefits will end on the actual last day of work before the leave began (health insurance continues through the end of the month in which the employee last worked). If the employee is in a qualifying Family Medical Leave, benefits may be continued through the period of the leave; and the employee will be charged for the university's share of premiums if she or he does not return to work for the specified time period. EXCEPTION: When the following circumstances occur, the employee's failure to return to work from a qualifying Family Medical Leave will not require the repayment of the university's portion of premiums paid during the leave: (1) the continuation, recurrence, or onset of a serious health condition; or (b) other circumstances beyond the control of the employee. Return to work requirements listed with each leave of absence still are in effect.

4.1.8 Vacation

Vacation is accrued beginning on the employee's effective date of employment; but for a new employee, it is not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. Only vacation hours that are accrued and reported in Kronos on pay dates may be used.

All vacation accrued in a work year must be used before the end of the following work year except balances of less than one hour will be carried forward to the next work year.

Holidays recognized by the university are not counted as a part of vacation. Extra pay in lieu of vacation is not allowable.

For accrual rates, go to www.bsu.edu/hrs, click For Current Employees. Vacation is accrued through the last day worked by the employee, regardless of the effective date of the resignation.

Vacations are to be scheduled in advance and at a time agreeable to the supervisor and in accordance with the needs of the department. Vacation is to be used in 1-hour increments; however, the request to use vacation in 1-hour increments will not be approved by the supervisor if the absence of the employee from the workplace would require that a substitute or replacement be employed. At its sole discretion, the university reserves the right to assign an employee's available vacation balance toward time off.

4.2 Absences without Pay

An employee's supervisor may authorize a leave without pay up to 10 consecutive workdays for an employee. Certain other leaves, as indicated below, require additional approval from the department head and University Human Resource Services.

Eligibility for certain leaves of absence without pay will be determined by the employee's length of service, the supervisor's and department head's recommendations, conditions of work loads within the department, and the reason the leave is being requested.

An employee may request or may be required to use all of his or her accrued paid vacation or sick leave according to established university and departmental policy relevant to the specific leave. Payment of vacation earnings will not extend the period of the leave. The leave may be canceled and the employee required to return to work if a change occurs in the circumstances under which the leave was approved.

Unless an employee has prior written approval from University Human Resource Services, the employee may not work for pay during a leave of absence; otherwise, the employee will be considered to have resigned from the university as of the date that the employee began such work. For certain leaves without pay, if the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave, he or she must repay the portion of the benefit costs paid by the university during the leave of absence.

An approved leave of absence without pay gives an employee the right to return to the same or similar position at the expiration of the leave, assuming the employee would have been continuously employed during the leave period.

Sick leave and vacation credits do not accumulate during a leave of absence without pay. For information on continuation of existing benefit plans during a leave, go to www.bsu.edu/hrs, click Employee Resources.

4.2.1 Child Care Leave

A leave of absence without pay of up to 6 months may be granted to an employee following the birth of an employee's child and after her physician has declared her able to return to work or following the adoption or foster care placement of a child. Child Care Leave combined with Pregnancy Leave cannot exceed 6 months in a "leave year."

Entitlement to Child Care Leave will begin on the date of birth, adoption, or foster care placement of a child and will end on the last day of the twelfth month following the beginning entitlement date. Child Care Leave is available to both female and male employees.

If the employee fails to return to work at the university on or before the expiration of the Child Care Leave, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave, he or she must repay the portion of the benefit costs paid by the university during the Child Care Leave.

To the extent that the Child Care Leave is also a Family and Medical Leave qualifying leave, it will run concurrently with Family and Medical Leave.

4.2.2 Emergency Leave

A leave of absence without pay of up to 6 months during a "leave year" may be granted to a full-time regular employee when such leave is necessary for an employee to provide care for a member of the employee's immediate family or household suffering from a serious health condition. To the extent that the Emergency Leave is also a Family and Medical Leave qualifying leave, it will run concurrently with Family and Medical Leave. Employees may be paid up to 40 hours of sick leave during each fiscal year for absences related to the care of a member of the employee's immediate family or household.

