STAFF HANDBOOK

BALL STATE UNIVERSITY
UNIVERSITY HUMAN RESOURCE SERVICES

FISCAL YEAR 2023-2024

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0.0 INTRODUCTION

This *Handbook* was prepared by University Human Resource Services. Policies, procedures, and benefits apply to Staff Personnel and Service Personnel (Non-Bargaining Unit) Affiliated with Staff unless otherwise indicated. Please read this *Handbook* carefully.

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

1.0 MISSION AND ENDURING VALUES OF THE UNIVERSITY

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.

Enduring Values:

Excellence. We commit to excel in all that we do.

Innovation. We commit to be creative, responsive, and progressive.

Courage. We commit to set ambitious goals and to take the risks necessary to achieve those goals.

Integrity. We commit to be honest, ethical, authentic, and accessible.

Inclusiveness. We commit to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions.

Social responsibility. We commit to act for the benefit of society at large.

Gratitude. We commit to express appreciation to others and to demonstrate our gratitude through our actions.

2.0 DEFINITIONS

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

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

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

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

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

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

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

Pay Status. Receiving remuneration from the university through work, sick leave, vacation, funeral leave, jury duty, paid time off (PTO), income protection bank (IPB), paid parental leave, university recognized holiday, short-term military leave, or some training programs.

Premium Pay. Rate of pay above the normal rate.

Promotion. A non-temporary movement to a higher level position.

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

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

Resignation. Voluntary termination of employment initiated by the employee.

Transfer. A non-temporary movement to a position at the same or lower level.

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

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

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

3.0 EMPLOYMENT

3.1 General Information

Ball State University is an equal opportunity/affirmative action employer and is committed to employing qualified employees who possess good professional character and standards and who are legally authorized

to work in the United States. Therefore, background checks are performed on applicants who have been recommended for employment. In addition, Ball State University is a drug-free workplace.

3.1.0 Background Checks and Post-Hire Criminal Convictions

Background checks are performed on all applicants recommended for hire, and they may be repeated as necessary during employment.

Employees are responsible for notifying their department heads immediately if status of any required license(s) changes or if they are convicted of a crime (misdemeanor or felony) subsequent to their employment with the university.

Hiring Supervisors/Managers/Search Committees are responsible for ensuring that all recommendations for appointment are made contingent upon the results of the background checks and assisting University Human Resource Services in securing the necessary consent from the applicant/employee. They should also check references and verify the following information: all work experience listed on application/resume/vita that qualifies the individual for the position sought (for example, if the minimum qualifications for the position require six (6) years of experience as a Supervisor, then all positions contributing to the calculation of that six (6) years of experience are verified); all employment during a period of at least seven (7) years immediately preceding the date of application; all academic diplomas and degrees; and all required licensure(s).

Department heads who receive information regarding a change in status of an employee's required license(s) or his/her conviction of a misdemeanor or felony should consult with the Senior Executive Director of Human Resources who will work with the appropriate Vice President of the area to determine appropriate action. To review the entire Background Check Policy, please go to the University Human Resource Services website.

3.1.1 Categories of Employment

It is the university's intention to hire only individuals who are legally authorized to work in the United States.

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

Regular Part-time Position. A position that is expected to continue on a regular weekly schedule and for a specific assignment and is assigned regularly to the same duties within the department on a continuing basis. Part-time positions are limited to 29 hours per week and university benefits do not apply except as specified. Part-time employment is not a guarantee of regular, full-time employment.

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

Temporary Part-time. A position where hours may or may not fluctuate over a time period and are limited to 29 hours per week and university benefits do not apply except as specified.

Substitute Position. A position that is on an "as needed" basis. University benefits do not apply except as specified.

Casual Position. A position covering a short-term event (i.e., seminar, workshop, camp, etc.). University benefits do not apply except as specified.

3.1.2 Benefits

Applies to Temporary Part-time (Staff, Service, Casual and Substitute).

Although a temporary part-time, casual, or substitute employee might work thirty (30) or more hours per week for a limited time, he or she would not be eligible for benefits such as a full-time employee would receive. Temporary part-time, casual, and substitute employees receive compensation for time worked only.

3.1.3 Contact Information

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

3.1.4 Dress Code

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

3.1.5 Physical Examination

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

3.1.6 Staff Council

Applies to Regular Full-time Exempt, Regular Full-time Non-Exempt, Regular Part-time Exempt, Regular Part-time Non-Exempt, and Service Personnel (Non-Bargaining Unit) Affiliated with Staff.

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

3.1.7 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 workday. Non-exempt employees may be allowed five minutes at the end of the workshift to change into street clothes.

3.1.8 Use of University Vehicles

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

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

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

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

3.1.9 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 who need to use an electric device while operating a motor vehicle are expected to use a speakerphone or hands-free headset.

3.1.10 Pay Transparency Nondiscrimination Notice

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employee, or (c) consistent with the contractor's legal duty to furnish information.

3.2 Illness or Injury

If absent from work because of illness or injury, an employee must notify his or her supervisor according to departmental regulations for reporting absences. Failure to notify his or her supervisor within the departmental prescribed time may result in disapproval of sick leave/PTO benefits and/or disciplinary action

up to and including discharge. If there is not a specific departmental regulation, the employee is required to notify his or her supervisor no later than thirty (30) minutes after the beginning of the work shift.

3.2.1 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 in 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 incident. The Health Center fax number is 285-1103. The accident report may be printed from the BSU website and found under Employee Relations Forms, titled as Worker's Comp First Report.

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 the 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 5:00 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 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 worker's compensation or on-the-job injuries should be directed to the Employee Relations at 765-285-1834 or the Director of Employee Relations and Affirmative Action at 765-285-1823.

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

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

3.2.3.1 Return to Work from Other Absences

Applies to all Staff except Service Affiliated with Staff.

If absent from work for other than an on-the job injury or illness of seven (7) or more calendar days, a clearance form from the employee's health care provider must be presented to Human Resources. Except that if a part-time temporary service or substitute service employee is absent from work for other than on-the-job injury or illness of seven (7) or more calendar days, s/he must obtain a "Return to Work" release form from the University Health Center. Human Resources will process the clearance form from the health care provider and give the employee a release form to give to his or her supervisor.

EXCEPTIONS:

1. Staff Personnel in the **food service units** must obtain a "Return to Work" release form from the University Health Center after being absent from work for more than two (2) days following an injury or illness.

2. If the release to work form obtained by the employee from a health care provider lists any medical **restrictions** as to the employee's ability to perform his or her job, the employee must obtain a "Return to Work" release form from the University Health Center and then present it to his or her supervisor. Human Resources is notified by the University Health Center.

3.2.3.2 Return to Work from Other Absences

Applies to Service Affiliated with Staff.

For any absence due to illness or injury of between seven (7) and fifty-nine (59) 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. The Health Center clearance must be presented to the employee's supervisor upon return to work. **Food service employees** must follow this procedure after being absent from work for more than two (2) days due to injury or illness.

For any absence due to illness or injury of sixty (60) 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. The Health Center clearance must be taken to Employee Relations for final clearance. The Employee Relations release must be presented to the supervisor upon return to work.

3.2.4.1 Position Held While Absent Due to Illness or Injury

Applies to Full-time Regular Nonexempt, Full-time Regular Exempt, Temporary Full-time Nonexempt, and Temporary Full-time Exempt.

Whenever an employee is absent from work due to personal or a family member's illness or injury for more than ninety (90) workdays during any twelve (12)-month period, the employee will be placed on "limited job protection" status for the next twelve (12) months. If during the time the employee is on "limited job protection" status and the number of days absent from work, excluding authorized vacation, exceeds the

number of days worked, the employee's position may be posted. This policy runs concurrent with any other FML job protected leave, and is not in addition to those sixty (60) days. See the FML section of this Handbook for more information.

3.2.4.2 Position Held While Absent Due to Illness or Injury

Applies to Service Affiliated with Staff.

Whenever an employee is absent from work due to personal or a family member's illness or accident for more than ninety (90) working days during any twelve (12) month period, he/she will be placed on limited job protection status for the next twelve (12) months. If during the time the employee is on "limited job protection" status the number of days absent from work, excluding authorized Paid Time Off, exceeds the number of days worked, the employee's position may be reposted. Exception: An employee classified and paid as skilled trades who has at least ten (10) years of University Seniority will not be placed on limited job protection status until absent due to illness or accident for more than one hundred and twenty (120) working days in any twelve (12) month period. Once an employee whose position has been refilled is released to return to work, he/she must bid on all posted service vacancies for which he/she is qualified or his/her future option to bid may be forfeited. This policy runs concurrent with any other FML job protected leave and is not in addition to those sixty (60) days. See the FML section of this Handbook for more information.

3.2.4.3 Position Held While Absent Due to Illness or Injury

Applies to Regular Part-time Non-exempt and Regular Part-time Exempt.

Whenever an employee is absent from work due to personal or a family member's illness or injury for more than thirty (30) workdays during any twelve (12)-month period, the employee will be placed on "limited job protection" status for the next twelve (12) months. If during the time the employee is on "limited job protection" status and the number of days absent from work, excluding authorized vacation, exceeds the number of days worked, the employee's position may be posted. This policy runs concurrent with any other FML job protected leave, and is not in addition to those sixty (60) days. See the FML section of this Handbook for more information.

3.3 Time, Time Records, and Pay

Pay for staff employees is calculated on a biweekly basis, and access to pay is available on the Friday following the appropriate pay period. An employee is expected to use direct deposit and to use Self-Service Banner to access his/her paystub. If needed, the Ball State Federal Credit Union will permit Ball State University employees to open a savings account that may be used for payroll deposits. If an error is detected in the pay amount, promptly contact the immediate supervisor.

Nonexempt employees are required to accurately record (timestamp) their time worked using the UKG Dimensions automated time-entry system. Employees may not perform work for the University before clocking in or after clocking out. Conversely, "ghost employment" (when employee reports having work, but did not) is also prohibited. The University expects to pay employees for all working time, so an employee should work with his//her supervisor to complete a *UKG Dimensions 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. If edits to the UKG Dimensions timestamps are necessary, an employee must request edits in writing using the *UKG Dimensions Adjustment Form* to his/her supervisor. Supervisors are required to retain the requested edits for three (3) years. Timecards for nonexempt staff

must be approved (sign off function in UKG Dimensions) by the supervisor or designee. Supervisors may not make adjustments to an employee's timestamp without written consent.

Exempt staff are required to accurately report exception time using the UKG Dimensions automated time-entry system. An exempt employee will enter his/her own absences every Monday immediate following the biweekly pay period during which the time off was taken into the UKG Dimensions Time keeping system; a supervisor will approve the entries and then submit electronically to the Office of Payroll and Employee Benefits on a biweekly basis.

An employee should contact the department head, Payroll and Employee Benefits, and/or University Human Resource Services if s/he has concerns or complaints for not being paid for all time spent working.

3.3.1 Garnishments and Tax Levies

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

3.3.2.1 Overtime Policy for Nonexempt Staff

Applies to All Nonexempt Staff, except Law Enforcement Officers and Group Leaders.

