

**Handbook
For
Regular, Part-Time
Service Personnel**

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INTRODUCTION

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

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

MISSION, VISION, AND CUSTOMER SERVICE

Vision – “Ball State aspires to be the model of the most student-centered and community-engaged of the 21st century public research universities, transforming entrepreneurial learners into impactful leaders—committed to improving the quality of life for all.”

Mission – “We engage students in educational, research, and creative endeavors that empower our graduates to have fulfilling careers and meaningful lives enriched by lifelong learning and service, while we enhance the economic, environmental, and social vitality of our community, our state, and our world.”

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.

BENEFICENCE PLEDGE

Pledge to maintain high standards of scholarship and excellence – To work with students, faculty, and staff to strengthen teaching and learning on campus. **Pledge to practice academic honesty** – To model and uphold academic integrity, to honor their peers and earn the trust and respect from all members of the community. **Pledge to act in a socially responsible way** – To treat each person in the Ball State community with civility, courtesy, compassion, and dignity; to respect the property and environment of the campus. **Pledge to value the intrinsic worth of every member of the community** – To respect and learn from differences in people, ideas, and opinions.

DEFINITIONS

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

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

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.

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

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

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.

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

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

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

EMPLOYMENT

General Information

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

Statement on Rights and Responsibilities

Freedom of expression is enshrined in the First Amendment to the United States Constitution and Ball State University's Bill of Rights and Responsibilities. Therefore, Ball State University is committed to free and open inquiry in all matters, and our University guarantees all members of the University community—including students, faculty, staff, and visitors—the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of our University, Ball State fully respects and supports freedom of expression of all members of the University community. Our University endeavors to maintain a culture and community that will inspire our members to pursue knowledge with rigor and curiosity, to speak with care, and to work so that even the quietest or most underrepresented voices among us are heard. In the Beneficence Pledge, members of the Ball State community “pledge to value the intrinsic worth of every member of the community/To respect and learn from differences in people, ideas, and opinions.”

The ideas of different members of the University community will often and quite naturally conflict. It is not the proper role of our University, however, to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Our University greatly values civility, and all members of the University community share in the responsibility for maintaining a climate of mutual respect. But concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, irrespective of how offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, though, mean that individuals may say whatever they wish, wherever they wish. Our University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, our University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of our University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with our University's commitment to a completely free and open discussion of ideas.

Simply put, our University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for our University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of our University's educational mission.

As a corollary to our University's commitment to protect and promote free expression, members of the University community must also act in conformity with the

principle of free expression. Members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus. But they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, our University has an enduring responsibility to promote a lively and fearless freedom of debate and deliberation and to protect that freedom when others attempt to restrict it.

Ball State's commitment to freedom of expression comports with our commitment to inclusive excellence, which encompasses encouraging and rewarding diversity of thought, innovation, and creativity. We define inclusiveness, one of our University's enduring values, as a commitment "to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions." As members of the Ball State University community, we will provide opportunities for all to express their opinions. It is our hope that, as we engage in free expression, we will learn to be comfortable in the dissidence that opposing views can often evoke. Freedom of expression is a powerful tool for testing ideas, for learning, and for growth. We pledge to keep inclusive excellence at the highest level of institutional importance and as a foundation in all that we do.

Adapted from the Report from the Committee on Freedom of Expression at the University of Chicago, 2014.

Probationary Period

A regular, part-time employee is required to complete a probationary period of 120 calendar days. An employee will be referred to as a regular, part-time employee upon satisfactory completion of the probationary period. If the probationary period is not satisfactorily completed, the employee will be terminated. While in a probationary period, progressive discipline does not apply. Rehires also must complete a probationary period. The probationary period may be extended by the University by the number of days the employee is absent from work.

Job Duties and Responsibilities

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

Contact Information

It is the responsibility of the employee to keep the University apprised of his or her correct phone number and mailing address. The employee's immediate supervisor and Payroll & Employee Benefits should be promptly notified of any changes in contact information.

Dress Code

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

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 work shift. An employee may be allowed five (5) minutes at the end of the work shift to change into street clothes. The University reserves the unilateral right to rescind any portion of a departmental or university-wide uniform policy.

Physical Examinations

The University may require any employee to undergo a medical examination by a healthcare provider of the University's selection at the University's expense.

Telephone Use

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

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

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

Use of University Vehicles and the Driving Privilege Policy

A driver must have a valid 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 and Bureau of Motor Vehicle (BMV) requirements.

The safety of Ball State University's students, faculty, staff, and the public is a central concern to the University. A Driving Privileges 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.

Personal use of a University vehicle is prohibited. Seat belts must be worn at all times. Cell phones should not be used while driving, and the use of tobacco, alcohol, or drugs by persons using University vehicles is strictly prohibited. If an employee knows or suspects other University employees are driving or about to drive while drug or alcohol

impaired, it is the responsibility of the employee to attempt to verbally persuade the impaired employee to refrain from driving, and if this effort is unsuccessful, the employee should contact the University Police at 285-1111 and advise them of the circumstances. An employee should also follow-up with his/her supervisor regarding the concern.

Accidents in University vehicles, regardless of the extent of damage, must be investigated by the police and reported to Transportation Services (at 285-1022) immediately. Employees should remain at the accident scene until the investigating police officer advises otherwise.

If an employee is taking a prescription or over-the-counter drug that will affect motor skills and perceptual abilities or which otherwise cautions against driving while taking the drug, an employee must notify his/her supervisor of the name of the drug and how long it will be taken. At the discretion of the University, an employee may be temporarily reassigned to a non-driving assignment or prohibited from working while on the drug. Failure to notify the University of such drug use prior to driving will result in disciplinary action. The full *Driving Privileges Policy* can be found in Appendix A-1.