4.2.3 Extended Sick Leave

If an employee does not qualify for Family and Medical Leave or if this leave has been exhausted, he/she may be eligible to apply for an Extended Sick Leave from the university. For information on this program, please contact the Leave Programs Specialist in University Human Resource Services, 765-285-1036.

4.2.4 Family and Medical Leave

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

To qualify for Family and Medical Leave, the employee must meet all of the following conditions:

- have at least 12 months (need not be consecutive) of service at the university; and

- have worked at least 1250 hours during the 12 months immediately preceding the date the requested leave is to begin; and
- have a qualifying reason for taking Family and Medical Leave; and
- have a remaining balance of Family and Medical Leave.

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

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

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

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

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

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

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

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

An employee who returns from Family and Medical Leave with the exception of an employee designated as a "key employee" will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment as if the employee had been continuously employed during the Family and Medical Leave period. Ball State University will determine whether a position is an "equivalent position." An employee who fails to return to work and work for a period of 30 days will be required to reimburse the university for the portion of health premiums paid by the university during the employee's Family and Medical Leave. EXCEPTION: When the following circumstances occur, the employee's failure to return to work from a qualifying Family Medical Leave will not require the repayment of the university's portion of premiums paid during the leave: (a) the continuation, recurrence, or onset of a serious health condition; or, (b) other circumstances beyond the control of the employee. Additional medical certification may be required to substantiate the need to remain off work. Family and Medical Leave may run concurrently with other university leave programs including, but not limited to, Emergency Leave, Child Care Leave, Maternity Leave, or Worker's Compensation. If there is a conflict between the provisions of another university leave policy and the Family and Medical Leave Act, the Family and Medical Leave Act provisions will control.

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

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

4.2.5 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.

Benefit plans may be continued during Military Leave.

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 (biological child, adopted child, foster child, or stepchild), parent (defined as biological father or mother, adoptive father or mother, a court appointed guardian or custodian, a foster parent, or a stepparent), grandparent (defined as biological grandparent, an adoptive grandparent, a foster grandparent or a stepgrandparent), or sibling (defined as a biological brother or sister, a foster brother or sister, or a stepbrother or stepsister) of a person ordered to active duty in the United States armed forces or the National Guard. The employee must have been employed by Ball State University for at least 12 months and have worked at least 1,500 hours during the 12-month period immediately preceding the day the leave begins. The employee is expected to provide written notice and a copy of the active duty orders if available before taking the leave. The employee may take the leave of absence during one or more of the following periods: 1) during the 30 days before active duty orders are in effect; 2) during a period in which the person ordered to active duty is on leave while active duty orders are in effect; 3) during the 30 days after the active duty orders are terminated. An employee taking such leave is to be restored to the position the employee held before the leave or to an equivalent position. Also, the employee may continue the employee's health care benefits with the university continuing to pay 75% of the premium contribution. An eligible employee may elect or an employer may require the employee to substitute any earned paid vacation, personal leave, or other paid leave except for paid medical or sick leave available to the employee for leave during the ten-day period. An employee may be eligible for child care assistance from the Indiana Military Family Relief Fund. (2009 SEA 356)

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

4.2.7 Mutual Leave

A leave of absence without pay of up to 6 months may be granted when a leave is mutually convenient for the employee and the university, provided a replacement is not required.

For an employee with over 1 year of continuous full-time service, benefit plans may be continued during the Mutual Leave.

If the employee fails to return to work at the university on or before the expiration of the Mutual Leave, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave, he or she must repay the portion of the benefit costs paid by the university during the Mutual Leave.

Mutual Leave is not considered leave entitlement under the Family and Medical Leave Act.