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

Compensatory Time Off and Monetary Overtime Pay. In general, all overtime hours will default to compensatory time. Compensatory time off will be earned at a rate of one and one-half hours for each hour actually worked over forty (40) within the established workweek. Paid time off for holidays, vacation, sick leave, jury duty, funeral leave, emergency closure pay and holiday early closure pay is counted as time worked for computing compensatory time. All other time off, with or without pay, is treated as time not worked for purposes of calculating compensatory time. If a recognized holiday falls on an employee's regular day off, he or she will be given one day's pay at his or her regular straight-time rate. In such cases, the unworked holiday shall not be included as hours worked for the purpose of computing overtime.

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

An employee may use the earned compensatory time off with the approval of the employee's supervisor. If it is not possible to approve the particular compensatory time off requested by the employee, time off will be granted within a reasonable period, normally two (2) weeks, unless the requested time off would unduly disrupt operations. If a mutually appropriate time cannot be scheduled for the employee to use the earned compensatory time, the supervisor may elect to substitute monetary overtime pay in lieu of earned

compensatory time off. Monetary overtime pay is calculated at one and one-half times the employee's equivalent hourly rate of pay for the hours worked in excess of forty (40) hours during the established workweek.

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

Compensatory time earned or monetary overtime pay for overtime must be approved by the supervisor in UKG Dimensions.

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

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

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

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

3.3.2.2 Overtime Policy

Applies to Service Affiliated with Staff – Group Leaders.

In general, overtime is paid at the rate of one and one-half the regular hourly rate. Overtime must be approved by a supervisor before it is worked. An employee is prohibited from working unauthorized overtime or from working "off-the-clock."

Group Leaders. Group Leaders are under the overtime policy for service bargaining unit personnel. Other employees in the classification of service (non-bargaining unit) affiliated with staff personnel are covered by overtime provisions of the policy "Overtime and Compensation Time Off Policy for Law Enforcement Officers."

3.3.3 Pay Adjustments

Applies to: Regular Full-time Exempt, Temporary Full-time Exempt, Regular Full-time Nonexempt, Temporary Full-time Nonexempt, Regular Part-time Nonexempt, and Service Personnel (Non-Bargaining Unit) Affiliated with Staff.

Except for Temporary Part-time (Staff, Service, Casual and Substitute) employees, the pay of staff employees is reviewed annually; and pay adjustments, when appropriate, may be made if the Board of Trustees determines funds for such adjustments are available.

3.3.4 Rest Periods and Lunch Hours

3.3.4.1 Rest Periods

Applies to all Nonexempt Employees.

During each four (4)-hour working period, a nonexempt 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 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. For Service Affiliated with Staff employees, the university may approve the combination of daily rest periods into one thirty (30) minute rest period.

3.3.4.2.1 Meal Period

Applies to Regular Full-time Exempt, Regular Part-time Exempt, Temporary Full-time Exempt, Regular Full-time Nonexempt, Regular Part-time Nonexempt and Temporary Full-time Nonexempt.

A sixty (60)-minute unpaid lunch period is provided during the academic year. During the summer, the unpaid lunch period is thirty (30) minutes and employees are permitted a paid grace period preceding and following the lunch period not to exceed a combined total of five (5) minutes. Each employee will be informed as to when to take a lunch period. As with rest periods, lunch hours are to be preceded by and followed by an extended work period. At the discretion of the supervisor, an employee may take a thirty (30) minute unpaid lunch during the academic year. All employees who work at least six (6) hours must be granted a thirty (30) minute meal break.

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 his/her supervisor to complete a *UKG Dimensions Adjustment Form* if a meal period is interrupted to perform work.

3.3.4.2.2 Meal Period

Applies to Service Affiliated with Staff.

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 his/her supervisor to complete a *UKG Dimensions Adjustment Form* if a meal period is interrupted to perform work.

3.3.5 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 three to four (3-4) hours for up to thirty (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 dedicated lactation room spaces on campus.

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 765-285-9355 or visit the Working Well website. Access cards are required for all locations and may be obtained at ADG008, or by calling 765-285-9355.

3.3.6.1 Shift Differential

Applies to Regular Full-time Nonexempt, Temporary Full-time Nonexempt, Regular Part-time Nonexempt, Regular Full-time Exempt and Temporary Full-time Exempt.

Part-time temporary, casual and substitute staff and temporary service are not eligible to receive shift differential.

When assigned to the second shift, a non-exempt employee receives a shift differential of twenty (25) cents per hour and exempt employees receive a shift differential of $20.00 per biweekly pay period. Effective September 17, 2023, the second shift differential increases to fifty (50) cents per hour/$40.00 per biweekly pay period. The second shift is any regularly scheduled shift starting between 2:00 p.m. and 9:59 p.m.

When assigned to the third shift, a non-exempt employee receives a shift differential of thirty five (35) cents per hour and an exempt employee receives a shift differential of $28.00 per biweekly pay period. Effective September 17, 2023, the third shift differential increases to seventy (70) cents per hour/$56.00 per biweekly pay period. The third shift is any regularly scheduled shift starting between 10:00 p.m. and 4:59 a.m.

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

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 and Employee Benefits. If an employee receives shift differential in error, the employee will be required to pay back the overpayment.

3.3.6.2 Shift Differential

Applies to Service Affiliated with Staff.

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. Effective September 17, 2023, the second shift differential increases to $.50/hour. 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. Effective September 17, 2023, the third shift differential increases to $.70/hour 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 and Employee Benefits. If an employee receives shift differential in error, the employee will be required to pay back the overpayment.

3.3.7 University Hours

Applies to Regular Full-time Nonexempt, Temporary Full-time Nonexempt, Regular Part-time Nonexempt, Regular Full-time Exempt and Temporary Full-time Exempt

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

All full-time exempt employees are expected to regularly work a minimum of forty (40) hours in the workweek.

3.3.8 Flexible Schedules

Supervisors may approve requests for flexible schedules. Flexible schedules must be pre-approved by supervisors and meet the business needs of the operation. Supervisors may discontinue previously approved flexible schedules.

3.3.9 Essential Personnel

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

3.3.10 Weather and Emergency Hotline

Applies to Service Affiliated with Staff employees

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

3.4 Work Life Issues

3.4.1 Americans with Disabilities Act

If a Ball State University employee with a disability needs a workplace accommodation, that employee should contact Employee Relations immediately upon learning of the need for the accommodation. All disability accommodation requests will be reviewed in a timely manner and through an interactive process typically involving the employee, the supervisor of the employee, and the Assistant Director of Institutional Equity and Affirmative Action.

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

3.4.2 Anti-Nepotism Policy

This anti-nepotism policy is intended to reinforce the University's commitment to employment 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.

3.4.3 Consensual Sexual or Romantic Relationships

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

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

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

3.4.4 Delinquent Accounts Owed the University

The "Procedures for Collecting Delinquent Accounts Owed the University" was updated and then passed by the Board of Trustees on July 21, 2017, in order to collect charges remaining unpaid after sixty (60) calendar days after appropriate hearings and other appeal procedures, if any, have been concluded. Penalties assessed may include withholding employee privileges, recording of the delinquent account in the personnel file, refusing class registration, withholding salary increases, and withholding promotions and/or upgrades of positions. At the option of the university, delinquent accounts may be referred to collection agencies or pursued in court.

3.4.5 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. Students, 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 300 calendar days following the alleged act or incident giving rise to the complaint with the Assistant Director of Institutional Equity and Affirmative Action in accordance with the Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process. The University encourages the prompt filing of all complaints. A copy of this document may be obtained by contacting the Assistant Director of Institutional Equity and Affirmative Action. 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.

Revised by the Board of Trustees July 24, 1998, July 19, 2013, July 17, 2015, November 14, 2022.

3.4.6 GLBA Information Security Program

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

3.4.7 Grievance Procedure

Applies to Regular Full-time Nonexempt, Regular Full-time Exempt, and Service Affiliated with Staff.

1. A grievance is defined as a dispute between the University and a Staff Personnel or Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel employee or employees concerning the meaning or application of a university rule or regulation. All grievances shall be processed and disposed of in accordance with this procedure; provided, however:

    a. Except as stated in subparagraph (b) below, if there exists a separate, university procedure for processing a grievance concerning the specific rule or regulation involved (e.g., parking violations), the grievance shall be processed and disposed of in accordance with that procedure.

    b. If the grievance involves an employee's discharge or discipline and the employee alleges the discharge or discipline was, in whole or in part, due to discrimination relating to race, religion, color, sex (except where sex is a bona fide occupational qualification), sexual orientation, physical or mental disability, national origin, ancestry, age, or citizenship (for U.S. citizens and protected lawfully-admitted aliens), the grievance shall be processed and disposed of in accordance with this procedure rather than the university's "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process," but in these circumstances the university's Vice President and General Counsel shall serve in an advisory capacity at each step of this procedure after Step 1 and two additional persons shall serve with the Staff Council Employee Relations Committee at Step 3.

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

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

2. Procedure. Grievances subject to this procedure shall be processed and disposed of in the following manner:

a. **Step 1.** The aggrieved employee must submit his or her grievance, in writing, to his or her immediate supervisor within 10 calendar days following the occurrence of the event or circumstances giving rise to the grievance; in the absence of the immediate supervisor, the grievance may be submitted to the supervisor's designee. Within 3 workdays following receipt of the grievance by the supervisor, the supervisor, or his designee, will meet with the employee to discuss the grievance; the supervisor will give the employee a written answer to the grievance within 3 workdays following the meeting with the employee.

b. **Step 2.** If the employee wishes to further pursue the grievance, the employee must submit a copy of the written grievance and the immediate supervisor's answer to the employee's next higher supervisor within 3 workdays from the date of the Step 1 answer. Within 3 workdays following the receipt of the grievance at Step 2, the next higher supervisor will meet with the employee to discuss the grievance; the next higher supervisor will give the employee a written answer to the grievance within 3 workdays following the meeting with the employee.

c. **Step 3.** If the employee wishes to further pursue the grievance, the employee must, within 3 workdays from the date of the Step 2 answer, so advise the President of the Staff Council in writing, and submit a copy of the written grievance along with copies of the Step 1 and Step 2 answers to him/her. Step 3 shall be conducted as follows:

1) Notice of Hearing. Upon receipt of an appeal, the President of Staff Council will notify the employee, the appropriate supervisor(s) and next higher supervisor(s) of the date, time and place the appeal will be heard. The date shall be within 5 workdays after the President of Staff Council receives the appeal.

2) Quorum and Challenges. The appeal shall be heard by the Staff Council Employee Relations Committee. A majority of the members of the Committee shall constitute a quorum. The employee, the supervisor(s) or the next higher supervisor(s) may challenge a member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present, conducted by secret ballot. In the event such challenges are upheld and a quorum could not thereafter exist, the President of Staff Council shall appoint additional ad hoc members for purpose of the hearing.