Essential Services Personnel

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

Weather and Emergency Information and Cancellation of Classes and/or Curtailment of Services

Employees may sign-up to receive emergency text alerts on the Communications Center at the University’s website.

Under certain emergency conditions it may become necessary to cancel classes and/or curtail services. 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, Indianapolis TV stations, and 285-WORK (285-9675). If there are no announcements, assume that classes will be held and the University will remain open. Specific questions and/or problems should be directed to the employee’s supervisor.

In the event that classes are cancelled but the University remains open, employees who are scheduled to work should report to work. However, with the exception of essential services personnel, employees who are unable to report to work because of weather or emergency conditions may, with their supervisor’s approval, use Paid Time Off (PTO).

If there are no classes and the University closes, all essential personnel—those who have been advised by their supervisors that they are essential services personnel—should report to work as scheduled and/or follow instructions given to them by their supervisors about reporting to work. All other employees should continue to monitor announcements regarding the re-opening of the University and report to work as scheduled once the University has re-opened.

Performance Review

On an annual basis, an employee will have a written review and discussion of his/her performance and job related behavior conducted by his/her supervisor. At the supervisor's direction, written reviews may be undertaken more frequently. Performance reviews are designed to help an employee understand his/her responsibilities and to show how to improve his/her job performance and job related behavior. The supervisor will explain the review, and the employee will be asked to sign the Employee Performance Appraisal form. An employee's signature indicates the employee has read and discussed the review but does not indicate that the employee is in agreement. Under all circumstances, an employee will have an opportunity to respond in writing to any part of the evaluation covered by the supervisor. An employee's response will be attached to the Employee Performance Appraisal form and filed in University Human Resource Services.

Transfers

Transfer from Part Time to Full Time

Paid Time Off (PTO) will be earned beginning with the date of regular, full-time employment. A part-time employee who earned PTO prior to the full-time position may continue to use those hours.

- ◆ A part-time employee interested in being considered for a posted external full-time vacancy must go to the University's website: <https://bsu.peopleadmin.com> and complete an application between 12:00 a.m. Monday and no later than 11:59 p.m. on Thursday of the week in which the job is posted.

Transfer from Full Time to Part Time

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

- ◆ A full-time employee interested in being considered for a posted external part-time vacancy must go to the University's website: <https://bsu.peopleadmin.com> and complete an application between 12:00 a.m. Monday and no later than 11:59 p.m. on Thursday of the week in which the job is posted.

Resignation

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

Absences, Job Injuries, and Return to Work

Reporting Absences

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

Injuries On-the-Job

Regardless of the nature or severity, all injuries incurred on the job must be reported to the employee's supervisor immediately. Any employee who fails to report an injury during the shift on which the injury occurred will be subject to disciplinary action. 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 285-1103. The accident report may be printed from the BSU website and found under Forms on the Employee Relations website.

The University Health Center provides and/or directs all 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. Summer hours are 7:30 a.m. to 3:30 p.m. Monday through Friday.

Employees injured outside of Health Center 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 Concentra medical clinic on 4125 W. Clara Lane. Concentra hours are 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. Another option which is available from 8:00 a.m. to 8:00 p.m. seven days a week is WellNow Urgent Care located at 1313 W. McGalliard (intersection of Wheeling and W. McGalliard).

After Concentra/WellNow's hours or because of the severity of the injury, IU Health's Ball Memorial Hospital Emergency Room is open twenty-four (24) hours a day every day.

In emergency situations immediately following an on-the-job injury, emergency care is covered by Worker's Compensation. However, the University retains the right to direct medical treatment, and after the ER visit the injured employee must seek follow-up treatment at the University Health Center the next day the Health Center is open. Non-emergency treatment not requested and authorized by the University is not covered by worker's compensation.

If an employee is injured while on authorized travel outside 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.

An injured employee who is sent home by a University physician will be paid for the remainder of the workday on a one time basis per injury. Worker's compensation temporary total disability (TTD) benefits begin on the 8th calendar day of disability and the

benefit is typically 2/3 of an employee's average weekly wage (AWW) at the time of injury.

For injuries on the job that result in a personal serious health condition, the University will count worker's compensation absences against the employee's leave under the FMLA.

Questions regarding this policy should be referred to Employee Relations at 285-1823.

If an employee dies, suffers an amputation, or is admitted to the hospital as a result of an on-the-job injury, please immediately report this information 24 hours a day to the Ball State University Police Department at 765-285-1111. The University must notify OSHA:

- Within eight (8) hours if an employee dies as a result of a work related accident;
- Within twenty-four (24) hours if an employee has an amputation or is admitted to the hospital as the result of a work-related accident.

University Police will promptly notify the proper University personnel to ensure a timely report is made to OSHA.

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

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

Return from Other Illness/Injury Absences

For any absence due to illness or injury of seven (7) or more calendar days, an employee must obtain a "Return to Work" release from the employee's healthcare provider and present it to the University Health Center, located upstairs in the Health Center (not downstairs at the Employee Quick Clinic). The Health Center clearance must be presented to the employee's supervisor upon return to work.

Time and Time Records

Employees are required swipe in and out from work periods using the Kronos time clock to properly record their times. Employees may not swipe another employee's time card. Employees may not perform work for the University before clocking in or after clocking out. Conversely, "ghost employment" (when an employee reports having worked, but did not) is also prohibited. See the Conflict of Commitment Policy for more information on "ghost employment."

The University expects to pay employees for all working time, so an employee should work with his/her supervisor to complete a *Kronos Adjustment Form* if a meal period is interrupted to perform work or if an employee otherwise performs work for the University before clocking in or after clocking out. An employee should contact the department head, Payroll & Employee Benefits, and/or Employee Relations if he/she has concerns or complaints about not being paid for all time spent working.