4.2.8 Personal Leave

A leave of absence without pay of up to 3 months may be granted under special circumstances. Personal Leave may be extended an additional 3 months, not to exceed 6 months' duration. Benefit plans are not continued during a Personal Leave. Personal Leave is not considered leave entitlement under the Family and Medical Leave Act. If the employee fails to return to work at the university on or before the expiration of the Personal Leave, the employee will be considered to have resigned from the university.

4.2.9 Pregnancy Leave

A leave of absence without pay of up to 3 months per "leave year" may be granted to a pregnant employee prior to the time she and her physician determine she is unable to work. No extension will be granted. Pregnancy Leave and Child Care Leave combined cannot exceed 6 months.

For an employee with over 1 year of continuous full-time service, benefit plans may be continued during the Pregnancy Leave.

Pregnancy Leave is not considered leave entitlement under the Family and Medical Leave Act.

4.2.10 Study Leave

A leave of absence without pay of up to and including 12 months may be granted to an employee to provide an opportunity to gain additional education and skills to better fulfill the specified responsibilities of an employee's present or future position at the university.

An employee is eligible to apply for such a leave if the employee has been employed at least 5 years at the university. A Leave for Study requires the approval of the supervisor, department head, and University Human Resource Services.

For an employee with over 5 years of continuous full-time service, benefit plans may be continued during the Leave for Study.

Generally, a Leave for Study must be: (1) related to an employee's present position at the university; or (2) related to an employee's potential development with the university; or (3) part of a program leading to a degree.

If the employee fails to return to work at the university on or before the expiration of the Leave for Study, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave, he or she must repay the portion of the benefit costs (including Educational Assistance) paid by the university during the Leave for Study.

An employee on an approved Leave for Study may enroll for up to 18 credit hours per fall semester and/or spring semester and up to 18 credit hours during any combination of summer sessions under the Educational Assistance Program.

4.2.11 Voting

An employee who is scheduled to work during the hours in which polls are open for local, state, and national elections may be permitted time off without pay, not to exceed 4 hours, to vote on election day. Such time off for voting must be arranged in advance with the supervisor.

5.0 EMPLOYEE CONDUCT

5.1 Anti-Harassment Policy

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

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

Effective date: July 19, 2013

5.2 Background Checks for Employment

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

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

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

5.3 Bloodborne Pathogens/Universal Precautions

The university complies with the Occupational Safety and Health Act’s Bloodborne Pathogens Standard as adopted pursuant to the Indiana Occupational Safety and Health Act. In compliance with this Standard, all employees are required to use “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. See last page of this *Handbook* for procedure for “universal precautions.”

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

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

If a decision is made to cancel classes and/or curtail services, the Vice President for Business Affairs and Treasurer will assume the responsibility as coordinating officer. In the absence of the Vice President for Business Affairs and Treasurer, the Vice President for Enrollment, Marketing, and Communications will be the coordinating officer. The procedure applies to all on-campus classes, including evening and Saturday classes. The Assistant Provost for Learning Initiatives will be the coordinating officer for off-campus classes.

Announcements regarding cancellation of classes and/or services will be communicated by text message (to those who have subscribed), email, the homepage (www.bsu.edu), local radio, and Indianapolis TV stations. If there are no announcements, assume that classes will be held and the university will remain open.

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

5.5 Code of Ethics Statement

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

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

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

5.6 Conflict of Interest and Conflict of Commitment Policy (Performing Outside Services Activities)

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 Research Integrity for issues regarding this policy or the one listed below, “Outside Services Activities of Employees.”

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

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

2.1 Promote religion.

2.2 Attempt to influence legislation or governmental policy, or

2.3 Attempt to influence elections to public office;

And the services may only occur:

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

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

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

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

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

Exceptions.