3) Procedure When Employee Alleges Discrimination. If the grievance involves the employee's discharge or discipline and the employee has alleged the discharge or discipline was, in whole or in part, due to discrimination relating to race, religion, color, sex (except where sex is a bona fide occupational qualification), sexual orientation, physical or mental disability, national origin, ancestry, age, or citizenship (for U.S. citizens and protected lawfully-admitted aliens), the procedure at Step 3 shall be modified as follows:

a) Within 3 workdays after receipt of the appeal, the President of Staff Council will notify the employee and the appropriate supervisor(s) in writing of a time to meet in the office of the university's Vice President and General Counsel to choose two additional persons to serve with the Staff Council Employee Relations Committee to hear the appeal; the time so designated shall be within 7 workdays after receipt of the appeal. The two additional persons shall be chosen from among the 3 Equal Opportunity and Affirmative Action Complaint Appeals Board Panelists elected by Staff Personnel, pursuant to the university's "Complaint Investigation and Appeal Process." The employee shall choose one person and the appropriate supervisor(s) shall choose one person. If either the employee or the appropriate supervisor(s) fails to appear on or before the designated time to make a selection or otherwise fails to make a selection, the university's Vice President and General Counsel shall make that person's selection.

b) Within 3 workdays after the time designated by the President of Staff Council for the employee and appropriate supervisor(s) to choose the two additional persons, the university's Vice President and General Counsel shall notify the President of Staff Council of the names of the persons chosen. Upon receipt of this notification, the President of Staff Council will notify the employee, the appropriate supervisor(s) and next higher supervisor(s) of the date, time and place the appeal will be heard; the date shall be within 5 workdays after the President of Staff Council receives the notification from the university's Vice President and General Counsel.

c) The 2 additional persons so chosen shall be counted in determining whether a quorum exists and construed in all respects as being members of the Staff Council Employee Relations Committee for purposes of this grievance procedure.

4) Witnesses. The employee, the supervisor(s) and the next higher supervisor(s) may invite such person or persons who have information relevant to the grievance to present testimony at the hearing; provided, however, the Committee may limit the number of witnesses to avoid repetition and cumulative testimony. Each party shall be responsible for insuring the presence of his or her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a witness unless a majority of the Committee members determine that such witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the grievance by the parties and by any member of the Committee.

5) Attendance at Hearing. In addition to members of the Committee, the employee, the supervisor(s) and the next higher supervisor(s) the following persons and no other are permitted to attend the hearing: the Associate Vice President for People and Culture, the President of Staff Council, other university-affiliated persons whose presence is requested or approved by the Associate Vice President for People and Culture, any person designated by the Committee to record, transcribe or prepare a summary of the evidence presented at the hearing, and the university employee selected to assist the aggrieved employee. In addition, when the grievance involves alleged prohibited discrimination, the university's Vice President and General Counsel or his/her designee shall attend. Witnesses called by either

party who are not otherwise entitled to attend the hearing shall be present only while they are testifying. Failure, without good cause, of the aggrieved employee to appear and proceed at the hearing shall result in automatic denial of the appeal and the decision or determination appealed from shall become final.

6) Conduct of Hearing. The hearing shall be conducted in an informal manner and without reference to any technical rules for the admission of evidence, with a view towards providing the Committee with a complete understanding of the circumstances surrounding the decision which is being appealed. Irrelevant, immaterial and unduly repetitious evidence may be excluded. The chairperson of the Committee shall preside at the hearing and shall make all procedural rulings, which rulings may be reversed by a majority vote of the Committee members present.

7) Continuances. The Committee in its sole discretion may continue the hearing to a later time or times, within 48 hours after the starting time of the initial Step 3 hearing. With the approval of the Associate Vice President for People and Culture, the Committee may continue the hearing to a later time or times more than 48 hours after the starting time of the initial Step 3 hearing.

8) Hearing Record. The hearing may, but need not be, tape recorded or transcribed at the discretion of the Committee; however, if a recording or transcription is not made, a summary of the evidence presented at the hearing shall be prepared. The tape, transcript or summary shall be given to the Associate Vice President for People and Culture with the Committee's findings and recommendation.

9) Determination by Committee. The Committee shall meet in one or more private sessions after the conclusion of the hearing to consider the evidence presented at the hearing and shall determine whether the appeal should be upheld or denied, setting forth in writing its reasons therefore. The Committee's determination shall be based solely on the documents and evidence presented or summarized at the hearing and/or the credibility and demeanor of the parties and witnesses who testified at the hearing or private meetings; provided, however, the Committee members may take official notice of matters which would be within the general experience or knowledge of employees of the university.

10) Additional Rules. Procedural rules not inconsistent with this grievance procedure may be established by the Committee to fulfill its investigative and fact-finding function in an orderly manner.

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

d. **Step 4**. Within 14 workdays after receiving the Staff Council Employee Relations Committee findings and recommendations, the Associate Vice President for People and Culture shall review the findings and recommendations and communicate his or her

decision to the President of Staff Council, the employee, the supervisor(s) and next higher supervisor(s).

Within 7 calendar days after receipt of the Associate Vice President's decision, the President of Staff Council, the employee, the supervisor(s) and/or the next higher supervisor(s) may request an appointment with the Associate Vice President for People and Culture to discuss the matter. The request shall be submitted in writing to the Associate Vice President and shall set forth such person's objections, if any, to the Associate Vice President's decision and the reasons therefore. At this conference only those persons may attend whom the Associate Vice President invites and only matters that relate directly to the appeal will be discussed. As a result of the conference, the Associate Vice President may: (1) reaffirm his or her original decision; (2) overrule or modify his original decision; or (3) refer the grievance back to the Staff Council Employee Relations Committee for a rehearing to consider relevant and material facts not presented to the Committee at the original hearing; provided, however, that the Associate Vice President may refuse to grant a rehearing if he or she determines that failure to present the facts at the original hearing was the fault of the party requesting reconsideration. If the Associate Vice President decides to refer the grievance back to the Staff Council Employee Relations Committee, that Committee will be reconvened to hear the additional facts. The Committee's findings will be presented to the Associate Vice President who will render a final decision based upon all the information presented at either the original hearing or the rehearing. The Associate Vice President shall communicate his or her decision to the President of Staff Council, the Staff Council Employee Relations Committee, the employee, the supervisor(s), and next higher supervisor(s). The decision reached by the Associate Vice President for People and Culture in this Step 4 is final and binding, unless within seven (7) calendar days after receipt of the Associate Vice President's decision the Staff Council Employee Relations Committee, by majority vote, requests review of the Associate Vice President's decision by the President of the university. Such a request shall be made only in unusual circumstances, shall be filed in writing with the President of the university and shall set forth the objections to the Associate Vice President's decision and the reasons therefore. The President of the university shall thereafter review the Associate Vice President's decision in such a manner as the President of the university, in his or her sole discretion, deems desirable. As a result of this review, the President of the university may: (1) affirm the Associate Vice President's decision; (2) overrule or modify the Associate Vice President's decision; or, (3) refer the grievance back to the Associate Vice President for such action as the President of the university may direct. If the grievance is referred back to the Associate Vice President, the results of the Associate Vice President's action will then be communicated by the Associate Vice President to the President of the university for final decision. When the Staff Council Employee Relations Committee requests review by the President of the university, the decision reached by the President of the university is final and binding.

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

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

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

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

a. If a grievance is not filed within 10 calendar days following the occurrence of the event or circumstances giving rise to the grievance, the Associate Vice President for People and Culture, in his or her sole discretion, where he or she believes a valid excuse exists for such a delay in filing, may permit the grievance to be filed at a later date. Such permission is effective only if given in writing.

b. If a request by the Staff Council Employee Relations Committee for review by the President of the university of a decision of the Associate Vice President for People and Culture is not filed within 7 calendar days after receipt of the Associate Vice President's decision, the President of the university, in his or her sole discretion, may permit the request to be filed at a later date. Such permission is effective only if given in writing.

4. Employee Assistance. At any of the steps in this grievance procedure, an employee may be accompanied and assisted by an advisor of his or her choice who must be an employee of the university and agree to act as the employee's advisor.

5. Action by Designee. Whenever an action may be or is required to be taken under this policy by a supervisor, department head, the President of Staff Council, the Associate Vice President for People and Culture, the Vice President and General Counsel, or the President of the university, the action may be taken by that person's designee.

6. Grievance Forms. Forms for submission of a grievance are available in University Human Resource Services.

3.4.8 Identity Theft Prevention Program

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

3.4.9 Job Duties and Responsibilities

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

3.4.10 Job Posting Procedure

New and vacant positions may be filled from within the university by promoting qualified employees or from outside the university by qualified candidates. Employees interested in being considered for posted vacancies must submit the appropriate documents as defined in the advertisements listed on the university's website, https://bsu.peopleadmin.com, or as listed in advertisements. Deadlines listed in the job posting will be observed.

3.4.11.1 Performance Period

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Regular Part-time Exempt, Regular Part-time Nonexempt, Full-time Temporary Non-Exempt, and Temporary Full-time Exempt.

An employee who is transferred or promoted to a different job will be required to satisfactorily complete a performance period of three (3) continuous working months. Absences may not be counted as part of the performance period. Performance periods may be extended by an equal number of days the employee was absent from work.

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

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

3.4.11.2 Performance Period for Service Affiliated with Staff

A regular, full-time service affiliated with staff employee who is transferred or promoted to a difference job will be required to satisfactorily complete a performance period of sixty-five (65) working days.

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

If the performance period is not satisfactorily completed, the employee will be terminated. If the employee was promoted from the bargaining unit, s/he will be reassigned to the job classification from which s/he was promoted.

The Director of Employee Relations and Affirmative Action may, under unusual and extenuating circumstances, extend the performance period for an employee. With the exception of certain jobs in the Department of Public Safety, under no circumstances can the performance period extend beyond six (6) months of the employee's active service in the new position.

3.4.12 Performance Review

This policy does not apply to temporary service, temporary part-time, casual and substitute staff personnel.

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

Performance reviews are designed to help an employee understand his or her responsibilities and to show how to improve his or her job performance and job-related behavior. The supervisor will explain the review, and the employee will be asked to sign the performance evaluation form. The employee's signature indicates the employee has read and discussed the review but does not indicate that the employee is in agreement. A separate written response by the employee to any and all points may be attached to the form. The employee has two weeks to submit the response to his/her supervisor. This completed form with attachment, if any, is then filed in University Human Resource Services.

3.4.13.1 Probationary Period

Applies to Regular Full-time Nonexempt, Temporary Full-time Nonexempt, Regular Part-time Nonexempt, Regular Full-time Exempt, Regular Part-time Exempt and Temporary Full-time Exempt.

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

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

A part-time employee who has been employed for three (3) continuous months or more in the same job and is subsequently assigned to regular, full-time status in the **same** job immediately following such part-time employment will not be required to serve a probationary period. If the probationary period is waived, the vacation and sick leave balance available may be used immediately. Long term disability will not be effective until the beginning of the month following completion of three (3) working months.

A part-time employee may not be required to serve a probationary period when the employee has been employed on a temporary, part-time basis for three (3) continuous working months in the same job and is then assigned regular, part-time status in that same job.