Paychecks

Pay is calculated on a bi-weekly basis, and pay is deposited electronically into the employee's designated bank account on the Friday following the end of the appropriate pay period.

If needed, Ball State Financial will permit Ball State University employees to open a savings account that may be used for payroll deposits.

Employees may log onto Self-Service Banner on the University's website for detailed information regarding his/her pay and deductions. If an error is detected in the paycheck, an employee should contact his/her immediate supervisor promptly.

Garnishments and Tax Levies

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

Wage Adjustments

The wages of all employees are reviewed annually and pay adjustments may be made as determined to be appropriate by the Board of Trustees.

Rest Periods

During each four (4) hour working period, an employee is allowed one fifteen (15) minute rest period which is limited to fifteen (15) minutes of absence from the job. The rest period is intended 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. The University may approve the combination of daily rest periods into one thirty (30) minute rest period.

Meal Period

For an employee working six (6) hours or more, an unpaid thirty (30) minute meal period is typically scheduled. An employee will be informed when to take the meal period and may not adjust his/her work schedule without supervisory approval. If leaving the work unit/campus for a meal period, an employee should notify supervision before leaving. An employee is expected to take his/her full meal period and perform no work during the meal period except in the case of emergency or at the request of his/her supervisor. The University expects to pay employees for all working time, so an employee should work with their supervisor to complete a *Kronos Adjustment Form* if a meal period is interrupted to perform work. An employee should contact the department head, Payroll & Employee Benefits, and/or Employee Relations if he/she has concerns or complaints about not being paid for all time spent working.

Break Periods and Privacy for Mothers

During the first year after a child's birth, nursing mothers may take reasonable paid break times to express breast milk each time such employee has need to express milk (usually once every 3-4 hours for up to 30 minutes to pump or breastfeed).

To the extent reasonably possible, a breast-feeding mother shall be provided a private location, other than a bathroom, where she can express her breast milk in privacy, shielded from view and free from intrusion from co-workers or the public. 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.

Supervisors are encouraged to work with breast-feeding mothers to set-up private lactation locations in the workplace or in private offices; however, such locations may not include bathrooms or storage areas. The University provides eight dedicated lactation room spaces on campus: these are located in Bracken Library, Applied Technology, Alumni Center, Student Center, Ball Communication, Health Professions, Foundational Science Building and the Administration Building. For more information on supporting a positive environment for lactating and/or breast-feeding mothers or for access to the dedicated lactation rooms, please contact Working Well at 285-9335.

Shift Premiums

A shift premium will be paid to an employee who is regularly assigned for the majority of the workweek to the second or third shift as follows:

Second shift: \$.25/hour shift premium. The second shift is any regularly scheduled shift starting between 2:00 p.m. and 9:59 p.m.

Third shift: \$.35/hour shift premium. The third shift is any regularly scheduled shift starting between 10:00 p.m. and 4:59 a.m.

If an employee believes s/he is not receiving the appropriate shift differential, or is receiving the shift differential in error, s/he should contact University Human Resource Services or Payroll & Employee Benefits. If an employee receives shift differential in error, the employee will be required to pay back the overpayment.

POLICIES

Americans With Disabilities Act (ADA)

If a University employee with a disability believes he or she needs a workplace accommodation, that employee should contact University Human Resource Services immediately upon learning of the need for the accommodation. All 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 Director of University Human Resources or his/her designee. The University will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the University aware of his/her disability, provided that such accommodation does not constitute an undue hardship on the University and provided that the individual can perform the essential functions of his/her position with or without reasonable accommodation. The University will not discriminate against any employee because of such employee's disability or perceived disability.

If an employee is only temporarily impaired, he/she should work with his/her immediate supervisor and/or department head to determine if work is available within the parameters of the specific temporary restrictions. Temporary impairments are not covered by the ADA.

Anti-Harassment Policy

Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender*, sexual orientation, gender identity/gender expression, age or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to

excellence and to respect for all individuals. This Policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.

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

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

Members of the University community and others who believe they have been harassed in violation of this Policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of General Counsel. Formal complaints must be filed in the Office of General Counsel within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the "*Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.*" A copy of this document may be obtained by contacting the Office of General Counsel. Complaints involving students may instead be filed in the Division of 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 General Counsel; or, if the harassment involves students, the conduct may instead be reported to the Division of Student Affairs and Enrollment Services. 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."

Anti-Nepotism Policy and Procedures

This anti-nepotism policy is intended to reinforce the University's commitment to employment and educational practices which create and maintain constructive working relationships within the University community. To further these goals, this policy reflects the University's commitment to management practices that are fairly, efficiently, and evenhandedly applied to all staff and service personnel and to applicants for employment in these in staff and service positions without actual or apparent bias or favoritism and also to

its commitment to pedagogical practices that are fairly, efficiently, and evenhandedly applied to all students without actual or apparent bias or favoritism.

1. Persons related by family or marriage may be employed by the University provided they meet regular University employment standards. However, staff and service personnel shall not actively participate in the hiring process or the direct supervision of persons related by family or marriage. A person related by family or marriage, for the purposes of this policy, is defined as a person for whom a faculty or professional or staff or service employee has been assigned legal responsibility in a guardianship capacity, parent, child, brother, sister, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, step-parent, step-child, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father-in-law, and step-mother-in-law. Moreover, faculty or professional or staff or service employee shall not initiate, participate in, or in any way influence departmental or institutional decisions involving a direct benefit (initial appointment, retention, promotion, salary/wage, leave of absence, grievance adjustment, etc.) to any employee of the University related by family or marriage as defined above. To avoid actual or apparent bias or favoritism, staff and service personnel shall not initiate, participate in, or influence in any way departmental or institutional decisions involving a direct benefit to a former spouse.