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

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

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

5.7 Driving Privileges Policy

The safety of Ball State University's students, faculty, staff, and the public is a central concern to the University. This policy governs the use of BSU's vehicles by applicable individuals and is designed to

support safe and prudent use of BSU owned, leased, or rented vehicles and personally owned, leased, or rented vehicles used on University business. An approved driver must immediately report to his/her supervisor any incident or situation such as moving violations, license suspension or revocation, medical restrictions which may interfere with driving, or any other incident or situation that may result in a suspension or termination of university driving privileges as enumerated in the driving policy. Go to www.bsu.edu/facilities and click Transportation to review the entire policy.

5.8 Drug Abuse Policy

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

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

- referral to the Employee Assistance Program for evaluation and assessment to determine appropriate treatment for rehabilitation;
- participation in a drug rehabilitation program;
- suspension from the university; and/or
- termination of employment.

For a copy of the complete policy text, contact the Human Resources Programs Coordinator in University Human Resource Services.

5.9 Electronic Devices Policy

Electronic devices including all cellular telephones and email devices are valuable tools to enable staff to fulfill the needs of the university. The best method for electronic device usage is for the employees to purchase and maintain their own contract for services. The university will then provide a technology allowance payment to offset the business use of the personally owned device. In limited situations, department heads may authorize the use of university owned electronic devices for short-term events, emergency purposes, or multiple staff needing to share a single device with dean or vice president approval.

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

5.10 Emergency Responses (Fires and Tornadoes/Severe Weather)

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

If the audible fire alarm sounds, evacuate the building. Shut off any gas in your area. Leave immediately; do not delay to locate personal items. Try to make sure that all members of your department hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms,

etc. as you exit. Use the nearest stairway. Do not use the elevator. If requested, accompany and assist persons with disabilities. Shut all doors behind you as you go. Closed doors can slow the spread of fire and smoke. Evacuate as quickly as possible but in an orderly manner. Do not push or shove. Once outside, move at least 100 feet from the building. Meet at a predetermined location to account for all members of your unit. Return to the building only when given the “all clear” by university police or other proper emergency personnel. Do NOT assume that when the audible alarm stops that it is safe to enter the building. There are many possible reasons for the alarm to stop sounding.

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

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

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

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

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

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

5.11 Hazard Communication Standard

The university complies with the Occupational Safety and Health Act Hazard Communication Standard as adopted 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 Office of Environmental Health and Safety in Facilities Planning and Management has overall responsibility for the program.

5.12 Minors, Policy on

Ball State University, as part of its educational mission, has many University programs and activities that include minors, who are defined as persons under the age of eighteen. Such programs and activities include, but are not limited to, camps, lessons, workshops, clubs, teams, projects, practices, tours, research, or open-houses, but excludes single performances or events open to the general public such as athletic competitions, plays, or concerts and regularly scheduled classes or activities designed primarily for enrolled students who are age 17 and above. This definition may not capture certain circumstances in which minors are present on campus, and further consideration will be given as to whether they fall within the

scope of the policy. The purpose of this policy is to provide appropriate protection and safety for minors who are involved in all programs and activities taking place on the Ball State University campus or under the authority and direction of the University at other locations. This policy applies to all University units and departments, including but not limited to, Athletics, Sports Facilities, Burriss Laboratory School, and the Indiana Academy for Science, Mathematics, and Humanities, and to all University employees, contractors or volunteers who interact with, supervise, chaperone, or otherwise oversee minors in program activities. To review the entire policy, please go to the university's website at www.bsu.edu.

5.13 NCAA Rules and Regulations

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

5.14 Pet Policy

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

Violations of the university Pet Policy will be dealt with in accordance with university rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and Student Family Housing Apartments, will have action taken in accordance with "Conditions of Occupancy" for Student Family Housing, and "Policies of University Residence Halls" for the Residence Halls. Provisions of this policy do not apply to seeing eye or guide dogs or to police or K9 dogs while such animals are performing their duties under supervision. The Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

5.15 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 workstation occupied are required. A satisfactory level of performance on each of the tasks and responsibilities identified in the position description or assigned by the supervisor must be maintained. Reporting to work while under the influence of alcoholic beverages or other controlled substances is unacceptable.