An employee in a temporary, non-benefit eligible position (staff, service, casual and substitutes) who is employed into a non-temporary position will not have any prior service counted towards the completion of a probationary period.

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

3.4.13.2 Probationary Period for Service Affiliated with Staff

A regular, full-time employee is required to complete a probationary period of three (3) continuous working months. For Police Field Training Officer/Group Leaders jobs in the Department of Public Safety, the probationary period will end six (6) months after satisfactory completion of the Indiana Law Enforcement Academy basic course (to a maximum of twelve (12) months from date of hire, with a possible extension by mutual agreement between the Union and the University) or six (6) months after placement in the Police Field Training Officer/Group Leader job classification if the Academy's basic course was completed prior to such placement. An employee will be referred to as a regular employee upon satisfactory completion of the probationary period. However, eligibility for certain benefits will occur after the completion of sixty-five (65) working days.

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

The Director of Employee Relations and Affirmative Action may, under unusual and extenuating circumstances, extend the probationary period. With the exception of certain jobs in the Department of Public Safety, under no circumstances can the probationary period extend beyond six (6) months of active service. A full-time employee may not be required to serve a probationary period when the employee has been employed on a temporary, full-time basis for sixty-five (65) working days in the same job and is then assigned regular, full-time status in that same job.

3.4.14.1 Promotion

Applies to Regular Full-time Nonexempt, Temporary Full-time Nonexempt, Regular Part-time Nonexempt, Regular Full-time Exempt, Regular Part-time Exempt and Temporary Full-time Exempt.

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

3.4.14.2 Promotion for Service Affiliated with Staff

A promotion is a non-temporary movement to a position with a higher hourly rate. A performance period is required of an employee who gains a promotion.

3.4.15 Reduction in Force

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, and Service Affiliated with Staff.

Policy:

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

Applies to:

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

Definitions:

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

Order of Layoff:

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

d. Employees with a shorter length of service before employees with a longer length of service.

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

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

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

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

3.4.16 Religious Accommodation and Holy Day Observances

Ball State University respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the University's operations.

An employee whose religious beliefs or practices conflict with his/her job, work schedule, with the University's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to his/her immediate supervisor. The written request will include the type of religious conflict that exists and the employee's suggested accommodation.

The immediate supervisor will evaluated the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available which is reasonable and which would not create an undue hardship on the University's operations. An accommodation may be a change in job, using paid leave or leave without pay, allowing an exception to the dress and appearance code

which does not impact safety or uniform requirements, or for other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor will confer with his/her manager and with the Director of Employee Relations and Affirmative Action.

The supervisor and employee will meet to discuss the accommodation request and decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal following the Handbook's general grievance policy and procedure.

3.4.17 Resignation

The employment relationship may be terminated at any time. Employees are expected to submit a written resignation to his/her supervisor.

All employees must turn in keys, uniforms, Ball State ID, and other university property to his/her supervisor. The ID will be forwarded to University Human Resource Services.

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

Under the Tuition Undergraduate and Graduate Remission Programs at the university, an employee will be required to repay waived tuition if s/he voluntarily or involuntarily resigns prior to the completion of the term in which the course was taken, except on account of retirement, death, or disability.

3.4.18 Social Security Number Statement

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

3.4.19 Transfer

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

Service Affiliated with Staff are limited to two (2) transfers in a twelve (12) month time period.

Transfer from Part-time to Full-time

Vacation and Sick Leave: Vacation and sick leave hours will be earned beginning with the date of regular, full-time employment. The vacation and sick leave hours earned are not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. A part-time

employee who earned vacation and sick leave prior to the full-time position may continue to use those hours.

Transfer from Full Time to Part Time

A regular, full-time employee with one or more years of service who transfers to a part-time position will continue to earn vacation and sick leave in accordance with procedures listed in this *Handbook*. In case of transfer to part-time with less than one (1) year of service, the employee must have two (2) years of part-time service before earning vacation and sick leave hours.

4.0 ABSENCES FROM WORK

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

4.1 Absences with Pay

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

An employee in a temporary, non-benefit eligible position (staff, service, casual and substitutes) is not eligible for compensation under this policy.

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

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

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

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

4.1.2 Court Duty

If an employee in a temporary, non-benefit eligible position (staff, service, casual and substitutes) is summoned for jury duty or subpoenaed as a court witness during the employee’s regularly scheduled working hours, s/he is not eligible for court duty pay and must consult with the supervisor if unpaid time off work is necessary.

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

A third-shift employee shall not be required to work his or her scheduled shift immediately prior to the first morning of jury duty. If a third-shift employee is released by the court by 1:00 p.m. and is not scheduled for jury duty the following day, he or she shall be required to work his or her scheduled shift that night. If released after 1:00 p.m., he or she shall not be required to work his or 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 afternoons 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, as paid vacation or paid-time off if scheduled in advance with the supervisor.

4.1.3 Funeral Leave

Regular part-time nonexempt, temporary staff, service, casual and substitutes are not eligible for paid funeral leave. Consult with the supervisor if unpaid time off work is necessary.

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

Relatives	Step Relatives	In-Laws
Husband	Stepfather	Father-in-law
Wife	Stepmother	Mother-in-law
Father	Stepson	Son-in-law
Mother	Stepdaughter	Daughter-in-law
Son		
Daughter		
Brother		
Sister		
Grandmother		
Grandfather		
Grandchild		
Great Grandmother		
Great Grandfather		
Great Grandchild		

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

3 workdays - within a 150-mile radius of Muncie
4 workdays - between 150- to 300-mile radius of Muncie

5 workdays - beyond a 300-mile radius of Muncie
7 workdays - outside of North America.

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

Visit the website http://cms.bsu.edu/about/administrativeoffices/payrolleb/time-off#tab0ebc899b-c4fb-43ae-9562-09c43a41daef and click "Funeral Leave" to view a map used to determine days of funeral leave available.

An employee will be allowed one (1) day of time off with pay in the event of the death of an employee's other relatives defined as:

Relatives	Step Relatives	In-Laws
Uncle	Step-Father-in-law	Brother-in-law
Aunt	Step-Mother-in-law	Sister-in-law
Nephew	Step-Sibling	
Niece		

With the exceptions as noted, the following rule applies:

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

> **Exception One:** If an employee has taken an Emergency Leave, a non-intermittent Family and Medical Leave, or Sick Leave to care for a qualified family member, that leave terminates upon the death of the qualified family member and funeral leave would be available.
> **Exception Two:** The employee is on an intermittent Family and Medical Leave.

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

4.1.4. Holiday Pay when Shift Overlaps Two Calendar Days

For nonexempt staff, if the workshift overlaps two (2) calendar days, the calendar day on which the majority of the shift falls will be designated the official holiday for pay purposes.

4.1.5.1 Holidays for Regular and Temporary Full-Time Non-Exempt Staff

The following ten (10) 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. The university-designated holiday may or may not be on the same day as the calendar holiday. An employee will be entitled to the equivalent of eight (8) hours of pay for each of the aforementioned designated holidays provided the employee is in pay status for forty (40) hours (including

holiday pay) during the workweek of the designated holiday. Employees who are on paid parental leave are not eligible for holiday pay.

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

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

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

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

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

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

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

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

On the Wednesday preceding the Thanksgiving holiday, the work shift for regular, full-time employees will normally be reduced by four (4) hours. The reduced work shift permits time off with pay for employees who work a full four (4) hours on these days to prepare for the holiday. Employees who work on these days and cannot be granted the four (4) hours off will receive four (4) hours additional pay at the regular straight-time rate.

4.1.5.2 Holidays for Regular and Temporary Full-Time and Part-Time Exempt Staff

The following ten (10) 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. The university-designated holiday may or may not be on the same day as the calendar holiday. An employee will be entitled to pay for the aforementioned holidays provide the employee is in an uninterrupted pay status the last schedule workday preceding the holiday and the first schedule workday following the holiday. To meet eligibility requirements, paid time off must be applied consecutively and immediately following the last day worked. Employees who are on paid parental leave are not eligible for holiday pay.

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

On the last university workday preceding Christmas Day and New Year's Day, workdays for regular, full-time employees are normally reduced by two (2) hours. On the Wednesday preceding the Thanksgiving holiday, the work shift for regular, full-time employees will normally be reduced by four (4) hours.

4.1.5.3 Holidays for Regular Part-Time Non-Exempt Staff and Temporary Part-Time Non-Exempt Staff

Casual and substitute employees are not eligible for holiday pay.

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

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. Employees do not receive holiday pay if they are not in active pay status for the week during which the holiday is recognized.

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

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

Employees who are normally scheduled to work between 3:00 PM and 5:00 PM on the day(s) the university closes early prior to certain holidays will not suffer a loss of earnings due to the early closing. Because of the unusual schedule followed by Dining, ***this procedure does not apply to Dining regular, part-time staff personnel*.** Part-time staff personnel employees working in Dining and Catering should check with their supervisors regarding holiday pay practices in those three areas.

4.1.5.4 Holidays for Service Affiliated with Staff

The following ten (10) 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. Employees who are on paid parental leave are not eligible for holiday pay.

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

On the last university workday preceding Christmas Day and New Year's Day, workshifts for regular, full-time employees are normally reduced by two (2) hours. The reduced workshift permits two (2) hours' time off with pay for employees who work on these days. Employees who work on these days and cannot be granted the two hours off will receive two (2) hours' additional pay at the regular straight-time rate.

On the Wednesday preceding the Thanksgiving holiday, the work shift for regular, full-time employees will normally be reduced by four (4) hours. The reduced work shift permits time off with pay for employees who work a full four (4) hours on these days to prepare for the holiday. Employees who work on these days and cannot be granted the four (4) hours off will receive four (4) hours additional pay at the regular straight-time rate.

When required to work on a calendar day on which a holiday falls but not required to work the university designated holiday which falls either preceding or following the calendar holiday, an employee will be entitled to receive premium pay on the calendar holiday. When required to work on the university

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

4.1.6 Parental Leave For Regular Full-Time and Part-Time Exempt and Nonexempt Staff

Ball State University offers up to twenty-six (26) weeks of leave to eligible full and part time staff employees for the birth or adoption 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.

4.1.6.1 Eligibility

This benefit is available to full and part-time staff employees. Temporary employees, semester contract faculty, service employees, graduate assistants and student employees are not covered by this policy.

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. Both criteria must be met at the time of the birth or adoption in order to be eligible. 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.

4.1.6.2 General Leave Provisions

Parental leave may be used for birth or adoption of a minor child. The adoption of a child by a new spouse is excluded from this policy.

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.

Parental leave is divided into two categories: paid parental leave and unpaid parental leave. Parental leave runs concurrently with the Family and Medical Leave Act (FMLA), as available.

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).

Professional and Staff 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 Dean or Associate Vice President. Faculty who elect to work half-time are required to have an approved plan of not less than fifty (50) percent time that includes instructional assignments and must be pre-approved by the Chair, Dean and Human Resources.

4.1.6.3 Paid Leave Provisions

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 does not reduce the employee's accrued time under any of the other paid leave programs. Paid parental leave is paid at 100% of the employee's regular pay.