In the case of students, no staff or service personnel may initiate or participate in admission decisions or have instructional evaluative, or other educational responsibilities with any person who is related by family or marriage as defined above. If this is not feasible in a particular instance, the staff or service personnel member must bring the matter to the attention of the University Vice President superior to the person whose conduct is in question, or his or her designee, to manage the conflict. It is misconduct, subject to disciplinary action, for failure to timely report a conflict regarding the authority to evaluate, supervise or otherwise have educational responsibility for a student with whom the staff or service personnel member has a familial relationship as defined herein.

2. Whenever any supervisor proposes in 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 under the direct supervision of a relative as defined herein, such administrative 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 administrative supervisor for review and recommendation, through each higher supervisory level, to the University officer defined as a Vice President or the Senior Assistant to the President) 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. If the request is granted, it shall be for a period of no more than twelve (12) months and shall be conditional upon the annual review procedure set forth in the following paragraph.
3. The University Officer shall review annually each request previously approved for staff and service personnel. 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, the University officer

shall take action as he or she finds to be in the best interests of the University, including termination of the employment or continuance of employment under different conditions. If the University officer decides to terminate the employment of, or change the conditions of employment for, a faculty or professional employee, the University officer will inform the affected faculty or professional employee of his or her decision by written notice. The affected employee(s) may appeal the decision of the University officer through the appropriate Grievance Procedure--Staff/Non-Bargaining Unit Affiliated with Staff or Service Personnel.

4. If any of the relationships defined herein are created subsequent to the employment of the affected staff or service employee, the relationship must be reported to the appropriate University officer in writing within 20 working days. The University officer shall inform the affected employee in writing that:
 - 4.1 One of the persons affected must give up his or her position by the earlier of the end of the fiscal year or six months from the date the relationship was established; or
 - 4.2 That the persons affected may continue their employment in their current positions subject to such conditions as the University officer 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. If permission for continued employment in the current positions 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 above.
5. In instances where a conflict of interest might occur because of general supervisory responsibilities (supervision at least one step above that of the direct administrative supervisor) under normal operating procedures, the responsibility for institutional decisions involving a direct benefit will pass to the next higher administrative level. Discretion for handling cases not specifically mentioned in this policy will rest with the appropriate University officer and the president.
6. If a University officer is made aware of possible violations of this policy, he or she shall have the matter investigated. Final disposition of the investigation will rest with that University officer and the president.
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 exception of persons who directly supervise another person related by family or marriage upon the effective date of the adoption of this policy shall not be subject to the provisions of this policy in regard to that supervisory relationship as long as the administrative supervisor and the relative being supervised remain in their current positions.

Delinquent Accounts Owed the University

The "Procedures for Collecting Delinquent Accounts Owed the University by its Employees" were passed by the Board of Trustees on July 21, 2017, in order to collect charges remaining unpaid after sixty (60) calendar days following appropriate hearings and other appeal procedures, if any, have been concluded. Penalties assessed may include

withholding employee privileges, recording of the delinquent account in the personnel file, refusing class registration, withholding salary increases, and withholding promotions and/or upgrades of positions. At the option of the University, delinquent accounts may be referred to collection agencies or pursued in court. The complete *Delinquent Accounts Owed the University* policy is located in Appendix A-2.

Equal Opportunity and Affirmative Action Policy

Ball State University is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting discrimination and being inclusive of individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, or protected veteran status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the program or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy and, through its affirmative action program, seeks to expand its efforts to guarantee equality of opportunity in employment. Affirmative action is taken to attract and recruit diversity, including underrepresented minority groups, females, protected veterans or individuals with disabled veteran status, and otherwise qualified persons with disabilities. Ball State will hire, transfer, recruit, train, promote, assign work, compensate, layoff and/or terminate based upon the tenets of this policy.

The University President affirms the commitment to equal opportunity and accepts responsibility for the implementation of the affirmative action program along with the vice presidents, deans, directors and heads of units. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations and Affirmative Action has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination and for implementation and coordination of the University's affirmative action program. Information concerning the University's affirmative action program can be obtained from the Director of Employee Relations and Affirmative Action, Ball State University, Muncie, IN 47306.

To ensure equal employment opportunity and nondiscrimination, each member of the Ball State University community must understand the importance of this policy and his/her responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy and/or any other lawfully protected right.

Complaints regarding unlawful discrimination or retaliation should be filed within 45 calendar days following the alleged act or incident giving rise to the complaint with the Director of Institutional Equity and Internal Investigations 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 Director of Institutional Equity and Internal Investigations. Any individual or group found to have violated this policy will be subject to disciplinary or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates. As a part of this system, the President will review the University's equal opportunity and affirmative action policy and program at least once each year, measure progress against the objectives stated in the affirmative action program, and report findings and conclusions to the Board of Trustees.

Code of Ethics

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 a fellow employee, 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 the concerns to University Human Resource Services.

Conflict of Interest and Conflict of Commitment Policy

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

Consensual Sexual or Romantic Relationship Policy

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

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

Violations of this policy may be reported to the Director of Institutional Equity and Internal Investigations 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.

Drug Abuse Policy

The Drug-Free School and Communities Act Amendments of 1989 require the University 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 require 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.

The University retains the right, in its sole discretion, to determine the appropriate penalty for a violation of the policy, depending on the facts and circumstances of each case. For a copy of the complete policy text, contact University Human Resource Services (285-1819).

Tobacco-Free 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 not limited to cigarettes, cigars, pipes, water pipes (hooka), 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 equal to the fine set for all other non-bargaining unit employees per occurrence.
- B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from fine assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.
- C. Citations may be appealed through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.
- D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.