The examples of violations discussed in the above paragraph are meant to be illustrative and should not be considered to be exhaustive. The university supports both a progressive disciplinary policy and performance appraisal system to ensure that deficiencies in either behavior or performance are communicated to the employee by the supervisor. The goal of both the progressive disciplinary policy and the performance appraisal system is to communicate directly to the employee the patterns of behavior or levels of performance required to continue employment at the university.

The university's progressive disciplinary policy ranges from a verbal warning to discharge. The usual four-step disciplinary procedure is as follows:

- Step 1 - Verbal Warning
- Step 2 - Written Warning
- Step 3 - Suspension (Generally without pay)
- Step 4 - Discharge

Because the seriousness of the infraction or the presence of extenuating or aggravating circumstances determines the type of discipline administered, not all four steps of the progressive disciplinary procedure will be exercised in every instance. For example, threatening anyone, fighting, or the theft of employee, student, or university property are particularly serious offenses and may result in the immediate discharge of the offending party.

A grievance procedure has been established to provide a method for resolving disputes between the university and an employee or employees concerning the meaning or application of a university rule or regulation. The "Grievance Procedure for Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel" appears on other pages of this *Handbook*.

Prior to submitting formal grievances, however, employees should discuss concerns or problems with their supervisors. Most employee problems or concerns are resolved through such informal discussions.

5.16 Sexual Harassment Statement

For sexual harassment statement, see Appendix A.

5.17 Smoking Policy

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

1. As used herein, tobacco includes but is not limited to cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco and any non-FDA approved nicotine delivery device.
2. Tobacco use is prohibited on Ball State University campus.
3. Tobacco use is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.
4. Tobacco use is prohibited in all university housing units.
5. Tobacco use will be permitted in the tailgating areas on home football game days only; otherwise, the area is to be tobacco free.
6. University regulated parking areas are included in the ban. Tobacco use in enclosed personal vehicles will be permitted as long as users contain smoke and tobacco products inside the vehicle (e.g., windows must be closed). Failure to do so is a violation of this policy.
7. Adherence to this policy is the responsibility of all members of the University community. It is expected that students, faculty, staff, University affiliates, contractors and visitors to campus will comply with this policy. Members of the University community are empowered to respectfully inform others about the policy to ensure compliance. Primary enforcement of this smoking policy

will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, Public Safety personnel, and other designees.

- A. Failure to comply with this policy shall result in a fine of \$100 per occurrence.
 - B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from the assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.
 - C. Citations may be applied through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.
 - D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.
8. This smoking policy shall be effective August 1, 2013.

5.18 Social Media Policy

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

Both in professional and institutional roles, employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with students, parents, alumni, donors, media, and other university constituents apply online as in the real world. Employees are liable for anything they post to social media sites. For the entire policy, go to www.bsu.edu/umc.

5.19 Title IX Compliance

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

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

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

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

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

5.20 Use of University Technology

Information technology plays a crucial role in the delivery of Ball State University's educational mission. In making use of these shared resources, members of the University community have a

responsibility to help create an intellectual environment in which students, faculty, and staff may feel free to create and collaborate with colleagues both on and off campus without fear that the products of these efforts will be violated by misrepresentation, tampering, illegal access, destruction, or theft. The policy outlines the ethical and acceptable use of information systems and resources at Ball State University as well as the duties and responsibilities incumbent upon everyone who makes use of these resources. For the entire policy, please go to www.bsu.edu/security/itpolicy.

5.21 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, material and devices that, in the manner they are used, could ordinarily be used, or are intended to be used, are readily capable of causing serious bodily injury. The items described in clause (c.) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than 3 inches long), tear gas, chemical substances, brass knuckles, clubs, or chains.