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.

Once paid parental leave commences, the time must be used on a full-time continuous basis except when the six (6) weeks of time would include the summer semester and the employee would not normally be scheduled to work during the summer semester. In that situation, the use of paid parental leave will be considered to be used on a continuous basis when the time is taken immediately prior to and following the unscheduled summer semester.

If an official University holiday or paid break (i.e. spring break, fall break, winter break) occurs during the employee's paid parental leave, the employee must use paid parental leave. Paid parental leave not used in accordance with this policy will be forfeited. Unused balances will not be paid out.

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.

4.1.6.4. Paid Leave and Relationship to Sick Leave

Paid parental leave is intended to be used in lieu of sick leave and must be exhausted prior to the use of sick leave. An employee who elects to use paid parental leave for the adoption of a child is not entitled to use an additional fifteen (15) sick days for that event. A non-birth parent who elects to use paid parental leave is not entitled to use an additional ten (10) days of sick leave for that event. A birth mother who has exhausted paid parental leave may use ten (10) additional sick days without medical documentation. Any additional use of sick time must be medically necessary and qualified under the University's sick leave policy.

4.1.6.5 Unpaid Leave Provisions

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 vacation or compensatory time as available, but is not required to do so.

An employee who is not eligible for paid parental leave may be eligible to use available sick leave as outlined in the applicable sick leave policy. In cases where the medical provider has deemed it medically necessary for an employee to be off work, available sick leave balances must be used.

4.1.6.6 Continued Eligibility for Benefits

Employees on parental leave retain benefits, but must make arrangements to pay for their portion of premiums if they are on unpaid leave.

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.

4.1.6.7 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 Ascent Risk Management. All requests for parental leave must be approved by Ascent Risk Management. All requests for parental leave beyond what is available through the Family Medical Leave Act must be approved by the appropriate Dean or Associate Vice President.

4.1.6.8 Effective Date

This policy takes effect on July 1, 2017 and applies to births or adoptions that occur on July 1, 2017 or after that date.

4.1.7.1 Paid Sick

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Regular Part-time Exempt, Regular Part-time Nonexempt, Temporary Full-time Non-Exempt, and Temporary Full-time Exempt.

Temporary part-time staff, service, casual and substitutes are not eligible for paid sick leave.

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

Full-time exempt and non-exempt staff (regular and temporary) may use up to eighty (80) hours/ten (10) days of sick leave per fiscal year for the care of a family member. Where an employee is not eligible to receive paid parental leave, they may use up to one hundred and twenty (120) hours/fifteen (15) days of sick leave per fiscal year for the adoption or foster care placement of a child. Employees may use an additional four hundred and eighty (480) hours/sixty (60) days of earned sick leave balances in a fiscal year for the care of a family member with a serious health condition, as defined in the Family and Medical Leave Act. The employee shall be required to submit a formal application, with supporting documentation, to use additional leave beyond the forty (40) hours.

Regular part-time non-exempt staff who have worked two (2) consecutive years or more at Ball State University, may use up to forty (40) hours of accrued sick leave per fiscal year for the care of a family member and up to sixty (60) hours of accrued sick leave per fiscal year for the adoption or foster care placement of a child if they are not eligible for paid parental leave. Employees may use an additional four hundred and eighty (480) hours of earned sick leave balances in a fiscal year for the care of a family member with a serious health condition, as defined in the Family and Medical Leave Act. The employee shall be required to submit a formal application, with supporting documentation, to use additional leave beyond the forty (40) hours.

It is urged that all employees be impressed with the value of accumulating a balance of up to seven hundred and twenty (720) paid sick leave hours/ninety (90) days to cover potential periods of extended illness or injury. An employee needs approximately five hundred and twenty (520) hours/sixty five (65) days of accumulated sick leave to cover the **sixty (60)-calendar day waiting period plus thirty (30) calendar days** for processing time before receiving a check for long-term disability benefits under the university's salary continuance program. Additional processing time may be needed by the long-term disability insurance company for certain health care situations.

Paid sick leave for full-time staff employees is accrued beginning on the employee's effective date of employment; but for a new employee, it is not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. A part-time employee will begin accruing sick leave the first pay period following the completion of two (2) years of continuous employment from the employee's effective date of hire.

Only paid sick leave hours accrued and reported in UKG Dimensions on pay dates may be used. For non-exempt employees, paid sick leave may be used in - 15 minute increments. A maximum of seven hundred and twenty (720) hours of accumulated paid sick leave may be used during a fiscal year. For exempt employees, sick leave may be used in full-day (eight (8) hour) or half-day (four (4) hour) increments.

If absent from work because of illness or injury, an employee must notify his or her supervisor according to departmental regulations for reporting absences. Failure to notify his or her supervisor within the departmental prescribed time will result in disapproval of sick leave benefits and/or disciplinary action up to and including discharge. If there is no specific departmental regulation, the employee is required to notify his or her supervisor no later than thirty (30) minutes after the beginning of the workshift.

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

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

Accrual Rates:

The number of sick leave hours to which staff employees are entitled depends upon salary grade, the number of straight time hours in pay status and the length of service. Sick leave hours for nonexempt staff employees are earned at the following rates per hour for each hour in pay status:

Employment Status	Salary Grades	Years of Service	Accrual Rate	Maximum Fiscal Year Accrual
Part-Time	All grades	0 to 1.99 years	0	0 hours
Part-Time	All grades	2 years and above	.0230769	48 hours
Full-Time	1-10	0 to 2.99 years	.0230769	48 hours
Full-Time	1-10	3 years and above	.0461538	96 hours
Full-Time	11 and above	Upon employment	.0461538	96 hours

A part-time non-exempt employee will begin accruing sick leave at the rate of .0230769 of an hour for each straight time hour in pay status, the first pay period following the completion of two (2) years of continuous employment from the employee's effective date of hire.

Twelve (12) days of paid sick leave are provided each fiscal year to full-time exempt staff employees who are appointed on an academic- or fiscal-year basis. For the fiscal year in which employment begins, sick leave days are calculated as follows:

> If employed on a fiscal-year basis, one (1) day for each month in the fiscal year beginning with the effective date of employment. If employed for less than full-time, the number of hour per sick day is reduced proportionately.
>
> If employed on an academic year basis, twelve (12) days are provided when employment begins during Fall Semester; six (6) days are provided when employment begins during Spring Semester. When employment begins after Spring Semester, twelve (12) days are provided effective Fall Semester of the next academic year.

In the event employment terminates within the year, actual sick leave days earned are prorated on the basis of days employed.

4.1.7.2 Paid Sick Leave for Service Affiliated with Staff

For non-Group Leaders, paid sick leave is accrued beginning on the employee's effective date of employment; but for a new employee, it is not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. Only paid sick leave hours accrued and reported in UKG Dimensions on pay dates may be used. Paid sick leave hours may be accumulated up to a maximum balance of seven hundred and twenty (720 hours). Paid sick leave may be used in one (1) -hour increments. For accrual rates, go to www.bsu.edu/payroll, click Time Off.

Paid sick leave applies only if the employee is regularly scheduled to work at the time of illness or injury.

If absent from work because of illness or injury, an employee must notify his or her supervisor according to departmental regulations for reporting absences. Failure to notify his or her supervisor within the departmental prescribed time will result in disapproval of sick leave benefits and/or disciplinary action up to and including discharge. If there is no specific departmental regulation, the employee is required to notify his or her supervisor no later than thirty (30) minutes after the beginning of the workshift.

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

Sick leave payments will cease whenever an employee enters a layoff status. The employee's supervisor will advise him/her of specific attendance rules and regulations and the use of sick leave.

Group Leaders. The use of sick leave for employees with this job title is covered under the bargaining unit's Attendance Rules and Regulations for Service Personnel. The policy is located at the back of this *Handbook.* In lieu of paid sick leave, group leaders are eligible for a Short-Term Disability Plan (STDP) beginning on the eighth calendar day of disability. The STDP may continue for up to twenty six (26) continuous weeks if the absence is properly supported by medical verification to the satisfaction of the plan administrator (our insurer). Once the first STDP check is issued, an employee may not continue to receive pay from his/her PTO or IPB during that period of disability.

When an employee is eligible to receive benefits under the plan, he/she must submit a claim either by telephone or in writing to the plan administrator. The Hartford is the plan administrator, and the phone number is 1-800-741-4306. When you call to file your claim, please reference Policy # 697019. Claims may be filed beginning with the first day of absence but no later than 90 days after the date of loss for which the claim is made.

The weekly benefit is equal to 80% of 103% of the employee's hourly rate times 40; an employee who returns to work mid-week will have his/her weekly benefit prorated for that week. The plan administrator will mail checks directly to the employee's home address.

Coverage is effective the first of the month following satisfactory completion of an employee's probationary period.

Employees should contact the Payroll & Employee Benefits office at 285-8461 to make arrangements for payment of the employee's portion of insurance premiums while off work.

STDP is the method by which an employee is compensated and is not of itself an excused leave of absence from work. An employee should also apply for the appropriate leave of absence with University Human Resource Services.

Beginning with the 27th continuous week of disability due to an employee's own personal illness or injury, an employee on STDP will be transferred to Long-Term Disability Plan (LTDP).

LTDP benefits are paid monthly rather than weekly, and the benefit is equal to 60% of 103% of the employee's hourly rate times 40. Contact the Payroll & Employee Benefits office at 285-8461 or The Hartford at 1800-741-4306 for more information.

LTDP is the method by which an employee is compensated and is not of itself an excused leave of absence from work. An employee should also apply for the appropriate leave of absence--Extended Personal Sick Leave of Absence (EPSLA)--with University Human Resource Services.

For minor illness absences of less than one week, see vacation/PTO.

4.1.8.1 Vacation Nonexempt Staff

Service affiliated with staff group leaders, part-time temporary staff, service, casual and substitutes are not eligible for paid vacation leave.

For full-time regular and temporary staff, vacation is accrued beginning on the employee's effective date of employment; but for a new employee, it is not available for use until the beginning of the reporting period following satisfactory completion of the probationary period. A regular part-time staff employee will begin earning vacation at the rate of .0461538 of an hour for each straight time hour in pay status, the first pay period following the completion of two (2) years of continuous employment from the employee's effective date of hire. Only vacation hours that are accrued and reported in UKG Dimensions on pay dates may be used.

For full-time regular and temporary staff, all vacation accrued in a fiscal year must be used before the end of the following fiscal year.

Holidays recognized by the university are not counted as a part of vacation. Extra pay in lieu of vacation is not allowable. Employees may not report vacation in lieu of what they normally would have been scheduled to work.

Vacations are to be scheduled in advance and at a time agreeable to the supervisor and in accordance with the needs of the department. Vacation may be used in 15 minute increments; however, the request to use vacation will not be approved by the supervisor if the absence of the employee from the workplace would require that a substitute or replacement be employed. Failure to obtain pre-approval will result in disapproval of vacation leave benefits and/or disciplinary action up to and including discharge. At its sole discretion, the university reserves the right to assign an employee's available vacation balance toward time off.