8. This smoking policy shall be effective August 1, 2013.

University Weapons Policy

Ball State University recognizes the importance of providing a climate which is conducive to the safety of all members of the University community. To aid in the accomplishment of this objective:

- 1.1 Faculty, Professional, and Staff employees of Ball State University, students, visitors, guests and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles, or other personal property or effects.
- 1.2 The only 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 authorized 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.
- 1.3 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.
- 1.4 University sanctions will be imposed on offenders as appropriate and, and in addition, criminal charges may be filed.
- 1.5 For the purposes of this policy, "weapons" include (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tasers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material and devices that, in the manner they are used, could ordinarily be used, or are intended to be used, are

readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to knives (except small personal pocket knives with folding blades that are less than three [3] inches long), tear gas, chemical substances, brass knuckles, clubs or chains.

Use of University Technology

Members of the University community must conduct themselves in accordance with high ethical standards related to use of technology. This policy applies to all forms of current and future technology capable of originating, storing, receiving, or sending alphanumeric data and photographic or other images. In addition to maintaining a high level of ethical behavior, each member of the University community must comply with all federal, state and local laws; all university rules and policies; and all applicable contracts and licenses, including abiding by the *Information Technology Users' Privileges and Responsibilities* policy published on the University website.

University employees are provided with the use of university resources for work related purposes and may not use them in such a way as to violate the University's tax-exempt status, legal obligations, or policies. For example, it is unethical for employees to utilize University information technology resources to view pornographic content (other than in the context of an academic purpose fulfilling the University's educational mission) or to harass a person who has requested to be left alone absent some legitimate institutional purpose for such communication.

Ability to access information and/or technology resources does not grant an unlimited right. Although an employee may be able to access information or resources, he/she may not do so without a legitimate work-related reason for doing so. Sharing passwords is also prohibited. To review the complete *Information Technology User's Privileges and Responsibilities* policy go to <http://cms.bsu.edu/about/administrativeoffices/securityservices/proceduresandpolicies>.

Ball State University's Statement of Sexual Harassment

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 the 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 request 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 General Counsel 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 General Counsel.
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 General Counsel. 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 General Counsel. It shall be the responsibility of the Office of General Counsel 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 General Counsel. 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 General Counsel 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.

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 Instagram, and Snapchat.

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.

ABSENCES FROM WORK

Absences with Pay

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 of a copy or other evidence of the subpoena to the supervisor prior to such duty.

An employee who is called to serve on a jury will be paid the difference between the statutory daily rate for jury duty earnings and his/her regular rate of pay. Also, the employee must submit a copy or other evidence of pay received from the court to Payroll & Employee Benefits. Unless such documentation from the court is provided by the employee to verify pay received, it will be assumed the employee was paid the maximum statutory daily rate. The employee will be allowed time off without a loss of pay when subpoenaed to testify in a court case except where the employee is a party to such action. After being released by the court, the employee must return to work for the remainder of his/her regularly scheduled shift.

A third shift employee shall not be required to work his/her scheduled shift immediately prior to the first morning of jury duty. If a third shift employee is released by the court by 1:00 p.m. and is not scheduled for jury duty the following day, he/she shall be required to work his/her scheduled shift that night. If released after 1:00 p.m., he/she shall not be required to work his/her scheduled shift that night.

A second shift employee shall not be required to work the balance of his/her scheduled shift immediately after jury duty if released by the court at or after 1:00 p.m. If a second shift employee is scheduled for additional consecutive days of jury duty, he/she shall not be required to work the balance of his/her scheduled shift(s) in the afternoon following jury duty. However, if a second shift employee is released by the court by 1:00 p.m. and is not scheduled for jury duty the following day, he/she shall be required to work his/her scheduled shift that afternoon.

A court appearance of a personal nature must be taken as time off without pay or as Paid Time Off (PTO) if scheduled in advance with the supervisor.

Holidays

The following holidays are recognized as University holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Juneteenth, 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. An employee will be entitled to pay for the aforementioned holidays provided the employee is in an uninterrupted pay status the last scheduled workday preceding the holiday and the first scheduled workday following the holiday. To meet eligibility requirements, paid time off must be applied consecutively and immediately following the last day worked.

It is the responsibility of the supervisor to record in Kronos whether or not holiday pay is to be granted. If the employee terminates employment, no pay will be received for holidays occurring after the last day worked even though the holidays fall within the period of the employee's projected terminal vacation leave if any.

Regular, part-time employees who are normally scheduled to work on the day(s) the University closes early prior to certain holidays will not suffer a loss of earnings due to the early closing. Regular part-time employees are eligible to receive holiday pay for the hours they normally would have been scheduled to work up to a maximum of six hours.

A regular part-time employee working at least nine (9) months but less than twelve (12) months on a fiscal year basis will qualify for holiday pay if:

1. The employee works or is in pay status the full number of hours for which he/she is scheduled to work on his/her last scheduled day of work before the Holiday and his/her first scheduled day of work after the Holiday, as well as

on the Holiday itself. (Applies to Thanksgiving Day, Friday following Thanksgiving Day, Christmas Day, Floating Holiday, New Year's Day, Martin Luther King Jr. Day, and Labor Day.)

2. The employee works or is in pay status the full number of hours for which he/she is scheduled to work on his/her last scheduled day of work before the holiday. (Applies to Memorial Day, Juneteenth, and Independence Day.)
3. Holidays that occur within a "non-paid leave period" will not be paid. Holidays that occur within a continuous "paid leave period" will be paid. (The employee must be on paid leave both the day before and the day after the holiday to be eligible for holiday pay.)

Scheduled Paid Time Off (PTO)

The first pay period following the completion of 2 years of continuous employment from the employee's effective date of hire, a part-time employee will begin earning Paid Time Off (PTO) at the rate of **.0461538** of an hour for each hour in pay status, excluding overtime hours. PTO may be taken in thirty (30) minute increments. Current PTO available is printed on the paycheck stub. Only PTO earned and reported on the paycheck stub may be used.