6.0 OTHER BENEFITS

In some cases, the following programs are summarized. For program details and eligibility information, go to www.bsu.edu/hrs or www.bsu.edu/payroll.

6.1 Employee Assistance Program

The Employee Assistance Program (EAP) provides confidential assistance to the employee who experiences personal problems that alter work performance or attendance. If ignored, personal problems can jeopardize an employee's health, have a serious impact on lives or families, and on the ability to perform a job. Problems may be the result of alcoholism, drug abuse, emotional, marital, parent/child relationships, grief, or other concerns.

The decision to seek help and accept treatment is the responsibility of the employee. The university recognizes the need to make the services of the EAP accessible to an employee who requests assistance in overcoming personal problems.

Problems not directly associated with an employee's job function can have an adverse effect on job performance and health. Often, an employee will overcome such difficulties. Normal supervisory assistance can serve to motivate and guide the employee and help resolve problems in order to bring the job performance back to an acceptable level.

The objective is to assist the employee in a manner consistent with good therapeutic and business practice. Without altering or amending any of the rights or responsibilities of the employee or the university, it is the policy to handle such problems within the following framework:

- An employee participating in the EAP 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 EAP, the employee should not expect any special privileges or exemptions from standard personnel practices.
- An employee may seek assistance under the program by self-referral, referral by the supervisor, or referral by a family member.

Although assistance through the EAP is voluntary, if job performance or attendance problems persist, the supervisor must proceed with disciplinary action.

The Ball State University EAP complies with applicable state and federal regulations with regard to the confidentiality of program records. For additional information, contact the Office of WorkLife Programs, University Human Resource Services, 285-1187.

6.2 Class Attendance

On approval of the supervisor, the department head, and the Director of Human Resources, an employee may be permitted to attend a class at Ball State University during the workday if such class is pertinent to the job and will better qualify the employee for the employee's job. In such cases, the class time must be reported as vacation time in 1-hour increments, or arrangements must be made with the supervisor and/or department head and the Director of Human Resources for a change in scheduled work hours to make up the time lost. NOTE: No more than one such class may be taken during the employee's scheduled working hours.

6.3 Remitted Tuition Benefits

6.3.1 Educational Assistance Program

An employee who meets normal admission requirements of the university and who is in a probationary period wishing to take undergraduate classes or a non-probationary employee wishing to take graduate classes may enroll for up to 6 credit hours per fall semester, 6 credit hours per spring semester, and a total of 6 credit hours during any combination of summer sessions is entitled to a remission of 100% of basic tuition for students with at least one main campus course, and 50% of basic tuition for students with no main campus courses (student services and special fees excluded). An employee on an approved Leave for Study may enroll for up to 18 credit hours fall semester, 18 credit hours spring semester, and 18 credit hours during any combination of summer sessions under this Program. This Program is administered through University Human Resource Services (285-1834).

Classes may be audited (no university course credit) without cost to the employee. Go the Office of Admissions (for undergraduate classes) or the Graduate School (for graduate classes) for instructions.

Effective date: July 19, 2013

6.3.2 Tuition Remission Program

An employee who meets the normal admission requirements of the university and who has completed his/her probationary period may enroll for up to 6 credit hours per fall semester, 6 credit hours per spring semester, and a total of 6 credit hours during any combination of summer sessions at no cost to the employee (i.e., full remission of basic tuition and the student services fee, excluding special fees). This Program is administered through University Human Resource Services (285-1834).

Effective date: July 19, 2013

6.3.3 Remission Program for Retirees (Under the Age of 60)

The following three programs: Fee Remission Program for Spouses and Dependent Children, Educational Assistance Program, and Fee Remission Program for Persons Age 60 Years and Over have been revised to allow eligible Ball State University retirees (staff and service personnel who have been granted retirement status or faculty and professional personnel who have been granted emeritus status) to receive remission of fees for undergraduate and graduate courses equal to the greater of the contingent portion of general fees and special course fees or 50 percent of total fees. The Fee Remission Program for Retirees is applicable to retirees as defined above under the age of 60 years of age. Payroll and Employee Benefits and the Bursar's Office can provide information on this program.