Accrual Rates:

The number of vacation leave hours to which staff employees are entitled depends upon salary grade, the number of straight time hours in pay status and the length of service. Vacation leave hours for nonexempt staff employees are earned at the following rates per hour for each hour in pay status:

Employment Status	Salary Grades	Years of Service	Accrual Rate	Maximum Fiscal Year Accrual
Part-Time	All grades	0 to 1.99 years	0	0 hours
Part-Time	All grades	2 years and above	.0461538	96 hours
Full-Time	1-10	0 to 2.99 years	.0461538	96 hours
Full-Time	1-10	3 to 10.99	.0692307	144 hours
Full-Time	1-10	11 years and above	.0923076	192 hours
Full-Time	11-12	0 to 5.99 years	.0692307	144 hours
Full-Time	11-12	6 years and above	.0923076	192 hours
Full-Time	13 and above	Upon employment	.0923076	192 hours

All vacation hours earned during the fiscal year must be used on or before June 30 of the following fiscal year. Any vacation not taken in the allotted time period is lost; no cash equivalent will be paid. In very unusual circumstances where an employee has been unable to take all earned vacation because of a special

need of the University, the supervisor can request an extension in vacation carryover from the Senior Executive Director of Human Resources.

Vacation is accrued through the last day worked by the employee, regardless of the effective date of the resignation. If you resign from the University after the beginning of the reporting period following satisfactory completion of your probationary period, you will be paid for earned and unused vacation.

4.1.8.2 Vacation Exempt Staff

Exempt staff assigned on an academic year basis are not eligible for vacation due to the nature of their assignment.

Vacation is accrued beginning on the employee's effective date of employment; but for a new employee, it is not available for use until the satisfactory completion of the probationary period. Vacation to be accrued for a fiscal year will be made available for use on July 1 of that fiscal year and may be used any time during the next fourteen (14) months subject only to approval of the employee's supervisor. Any vacation not taken in the allotted time period is lost; no cash equivalent will be paid.

Vacation available for use is listed in several locations: on the UKG Dimensions Time Keeping system and also on Self-Service Banner.

Holidays recognized by the university are not counted as a part of vacation. Vacations are to be scheduled in advance and at a time agreeable to the supervisor and in accordance with the needs of the department. Vacation is to be used in half-day or full-day units only. At its sole discretion, the university reserves the right to assign an employee's available vacation balance toward time off.

Accrual Rates:

The number of vacation leave hours to which exempt staff employees are entitled depends upon salary grade, the number of days in pay status within a month, and the length of service. Vacation days for exempt staff employees are calculated at the following rates if in pay status at least fifteen (15) days during the month:

Employment Status	Salary Grades	Years of Service	Accrual Rate	Maximum Fiscal Year Accrual
Full-Time	1-12	0 to 4.99 years	1.5 days per month	18 days
Full-Time	1-12	5 years and above	2 days per month	24 days
Full-Time	13 and above	Upon employment	2 days per month	24 days

If in pay status at least ten (10) but less than fifteen (15) days during a month, vacation days are calculated at one-half the foregoing rates; if in pay status less than ten days in a month, no vacation is earned. If employed for less than full-time, the number of hours per vacation is reduced proportionately.

For purposes of calculating vacation days, your Anniversary Date is determined as follows:

> If the effective date of your employment is not later than the first University work day of the month, your Anniversary Date is the first calendar day of that month.
>
> If the effective date of your employment falls after the first University work day of the month, your Anniversary Date is the first calendar day of the following month.

Any vacation not taken in the allotted time period is lost; no cash equivalent will be paid. In very unusual circumstances where an employee has been unable to take all earned vacation because of a special need of the University, the supervisor can request an extension in vacation carryover from the Senior Executive Director of Human Resources.

In case of resignation, vacation is not earned following the last actual day worked. If you resign from the University prior to the end of the fiscal year, you will be paid for unused vacation to which you are entitled; however, if the number of vacation days taken exceed the number to which you are entitled, your final paycheck will be reduced accordingly. You are expected to provide at least two (2) weeks advance notice of the resignation.

4.1.8.3.1 Vacation/Paid Time Off (PTO) Service Affiliated with Staff

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

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

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

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

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

Group Leaders. Vacation for employees with this job title is called paid time off (PTO). Under the Attendance Rules and Regulations for Service Personnel, some PTO may be used for minor illness absences. The policy is located at the back of this *Handbook.*

4.1.8.3.2 Income Protection Bank (IPB)

A Group Leader has an Income Protection Bank (IPB) where he/she may elect once a year to deposit up to 40 hours of his/her accrued Paid Time Off (PTO) by requesting in writing that such transfer be made. The purpose of the IPB is to help protect a Group Leader 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. A Group Leader 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.

In August 2005, a Group Leader's existing sick leave balance was automatically transferred to his/her Income Protection Bank. There is no maximum number of hours an employee may accumulate in this bank. Upon resignation, two-thirds (2/3) of this IPB account will be paid in a lump sum in the Group Leader's last paycheck. Upon the Group Leader's death or retirement (which qualifies for Retirement Status), eighty percent (80%) of this IPB account will be paid in a lump sum in a Group Leader's last paycheck. In the case of discharge, no IPB is paid.

4.2 Absences without Pay

An employee's supervisor may authorize a leave without pay up to ten (10) consecutive workdays for an employee. For service affiliated with staff employees, the department head must also approve the unpaid leave. Certain other leaves, as indicated below, require additional approval from the department head and Human Resources. If you are absent from work and not on an approved leave, your absence(s) may be considered unexcused and subject to disciplinary action up to and including termination.

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

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

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

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

Sick leave and vacation/PTO credits do not accumulate during a leave of absence without pay. For information on continuation of existing benefit plans during a leave, contact Payroll and Employee Benefits.

4.2.1.1 Emergency Leave

Applies to Regular Full-time Exempt, Temporary Full-time Exempt, Regular Full-time Nonexempt Staff, Temporary Full-time Nonexempt and Service Affiliated with Staff.

A leave of absence without pay of up to six (6) months during a "leave year" may be granted to a full-time regular employee when such leave is necessary for an employee to provide care for a member of the employee's immediate family or household suffering from a serious health condition. To the extent that the Emergency Leave is also a Family and Medical Leave qualifying leave, it will run concurrently with Family and Medical Leave. Employees may use accumulated sick leave for the care of a member of the employee's immediate family or household in accordance with the appropriate sick leave policy.

For an employee with at least one year continuous full-time employment, most benefit plans may be continued during the Emergency Leave. The employee must make arrangements with the Payroll and Employee Benefits Office for the payment of insurance premiums during the duration of the leave. If the employee fails to return to work at the university on or before the expiration of the Emergency Leave, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university on or before the expiration of the leave and work for a certain period of time, the employee must repay the portion of the benefit costs paid by the university during the leave.

4.2.1.2 Emergency Leave

Applies to Regular Part-time Exempt, Regular Part-time Nonexempt, Temporary Part-Time Exempt and Temporary Part-Time Non-Exempt Staff.

A leave of absence without pay of up to three (3) months during a "leave year" may be granted to a part-time employee when such leave is necessary for an employee to provide care for a member of the employee's immediate family or household suffering from a serious health condition. In order to qualify, the employee must have worked 1,250 hours for the 12 months immediately preceding the request. To the extent that the Emergency Leave is also a Family and Medical Leave qualifying leave, it will run concurrently with Family and Medical Leave. Employees may use accumulated sick leave for the care of a member of the employee's immediate family or household in accordance with the appropriate sick leave policy.

For an employee with at least one year continuous employment, applicable benefit plans may be continued during the Emergency Leave. The employee must make arrangements with the Payroll and Employee Benefits Office for the payment of insurance premiums during the duration of the leave. If the employee fails to return to work at the university on or before the expiration of the Emergency Leave, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university on or before the expiration of the leave and work for a certain period of time, the employee must repay the portion of the benefit costs paid by the university during the leave.

4.2.2 Extended Sick Leave Programs

4.2.2.1 Extended Sick Leave

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Regular Part-time Exempt, Regular Part-time Nonexempt, Temporary Full-time Exempt and Temporary Full-time Non-Exempt Staff**.**

If an employee does not qualify for Family and Medical Leave or if this leave has been exhausted, he/she may be eligible to apply for an Extended Sick Leave from the university. For information on this program, please contact Human Resource Solutions, 765-285-1834.

4.2.2.2 Extended Personal Sick Leave of Absence for Service Affiliated with Staff

The Extended Personal Sick Leave is intended to provide time off with or without pay for extended periods of at least five (5) consecutive days or more when it is necessary for an employee to be off work due to his/her own serious health condition and FML is not applicable or has been exhausted. Exception: An employee diagnosed with a) cancer who is receiving chemotherapy or radiation treatments; b) kidney failure who is receiving dialysis; or c) other such serious health condition that necessitates absence from work to

receive an on-going regimen of treatment may be granted EPSLA for absences of less than five (5) consecutive days.

The term "serious health condition" will have the same meaning as used in the Family Medical Leave Act. Approval of the Extended Personal Sick Leave is contingent on medical necessity, and employees are required to certify or recertify a continuing medical need for leave at the discretion of the university. Failure to return to work at the expiration of the Extended Personal Sick Leave will be considered as resignation from the university (if the leave is not renewed). An Extended Personal Sick Leave may not be approved for more than six (6) months at a time. There is no limit on the number of times an Extended Personal Sick Leave may be granted or renewed.

4.2.3 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, 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 1250 hours during the twelve (12) months immediately preceding the date the requested leave is to begin; and
- have a qualifying reason for taking Family and Medical Leave; and
- have a remaining balance of Family and Medical Leave.

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

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

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

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

An employee is required to use all of his or her accrued paid sick leave and may request to use his or her accrued vacation when requesting Family and Medical Leave for his/her own serious health condition. A Group Leader may request to use his or her Paid Time Off (PTO) and/or Income Protection Bank (IPB) The remainder of the Family and Medical Leave will consist of unpaid leave. When requesting Family and Medical Leave for a family member, the employee may opt to use vacation leave, a portion of sick leave or unpaid leave. The maximum sick leave allowance that may be used for the care of a family member is 80 hours/10 days in a fiscal year. For Group Leaders requesting Family Medical Leave for a family member, the employee may opt to use PTO; IPB is not applicable.

Family and Medical Leave may be requested in a continuous block of time or on an intermittent or reduced leave schedule. Intermittent Family and Medical Leave may not be taken in less than 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 leave is not foreseeable, notice must be given as soon as practicable, generally at least verbal notice within one (1) to two (2) workdays after the need for the leave becomes known to the employee.