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

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

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

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

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

A part-time employee who earned PTO prior to becoming a full-time employee may continue to use those hours. A regular, full-time employee with one or more years of service who transfers to a part-time position will continue to earn Paid Time Off (PTO) in accordance with procedures listed in this Handbook. In case of transfer to part-time with

less than one year of service, the employee must have two years of part-time service before earning PTO hours.

Unscheduled Paid Time Off (UPTO)

Except during times when the University has determined no employees may be spared from work, an employee may be permitted to utilize up to fifty-six (56) hours of his/her accrued Paid Time Off (PTO) balance during a fiscal year without scheduling it in advance provided the absence is for the employee's own personal illness or injury, to attend personal medical or dental appointments, to take care of an ill or injured family member, or to deal with personal emergencies. UPTO must be utilized in blocks of no less than four (4) continuous hours. See the specific department's *Attendance Rules and Regulations* for further details.

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

Income Protection Bank (IPB)

Each employee has an Income Protection Bank (IPB) where he/she may elect once a year to deposit up to forty (40) hours of his/her accrued Paid Time Off (PTO) by requesting in writing that such transfer be made. Any PTO that would have been lost because it was not utilized before the end of the PTO year following the year it was earned will be automatically transferred to the employee's IPB account up to a maximum of forty (40) hours. Once a year an employee may also elect to transfer up to forty (40) hours of IPB into his/her PTO.

The purpose of the IPB is to help protect an employee from loss of income when he/she suffers from a serious illness or injury, and in a more limited way, to provide some additional paid absence hours to tend to some non-serious health conditions. An employee may only utilize the IPB while on personal FMLA; EPSLA; the first seven calendar days of disability due to an on-the-job injury absence. IPB must be utilized in blocks of no less than four (4) continuous hours. See the *Attendance Rules & Regulations* for further details.

Absences Without Pay

Emergency Leave

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

Funeral Leave

A part-time employee is not eligible for funeral leave. If time off work is needed due to a death, an employee should consult with his/her supervisor for SPTO or excused time off per the department's guidelines.

Family and Medical Leave

The Family and Medical Leave Program is intended to provide up to twelve (12) weeks time off without pay during a "leave year" to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA).

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

- ◆ have at least twelve (12) months (need not be consecutive) of service at the University; and
- ◆ have worked at least 1,250 hours during the twelve (12) months immediately preceding the date the requested leave is to begin;
- ◆ have a qualifying reason for taking FML; and
- ◆ have a remaining balance of FML.

A qualifying reason for FML 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, or parent who has a serious health condition as defined by the Department of Labor; or
- ◆ a serious health condition as defined by the Department of Labor that renders the employee incapable of performing the functions of his/her job.
- ◆ a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty); or
- ◆ to care for a covered (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 an outpatient status, or is otherwise on the temporary disability retired list if the employee is the spouse, child, parent, or next of kin of the service member.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility and any period of incapacity or subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider which includes any period of incapacity due to: (1) a health condition lasting more than three 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 three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

A "leave year" is defined as a twelve (12) month period measured backward from the date the employee uses any FML. A new "leave year" is calculated with each occurrence of FML use. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve months from the date of birth or placement.

An employee may use his or her accrued Paid Time Off (PTO) or Income Protection Bank (IPB) hours if the absence is for personal illness or injury. The remainder of the FML will consist of unpaid leave, unless an employee is eligible for the Short-Term Disability

Plan (STDP). If the FML leave is for the serious health condition of the employee's spouse, child, or parent, the leave is typically unpaid; however, an employee may use Scheduled PTO in some circumstances.

FML may be requested in a continuous block of time or on an intermittent or reduced leave schedule. Intermittent FML may not be taken in less than fifteen (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 thirty (30) day advance notice when the leave is foreseeable. If the thirty (30) day notice is not provided, the leave may be delayed until the thirty (30) days have passed. If the thirty (30) day notice is not possible due to a lack of knowledge of the date the leave is to begin, medical emergency, or other circumstances beyond the control of the employee, then the employee must give notice within one to two (1-2) workdays after the need for leave becomes known to the employee.

An employee may be required to provide a medical certification of either the need to provide care to a spouse, parent, or child with a serious health condition or for the employee's own serious health condition. Failure to provide a required certification within fifteen (15) calendar days of the date notice is received may result in delay or denial of FML. 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 thirty (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/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 to periodic written statements of his/her intent to return to work in accordance with applicable law, normally no more frequently than every thirty (30) days. During FML, 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/she were continuously employed during the FML period.

An employee who returns from FML, with the exception of an employee designated as a "key employee," will be restored to his/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 FML period. The University will determine whether a position is an "equivalent position." An employee who fails to return to work and work for a period of thirty (30) days will be required to reimburse the University for the portion of healthcare premiums paid by the University during the employee's FML. EXCEPTION: When the following circumstances occur, the employee's failure to return to work from a qualifying FML 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. FML may run concurrently with other University leave programs including, but not limited to, Emergency Leave, Parental Leave, or Worker's Compensation. If there is a conflict between the provisions of another University leave policy and the FMLA, the FMLA 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 cited 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 University Human Resource Services with questions.

Parental Leave for Service Personnel

1.0 Policy Statement

Ball State University offers up to twenty-six (26) weeks of leave to eligible service employees for the birth, adoption, or foster care placement of a child. The purpose of Parental Leave is to promote work life balance by providing eligible parents with the time needed to recover from childbirth, to care for and bond with their child, and/or to balance their professional and work obligations while adjusting to their new family environment. This policy provides for both paid and unpaid Parental Leaves.