6.3.4 Fee Remission Program for Spouses and Dependent Children

This Fee Remission Program provides spouses and dependent children of eligible employees with the opportunity to enroll in undergraduate course work for credit at a reduced cost. For information about this Program, contact Payroll and Employee Benefits (285-8461).

6.3.5 Reduced Fees for Persons 60 Years of Age or Older

Employees, their spouses, and other persons 60 years of age and older who are not otherwise eligible for university fee remission programs are eligible for 50% reduction of the course fees, exclusive of laboratory fees and other special charges, for university courses or programs offered on campus for which such persons are properly qualified. This program includes enrollment in Independent Study course work. Payroll and Employee Benefits and the Bursar's Office can provide information on this program.

6.3.6 Staff Development Program

An employee who is requested by his/her department head to enroll in course work to enhance his/her skills to meet the needs of the university may have fees or a portion thereof paid. Course work must be directly related to the employee's present position and responsibilities or directly related to the employee's potential assignment within the university. Time away from work to attend such class(es) is considered part of the employee's regular work schedule. University Human Resource Services can provide information about this Program (285-1847).

6.3.7 Limits on Fee Remission Programs

An employee is eligible for remission of fees for fall semester, spring semester, or any combination of summer sessions under only one of the following programs: the Fee Remission Program, the Educational Assistance Program, or the Reduced Fees for Persons 60 Years or Older Policy.

6.4 Staff and Service Personnel Recognition Award Programs

The university annually recognizes and honors employees for achievements and dedication. Each spring, about 200 staff and service personnel are recognized for years of service, (beginning at 10 years and at 5-year increments thereafter), retirement, meritorious service, outstanding achievements, and completion of specialized training programs.

6.5 Training (Learning and Development)

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.

6.6 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 6-county area, Employee Assistance Program (EAP), and information on agencies and services available to the elderly and their families.

Another service includes 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]. Additionally, WorkLife Programs also coordinates the annual staff and service personnel recognition award programs.

APPENDIX A

Ball State University Statement on Sexual Harassment Equal Opportunity and Affirmative Action

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

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

4. Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment – such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting.

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

5. Examples of conduct which may constitute sexual harassment include but are not limited to:
 - 5.1 requests for sexual favors;
 - 5.2 unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or brushing another's body;
 - 5.3 veiled suggestions of sexual activities;
 - 5.4 requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
 - 5.5 use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class;
 - 5.6 use in the workplace of sexual jokes, stories or images in no way germane to the subject of the work environment;
 - 5.7 remarks about a person's body or sexual relationships, activities or experience that are in no way germane to the subject of the work or academic environment;
 - 5.8 use of inappropriate body images to advertise events.
6. Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an

individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accused's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determine whether the behavior constitutes sexual harassment.

7. The University will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation – or encouragement of another to retaliate – is a serious violation of University policy and law, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes he or she has been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.
8. Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the *“Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.”* A copy of this document may be obtained by contacting the Office of University Compliance.
9. The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for an appropriate response.
10. Any dean, chairperson, director or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.
11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:
 - 11.1 oral or written reprimand, placed in personnel file;
 - 11.2 required attendance at a sexual harassment sensitivity program;
 - 11.3 an apology to the victim;
 - 11.4 loss of salary or benefit, such as sabbatical or research or travel funding;
 - 11.5 transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
 - 11.6 demotion;
 - 11.7 suspension, probation, termination, dismissal or expulsion.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program.

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

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

UNIVERSAL PRECAUTIONS

Procedure for Handling Blood and Other Potentially Infectious Material

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



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

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

Ball State University Health Education Phone: 765-285-3775

visit: www.bsu.edu/healtheducation

Source: CDC