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

An employee who returns from Family and Medical Leave with the exception of an employee designated as a “key employee” will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment as if the employee had been continuously employed during the Family and Medical Leave period. Ball State University will determine whether a position is an “equivalent position.” An employee who fails to return to work and work for a period of thirty (30) days will be required to reimburse the university for the portion of health premiums paid by the university during the employee’s Family and Medical Leave. EXCEPTION: When the following circumstances occur, the employee’s failure to return to work from a qualifying Family Medical Leave will not require the repayment of the university’s portion of premiums paid during the leave: (a) the continuation, recurrence, or onset of a

serious health condition; or, (b) other circumstances beyond the control of the employee. Additional medical certification may be required to substantiate the need to remain off work. Family and Medical Leave may run concurrently with other university leave programs including, but not limited to, Emergency Leave, Child Care Leave, Maternity Leave, or Worker's Compensation. If there is a conflict between the provisions of another university leave policy and the Family and Medical Leave Act, the Family and Medical Leave Act provisions will control.

On January 28, 2008, the National Defense Authorization Act for Fiscal year 2008 was signed, and on October 28, 2009, the National Defense Authorization Act for Fiscal Year 2010 was signed. These acts under the FMLA allow for a spouse, child, parent, or next of kin of a covered service member to take up to twenty-six (26) weeks of unpaid leave in a single twelve (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 five (5) years preceding the date on which the veteran undergoes the above treatment.

In addition, the above National Defense Authorization Acts allow for an eligible employee to take up to twelve (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 Ascent Risk Management at asalamino@ascentrmg.com or 513-762-0230 with questions.

4.2.4 Military Leave (applies to all staff)

A leave of absence will be granted to an employee who is called to a tour of **training duty**. An eligible employee is entitled to a Military Leave of absence with pay not to exceed fifteen (15) calendar days or ten (10) working days in any one (1) calendar year. Substitute, casual, and temporary part-time employees are not eligible for paid military leave days. Evidence, such as military orders, must be submitted to University Human Resource Services before approval for pay will be given.

Active duty Military Leave of more than fifteen (15) calendar days or ten (10) working days will be without pay. 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.

Benefit plans may be continued during Military Leave.

4.2.5 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 75% of the premium contribution. An eligible employee may elect or an employer may require the employee to substitute any earned paid vacation, personal leave, or other paid leave except for paid medical or sick leave available to the employee for leave during the ten-day period. An employee may be eligible for child care assistance from the Indiana Military Family Relief Fund. (2009 SEA 356)

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

4.2.6 Mutual Leave

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Temporary Full-time Exempt, Temporary Full-time Non-Exempt Staff and Service Affiliated with Staff.

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

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

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

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

4.2.7 Personal Leave

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Temporary Full-time Exempt, Temporary Full-time Non-Exempt Staff and Service Affiliated with Staff.

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

4.2.8 Study Leave

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Temporary Full-time Exempt, Temporary Full-time Non-Exempt Staff and Service Affiliated with Staff.

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

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

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

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

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

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

4.2.9 Voting

Applies to Regular Full-time Exempt, Regular Full-time Nonexempt, Temporary Full-time Exempt, Temporary Full-time Non-Exempt Staff and Service Affiliated with Staff.

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

5.0 EMPLOYEE CONDUCT

5.1 Anti-Harassment Policy

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

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

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

Members of the university community and others who believe they have been harassed in violation of this Policy by university employees or students, or by contractors or vendors serving the university, may contact the Office of the General Counsel. Formal complaints must be filed in the Office of the 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 Office of Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.*" A copy of this document may be obtained by contacting the Office of the General Counsel. Complaints involving students may instead be filed in the Office of the Vice President for Student Affairs and Enrollment Services, 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 the General Counsel; or, if the harassment involves students, the conduct may instead be reported to the Office of the Vice President for 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."

Effective date: July 19, 2013

5.2 Bloodborne Pathogens/Universal Precautions

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

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

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

this statement are to ensure orderly communication and implementation of any decisions to cancel classes and/or curtail services at the university and to maintain essential services.

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

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

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

5.4 Code of Ethics Statement

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

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

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

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

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

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

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

2.1 Promote religion.
2.2 Attempt to influence legislation or governmental policy, or
2.3 Attempt to influence elections to public office;
And the services may only occur:
2.4 For the benefit of another governmental entity or a not-for-profit organization exempt from taxation under IRC 501(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.

5.6 Driving Privileges Policy

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

5.7 Drug Abuse Policy

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

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

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

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

5.8 Electronic Devices Policy

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

Electronic devices should not be used to conduct university business while operating a motor vehicle. In addition, supervisors of nonexempt employees should closely monitor the use of electronic devise by

nonexempt employees during non-regularly scheduled work hours. To review the entire policy, go to www.bsu.edu/informationtechnology.

5.9 Emergency Responses (Fires and Tornadoes/Severe Weather)

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

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

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

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

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

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

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

Ball State University Emergency Response Guidelines. Each office should have a copy of these *Guidelines,* which cover numerous emergency situations. Please visit the university's Emergency Preparedness web page for information.

5.10 Hazard Communication Standard

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

5.11 Policy on Unaccompanied Minors

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

5.12 NCAA Rules and Regulations

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

5.13 Pet Policy

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

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

5.14 Rules and Regulations—Disciplinary Process

Applies to Regular Full-time Nonexempt, Temporary Full-time Nonexempt, Regular Part-time Nonexempt, Regular Full-time Exempt, Regular Part-time Exempt, Temporary Full-time Exempt and Service Affiliated with Staff.

This policy is not applicable to temporary part-time staff, temporary service, casual and substitute personnel.

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. Ball State University employees are expected to conduct themselves in a professional manner at all times. For example, tardiness and excessive absenteeism cannot be tolerated. Maintaining the proper decorum and wearing the appropriate attire for the position held and the workstation occupied are required. A satisfactory level of performance on each of the tasks and responsibilities identified in the position description or assigned by the supervisor must be maintained. Reporting to work while under the influence of alcoholic beverages or other controlled substances is unacceptable.

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

Supervisors may require an employee be placed on a Performance Improvement Plan (PIP) or a Conduct Improvement Plan (CIP). Such plans allow for an employee to make adjustments in their work performance or other conduct issues. Supervisors who want help establishing PIP/CIP plans or need guidance on the progressive discipline procedure should call Employee Relations at 765-285-1823.

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

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

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

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

Prior to submitting formal grievances, however, employees should discuss concerns or problems with their supervisors. Most employee problems or concerns are resolved through such informal discussions. Those needing guidance on conflict resolution may call Employee Relations at 765-285-1823

Group Leaders. Group Leaders are subject to the following rules which are meant to be illustrative and should not be considered exhaustive:

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, and/or appearance standards	1 2 3 4
5.	Failure to report for overtime work after acceptance without a justifiable reason or failure to promptly notify the University	1 2 3 4
6.	Failure to properly document as required by law and/or university policy	1 2 3 4
7.	Leaving the work location during work shift 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 department cell phone/electronic communication devise use policies	1 2 3 4

5.15 Absenteeism and Tardiness for Service Affiliated with Staff

5.15.1 Excessive Tardiness Guidelines

Applies to Group Leaders only.

Tardiness is defined as an unapproved absence from work of less than one (1) hour in duration at the beginning of a work shift or immediately following a designated lunch period. [Any absence after the official work shift start time up to fifty-nine (59) minutes.]

Official Ball State University time (according to the time clock) will be used to measure tardiness. An employee's failure to properly ring the time clock may result in disciplinary action for violation of Rule #9.

Where adequate documentation can be provided by the employee (e.g. car repair receipt, power outage verification, severe weather, etc.), the department head and/or his/her designee may consider the circumstances and excuse such tardiness.

Employees should follow call-in procedures if at all possible; reporting anticipated tardiness helps supervision plan work accordingly. Only the department head and/or his/her designee may excuse an employee for failure to promptly notify supervision of tardiness. An employee's unexcused failure to follow call-in procedures and promptly notify supervision may result in disciplinary action for violation of Rule #10.

Unexcused tardiness will result in disciplinary action for violation of Rule #1-"Excessive Tardiness" as follows:

VERBAL WARNING: Two tardies of 5 minutes or less in a pay period

One tardy of 6 to 59 minutes in a pay period

WRITTEN WARNING:	Two tardies of 5 minutes or less in a pay period which occur after the issuance of the verbal warning and during the next six consecutive pay periods
	One tardy of 6 to 59 minutes which occurs after the issuance of the verbal warning and during the next six consecutive pay periods
SUSPENSION:	Two tardies of 5 minutes or less in a pay period which occur after the issuance of the written warning and during the next ten consecutive pay periods
	One tardy of 6 to 59 minutes which occurs after the issuance of the written warning and during the next ten consecutive pay periods
DISCHARGE:	Two tardies of 5 minutes or less in a pay period which occur after the issuance of the suspension and during the next twelve consecutive pay periods
	One tardy of 6 to 59 minutes which occurs after the issuance of the suspension and during the next twelve consecutive pay periods

5.15.2 Attendance Rules and Regulations

For Group Leaders Only.

Section 1. Scheduled Absences

A. Scheduled absences are absences from work for scheduled paid time off (PTO), jury duty, union business, and funeral leave which are scheduled and approved by supervision in advance and according to the departmental guidelines for scheduling such absences. Note: An employee should schedule paid time off (PTO) in advance to attend personal medical or dental appointments.

B. Other leaves of absence may be approved in accordance with specific leave policies and departmental and university guidelines and will be considered as scheduled absences. It is the employee's responsibility to provide justification including supporting information acceptable to the university in order for the absence to be approved. Such absences include extended and intermittent Family and Medical Leave (FML), Extended Personal Sick Leave, Emergency Leave, Parental Leave, Personal Leave, Mutual Leave, Leave for Study, Military Leave, and short leaves of up to ten (10) consecutive days of absence without pay as authorized by supervision.

Section 2. Unscheduled Absences

A. Unscheduled absences are absences from work due to personal illness or injury, personal medical or dental appointments, or for the care of immediate family members during their illness or injury. Unscheduled absences may also be utilized to deal with personal emergencies, but in such cases cannot be taken in more than one day increments. The university's attendance policy is intended to protect employees from the loss of income as they attend to these matters, recognizing that maintaining a healthy workforce is both operationally and socially desirable.

B. Unscheduled absences may be approved or unapproved. If the employee properly follows the procedures and requirements set forth in the Attendance Rules and Regulations, unscheduled absences

shall be considered approved. Failure to properly notify supervision and obtain approval for unscheduled absences may result in disciplinary action, in accordance with the university's progressive discipline policy.

C. 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:

1. he/she properly reports his/her absence from work within the departmental prescribed time;
2. the absence is not for less than four (4) continuous hours;
3. 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; and,
4. the University determines there are no suspicious circumstances.

NOTE: An employee in the Dining seniority department or in the Bus Driver job classification may utilize this section (2.C.) during normal operating periods unless special circumstances dictate that no employees may be spared from work.

D. In the event the reason for the unscheduled absence is due to an FML qualifying reason, an employee must make his/her supervisor aware that the absence is for an FML qualifying reason, and:

1. When the FML is foreseeable, provide the supervisor with at least thirty (30) days advance notice.

2. When the FML is unforeseeable or is foreseeable but thirty (30) days advance notice is not possible, provide his/her supervisor with advance notice as soon as practicable [within one to two (1-2) working days except in extraordinary circumstances] after he/she becomes aware of the need for leave.