1.1 Eligibility

- 1.1.1 This benefit is available to full-time and part-time service employees. Temporary, substitute, and casual service employees are not covered by this policy but may be eligible for Family Medical Leave Act (FMLA).
- 1.1.2 To be eligible for paid parental leave, an employee must be appointed to a full-time, benefit eligible position and been employed by the University for twelve (12) continuous months when the parental leave period begins. An employee who attains twelve (12) months of service within six (6) weeks immediately following the birth or adoption of a child will be eligible to receive a pro-rated amount of paid parental leave.

1.2 General Leave Provisions

- 1.2.1 Parental leave may be used for birth, adoption, or foster care placement of a minor child. The adoption of a child by a new spouse is excluded from this policy.

- 1.2.2 The University provides for a maximum of twenty-six (26) weeks of parental leave on either a full or half-time continuous basis to be used within one year immediately following the birth or adoption of a child. Parental leave may not be taken on an intermittent basis. Taking leave on a half-time basis will not extend the twenty-six (26) week limit. The twenty-six (26) week limit commences with the first day of parental leave used (paid or unpaid). Multiple births or adoptions do not increase the amount of paid parental leave or extend the twenty-six (26) week limit for that event.
- 1.2.3 Parental leave is divided into two categories: paid parental leave and unpaid parental leave. Parental leave runs concurrently with the FMLA, as available. If any provision of this policy conflicts with the FMLA, the FMLA will control.
- 1.2.4 If both parents are employed by Ball State, they make take the parental leave concurrently or at separate times. Each may request up to twenty-six (26) weeks of parental leave (paid/unpaid).
- 1.2.5 Service employees who elect to take parental leave on a half-time basis will work one-half day each day they are normally scheduled. Alternate working schedules must be pre-approved by Human Resources and the appropriate Associate Vice President.
- 1.2.6. An employee may not work for pay during the leave of absence unless prior written approval has been obtained; otherwise, the employee will be considered to have resigned from the University as of the effective date of such employment.

1.3 Paid Leave Provisions

- 1.3.1 Eligible employees are entitled to a maximum of six (6) weeks of paid parental leave following the birth or adoption of a child. Paid parental leave is paid at 100% of the employee's regular pay. An employee may not receive both short-term disability and paid parental leave for the same period of time. If the employee is approved for short-term disability at any point, any overlap between short-term disability and paid parental leave will result in the appropriate reduction or repayment of paid parental leave to ensure the employee does not receive more than 100% of the employee's regular pay. A birth mother is not eligible to use paid parental leave after the period of incapacity/short-term disability (e.g. may not take 6 weeks STD, then 6 weeks paid parental leave).
- 1.3.2 Paid parental leave must be used within six (6) months immediately following the birth or adoption; except that paid parental leave may commence prior to the event when deemed medically necessary or required to fulfill the legal requirements for the adoption. The use of paid parental leave prior to the birth or adoption of a child must be pre-approved by Human Resources.
- 1.3.3 Once paid parental leave commences, the time must be used on a full-time continuous basis.

- 1.3.4 If an official University holiday occurs during the employee's paid parental leave, paid parental leave will be applicable rather than holiday pay. Paid parental leave not used in accordance with this policy will be forfeited. Unused balances will not be paid out.
- 1.3.5 In the case of a stillborn child, the birth mother may be eligible for a maximum six (6) weeks of paid parental leave and the non-birth parent up to two (2) weeks of paid parental leave which must be taken immediately following the birth and is provided in lieu of funeral leave.

1.4 Unpaid Leave Provisions

- 1.4.1 Unpaid parental leave may be taken on a full-time or part-time continuous basis and is normally unpaid. An employee may elect to use Paid Time Off (PTO) as available, but is not required to do so.
- 1.4.2 Unpaid parental leave may be taken when paid parental leave is exhausted or in the case of a foster care placement. Eligibility for parental leave due to foster care placement will begin on the date of placement of a child and will end on the last day of the twelfth (12th) month following the date of the placement of the child.

1.5 Continued Eligibility for Benefits

- 1.5.1 Employees on parental leave retain benefits, but must make arrangements to pay for their portion of premiums if they are on unpaid leave.
- 1.5.2 If the employee fails to return to work at the university on or before the expiration of the parental 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 that was not covered by FML, he or she must repay the portion of the benefit costs paid by the university during the non-FML portion of the parental leave.

1.6 Requesting Parental Leave

Requests for parental leave should be made as far in advance as possible, but generally not less than thirty (30) days before the leave commences. All requests for parental leave and supporting documentation must be submitted in writing to University Human Resource Services. All requests for parental leave must be approved by University Human Resource Services. All requests for parental leave beyond what is available through the Family Medical Leave Act must be approved by the appropriate department head and Associate Vice President.

1.7 Effective Date

This policy takes effect on July 22, 2017, and applies to births or adoptions that occur on July 22, 2017, or after that date.

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 short-term Military Leave with pay not to exceed fifteen (15) calendar days or ten (10) working days in any one calendar year. Evidence, such as military orders, must be submitted to University Human Resource Services before approval for pay will be given.

Active Military Leave of more than fifteen (15) calendar days or (10) working days will be without pay. Extended Military Leave without pay of up to and including five (5) years may be granted after the date of induction, enlistment, or call to active duty.

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 step grandparent), 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 its share 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 paragraphs under Family and Medical Leave for other benefits under the FMLA/National Defense Authorization Acts regarding "Qualifying Exigency" leave of up to 12 work weeks and "Military Caregiver" leave of up to 26 work weeks.

Supervisory Authorization

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

SAFETY/OSHA

The University is committed to complying with the Indiana Occupational Safety and Health Act (IOSHA) and all other applicable safety laws, regulations, and guidelines.