3. When the FML is needed on an intermittent basis, the employee and employer shall attempt to work out a schedule which meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the health care provider.

Section 3.

A. **Extended Absences**

If an employee must be absent from work for an extended period of time, he/she should apply for a scheduled leave of absence as indicated in Section 1.

B. **Excessive and Unexcused Absenteeism**

If an employee is absent from work and not on an approved scheduled or approved unscheduled absence, he/she will be subject to disciplinary action in accordance with the university's progressive discipline for rule #2-Excessive Absenteeism or rule #23-Unexcused Absence of Three Consecutive Days.

Exception: If the employee believes his/her absences will qualify as FML or EPSLA, but the employee is unable to provide medical certification to qualify for such leaves, then the university will not consider such absences of three consecutive days or more as unexcused and in violation of rule #23 (Handbook for Bargaining Unit Employees), but rather will treat it as a violation of rule #2 (Handbook for Bargaining Unit Employees), if the employee provides a completed Medical Certification of Employee's Need for Sick Leave to the University within seven (7) working days after receiving notification from the University that his/her FML or EPSLA request has been denied.

If the University determines there are suspicious circumstances, the employee must submit a properly completed Medical Certification of Employee's Need for Sick Leave form that substantiates the absence from work within seven (7) working days after the University advises the employee of this requirement or the absence will be considered unexcused and the employee will be subject to disciplinary action.

Section 4. Tardiness

A. Tardiness is defined as an unapproved absence from work of less than one (1) hour in duration at the beginning of a work shift or immediately following a designated lunch period.

B. If it is determined that an employee has an excessive number of tardies, he/she will be subject to disciplinary action in accordance with the university's progressive disciplinary policy.

Section 5. On-The-Job Injury Absences

A. On-the-job injury absences are absences that occur because of a university job related injury that is accepted as a legitimate claim by the university.

B. All on-the-job injuries must be reported to supervision immediately following the injury, during the same shift on which the injury occurred.

C. When such legitimate absences are substantiated by the Health Center, they will be considered an approved scheduled absence.

D. If absent for two (2) or more days as result of an on-the-job injury, a clearance from the university Health Center is required.

E. An employee may elect to utilize Income Protection Bank hours, scheduled paid time off (PTO), or excused lost time during the first seven calendar days of disability due to an on-the-job injury absence.

Section 6. Return to Work Releases

A. Any employee absent from work because of illness or injury for seven (7) or more calendar days must obtain a "Return to Work" release from the university Health Center before returning to work.

B. An employee who works in any department that serves food must obtain a "Return to Work" release from the university Health Center before returning to work after an illness or injury absence of more than two (2) days (two days plus any additional hours).

Section 7. Miscellaneous

A. Current university and departmental policies and procedures governing various leaves remain in effect except where the Attendance Rules and Regulations indicate otherwise.

5.16 Sexual Harassment Statement

Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the Civil Rights Act of 1964, as well as state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.

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. The complete Ball State University's Statement on Sexual Harassment is located in Appendix A.

5.17 Tobacco Free Campus

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

1. As used herein, tobacco includes but is not limited to cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco and any non-FDA approved nicotine delivery device.

2. Tobacco use is prohibited on Ball State University campus.

3. Tobacco use is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.

4. Tobacco use is prohibited in all university housing units.

5. Tobacco use will be permitted in the tailgating areas on home football game days only; otherwise, the area is to be tobacco free.

6. University regulated parking areas are included in the ban. Tobacco use in enclosed personal vehicles will be permitted as long as users contain smoke and tobacco products inside the vehicle (e.g., windows must be closed). Failure to do so is a violation of this policy.

7. Adherence to this policy is the responsibility of all members of the University community. It is expected that students, faculty, staff, University affiliates, contractors and visitors to campus will comply with this policy. Members of the University community are empowered to respectfully inform others about the policy to ensure compliance. Primary enforcement of this smoking policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, Public Safety personnel, and other designees.

    A. Failure to comply with this policy shall result in a fine of $100 per occurrence.

B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from the assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.

C. Citations may be applied through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.

D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.

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

5.18 Social Media Policy

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

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.

5.19 Title IX Compliance

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

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

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

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

To learn more about sexual harassment compliance and your role in maintaining a safe and respected campus, contact the Associate Dean of Students and Deputy Sexual Misconduct and Title IX Coordinator for Students at 765-285-1545.

5.20 Information Technology Users' Privileges and Responsibilities

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

5.21 Weapons Policy

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

The exceptions to this policy are:

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

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

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

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

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

5.22 Whistleblower Protection Policy

All employees of the university and other members of the university community are expected to comply with all federal and state laws and regulations as well as university policies; and they also are expected to report to the university any violations of such laws, regulations, or policies and other university related misconduct they witness or have good reason to believe occurred.

The university has existing policies and procedures for disclosing certain types of violations and misconduct. They include but are not limited to the Equal Opportunity and Affirmative Action Policy, the Sexual Harassment and Anti-Harassment Policies, the Policy on Conflict of Interest and Conflict of Commitment, and the Policy on Protection of Human Subjects in Research. These policies should be used to report any suspected violations and misconduct covered by the policies.

Other suspected violations and misconduct should be reported to the university office responsible for the policy area or alternatively to the Office of General Counsel. Reports can also be made either by phone using the EthicsPoint dedicated toll-free hotline for Ball State University at 1-844-338-7290 or through the EthicsPoint Internet-based reporting system at www.bsu.edu/ethicspoint. Access to the EthicsPoint Hotline Reporting is available 24/7/365 days of the year. For the complete policy, please go to www.bsu.edu/legal.

5.23 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.

Statement Approved January 31, 2020 Ball State University Trustees

6.0 BENEFITS

The university offers a wide variety of benefits to include health, dental, life insurance, disability, retirement, etc. For program details and eligibility information, go to Payroll and Employee Benefits at www.bsu.edu/payroll.

6.1 Employee Assistance Program

Everyday life can be challenging at times. Working to balance family, relationship, finances, and everything else can be overwhelming. It often affects your performance at work, which often time causes you more stress at home.

Changes and concerns in the work place, or in our personal lives, tend to promote stress. Ongoing stress for employees, faculty or staff rarely allows them to do their best work and can even affect the productivity of a work team.

Ball State University's goal is to provide all employees' a voluntary and confidential program to assist them in managing personal or work related challenges. Neither job performance problems nor opinions of such "personal problems" will be discussed with third parties who do not have a valid interest.

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

- An employee participating in the program will be expected to meet existing job performance standards and established work rules within the framework of existing policies, procedures, and agreements.
- The University does not waive its responsibility to maintain discipline or the right to invoke disciplinary measures in the case of misconduct, which may result from, or be associated with, personal problems.
- While participating or following participation in the Employee Assistance Program, an employee should not expect any special privileges or exemptions from standard personnel practices.
- An employee may obtain assistance under the program either by self-referral or supervisory 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 program contact the Working Well office at (765) 285-9355.

6.2 Class Attendance

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

6.3 Remitted Tuition Benefits

6.3.1 Educational Assistance Program

An employee who meets normal admission requirements of the university and who is in a probationary period wishing to take undergraduate classes or a non-probationary employee wishing to take graduate classes may enroll for up to six (6) credit hours per fall semester, six (6) credit hours per spring semester, and a total of six (6) credit hours during any combination of summer sessions is entitled to a remission of 100% of basic tuition for students with at least one main campus course, and 50% of basic tuition for students with no main campus courses (student services and special fees excluded). An employee on an approved Leave for Study may enroll for up to 18 credit hours fall semester, 18 credit hours spring semester, and 18 credit hours during any combination of summer sessions under this Program. This Program is administered through Payroll and Employee Benefits (285-8461).

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

Effective date: July 19, 2013

6.3.2 Tuition Remission Program

An employee who meets the normal admission requirements of the university and who has completed his/her probationary period may enroll for up to six (6) credit hours per fall semester, six (6) credit hours per spring semester, and a total of six (6) credit hours during any combination of summer sessions at no cost to

the employee (i.e., full remission of basic tuition and the student services fee, excluding special fees). This Program is administered through Payroll and Employee Benefits (285-8461).

Effective date: July 19, 2013

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

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

6.3.4 Fee Remission Program for Spouses and Dependent Children

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

6.3.5 Reduced Fees for Persons 60 Years of Age or Older

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

6.3.6 Staff Development Program

An employee who is requested by his/her department head to enroll in course work to enhance his/her skills to meet the needs of the university may have fees or a portion thereof paid. Course work must be directly related to the employee's present position and responsibilities or directly related to the employee's potential assignment within the university. Time away from work to attend such class(es) is considered part of the employee's regular work schedule. Human Resources can provide information about this Program (285-1834).

6.3.7 Limits on Fee Remission Programs

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

6.4 Staff and Service Personnel Recognition Award Programs

The university annually recognizes and honors employees for achievements and dedication. Each spring, about 200 staff and service personnel are recognized for years of service, (beginning at 10 years and at 5-

year increments thereafter), retirement, meritorious service, outstanding achievements, and completion of specialized training programs.

6.5 Training (Learning and Development)

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

6.6 Work Life Balance

Balancing work responsibilities with life and family responsibilities can often be one of our biggest challenges. The university provides several programs through the Working Well office (located on campus) to help assist employees with their physical and emotional wellbeing.

For assistance with locating community resources, stress management, legal or financial assistance, coping with change, finding adult or child care and much more contact the Working Well office. Ball State's Employee Assistance Program is available to serve employees and their families with all of life's challenges. For a complete list of services and programs, please contact the Working Well office at 765-285-9355 or www.bsu.edu/workingwell.

APPENDIX A

Ball State University's Statement on 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 Title IX of the Education Amendments of 1972.

2. Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.

3. The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:
3.1 submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;

3.2 submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments affecting an individual; or

3.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.
4. Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment – such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting.

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

5. Examples of conduct which may constitute sexual harassment include but are not limited to:
5.1 requests for sexual favors;

5.2 unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or brushing another's

body;

5.3 veiled suggestions of sexual activities;

5.4 requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;

5.5 use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class;

5.6 use in the workplace of sexual jokes, stories or images in no way germane to the subject of the work environment;

5.7 remarks about a person's body or sexual relationships, activities or experience that are in no way germane to the subject of the work or academic environment;

5.8 use of inappropriate body images to advertise events.

6. Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accused's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determines 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 University Compliance and make a complaint. The complaint will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance.

9. The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for an appropriate response.

10. Any dean, chairperson, director or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint

or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.

11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:

11.1 oral or written reprimand, placed in personnel file;

11.2 required attendance at a sexual harassment sensitivity program;

11.3 an apology to the victim;

11.4 loss of salary or benefit, such as sabbatical or research or travel funding;

11.5 transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);

11.6 demotion;

11.7 suspension, probation, termination, dismissal or expulsion.

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

If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the "Code of Student Rights and Responsibilities" may also be invoked.
12. The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of sexual harassment frequently have injurious, far-reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual harassment will be considered a serious violation of University policy.

Approved by the Board of Trustees December 17, 1999. Revised 8/02, 7/15.