However, promoting a healthy and safe work environment is the shared responsibility of the University and employees at all levels. Department heads and supervisors should consistently enforce all rules and regulations associated with safety, be aware of unsafe working conditions, and make sure each employee demonstrates safe work practices. Employees are responsible for following safe work practices and reporting unsafe working conditions to their supervisor and/or department head.

The University’s Environmental Health and Safety (EHS) office provides comprehensive environmental, health, and safety to the University community. EHS staff may be reached at 285-2807, through Work Control during the work week at 285-5081, or in an emergency through Campus Police at 285-1111.

RULES AND REGULATIONS

Employment at the University brings many benefits to the employee, but accepting a job at the University also includes accepting the responsibilities that go with the position. For example, tardiness and excessive absenteeism cannot be tolerated. Maintaining the proper decorum and wearing the appropriate attire for the position held and the work station 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 is expected.

DISCIPLINARY STEPS

Discipline may be imposed against an employee only for just cause. Such actions shall be in conformance with generally accepted standards for progressive discipline.

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

- Step 1: Verbal Warning – all verbal warnings are documented in writing
- Step 2: Written Warning
- Step 3: Suspension without pay, 3 days
- Step 4: Up to and including discharge

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

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

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

Rule# Examples of Violations	Disciplinary Steps
1. Excessive Tardiness	1 2 3 4
2. Excessive Absenteeism	1 2 3 4
3. Careless or substandard workmanship resulting in such things as waste, spoilage, or delay	1 2 3 4
4. Failure to comply with departmental or University uniform, dress code,	1 2 3 4

and/or appearance standards	
5. Failure to report for overtime work after acceptance without a justifiable reason or failure to promptly notify the University	1 2 3 4
6. Failure to properly document as required by law and/or University policy	1 2 3 4
7. Leaving the work location during workshift without authorization	1 2 3 4
8. Idling, loafing, or inattention during working hours	1 2 3 4
9. Failure to properly ring time clock	1 2 3 4
10. Failure to promptly notify supervisor on each day of unscheduled absence	1 2 3 4
11. Using profane or obscene language or gestures	1 2 3 4
12. Altering break/work schedules and/or working overtime without authorization	1 2 3 4
13. Misusing, damaging, or destroying University property	2 3 4
14. Failure to follow directions given by a supervisor	2 3 4
15. Insubordination	3 4
16. Violations of safety rules or practices	Penalty depends on circumstances
17. Sleeping or giving the impression of sleeping during working hours	3 4
18. Ringing another employee's time card or having one's time card rang by another person	3 4
19. Falsifying or altering time cards or other records without regard to time of discovery	3 4
20. Reporting to work while under the influence of alcoholic beverages, unlawful controlled substances, counterfeit drugs, misused prescription drugs, or their possession or use/misuse on University property	3 4
21. Immoral conduct or indecency	3 4
22. Fighting, assaulting, threatening, or attempting bodily harm to anyone on University property	4
23. Unexcused absence of three consecutive days	4
24. Conviction in a civil or criminal court or detention by law enforcement authorities without a reason acceptable to the University	4
25. Theft of employee, University, or student property or unauthorized conversion of employee, University, or student property	4
26. Unauthorized possession of weapons or explosives on University property	4
27. Any other conduct which is inconsistent with proper behavior	Penalty depends on circumstances
28. Multiple violations, whether or not simultaneous, of the foregoing rules and regulations	Penalty depends on circumstances
29. Falsification of employment application without regard to time of discovery	Penalty depends on circumstances
30. Violation of Alcohol and Drug Testing Policies	4
31. Violations of departmental cell phone/electronic communication	1 2 3 4

devise use policy

Disciplinary action will not be imposed for violations of rules 1 – 12 more than three months after the date of the violation unless disciplinary action has previously been taken for violation of the same rule.

Disciplinary action will not be imposed for violation of rule 2 more than six months after the date of issuance of the prior step of discipline.

The University will endeavor to provide approximately one hour advance notice of investigatory meetings when disciplinary action is being considered, with the understanding that in some situations that will not be possible.

OTHER BENEFITS FOR PART-TIME SERVICE PERSONAL

Training

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

Employee Assistance Program (EAP)

Life can be challenging at times – at home and at work. There are times that personal distractions at home can affect our performance at work and just the same, stress at work can also affect our relationships at home.

Ball State wants to help you cope with these challenges by providing **free and confidential** support services that can help you and your family solve a wide range of problems and challenges in your lives. In our increasingly fast-paced world, you may find it challenging to take care of yourself while balancing responsibilities at work with obligations at home.

Lifeworks EAP can help you with the following challenges and much more:

- Resolve personal and emotional difficulties
- Address marital and relationship issues
- Strengthen relationships and improve communication
- Deal with stress, anxiety and depression
- Understand grief and bereavement
- Find resources in your community
- Address alcohol and drug misuse
- Find solutions relating to legal or financial issues
- Find Child/Elder care solutions

The EAP offers timely, professional assistance and support to help manage all of life's complexities. The EAP can be contacted toll-free, 24 hours per day, 7 days per week so that you can access support when you need it.

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

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

The University has no desire to intrude on an employee's privacy. The purpose of the program is to help an employee get assistance with problems at the earliest possible time so human and financial loss can be kept to a minimum. For additional information about the EAP contact the Working Well office at (765) 285-9355.

To contact EAP confidential services **call 1.888.456.1324** or visit bsu.lifeworks.com and use your Ball State username and password to log in.

Identification Cards

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

Athletic Tickets at Special Rates

Contact the Athletic Ticket Office (285-1474).

Credit Union

Contact the Ball State Financial (741-2728). If needed, Ball State Financial will permit Ball State University employees to open a savings account with a minimum \$5.00 deposit. This may be used for electronic payroll deposits if the employee wishes.

Discount at Bookstore

Contact the Ball State Barnes and Noble Bookstore (285-8080) located in the Arts and Journalism building.