BELLARMINE UNIVERSITY

Staff Handbook

Effective August 2012

BELLARMINE UNIVERSITY

Dear Colleague!

I am pleased to provide you with an updated Staff Handbook. It completely supersedes the previous Staff Handbook, and you should discard it.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Staff should familiarize themselves with the contents of the Staff Handbook as soon as possible, for it will answer many questions about employment with Bellarmine.

We hope that your experience here will continue to be challenging, enjoyable, and rewarding.

Sincerely,
Joseph J. McGowan
President

9.2 HUMAN RESOURCES
9.2.1 Employment in General
9.2.1.1 Nature of Employment 4
9.2.1.2 Equal Employment Opportunity 4
9.2.1.3 Disability Accommodations 5
9.2.1.4 Business Ethics and Conduct 5
9.2.1.5 Hiring of Relatives; Dating Relationships 5
9.2.1.6 Immigration Law Compliance 6
9.2.1.7 HIPAA Compliance 6
9.2.1.8 Conflict of Interest 6
9.2.1.9 Moral and Ethical Conduct 7
9.2.1.10 Whistleblower 8
9.2.1.11 Red Flag Policy 8
9.2.1.12 Student Loan Code of Conduct 9
9.2.1.13 Conflict of Commitment 10
9.2.1.14 Confidential Information 11
9.2.1.15 Employee Accounts Receivable 12
9.2.1.16 GINA Protections 12
9.2.2 Employment Status and Classifications
9.2.2.1 Job Postings 12
9.2.2.2 Employment Classifications 12
9.2.2.3 Access to Personnel File 13
9.2.2.4 Employment Reference and Background Checks 13
9.2.2.5 Personnel Data Changes 14
9.2.2.6 Employment Applications 14
9.2.2.7 Performance Evaluations 14
9.2.2.8 Job Descriptions 14
9.2.2.9 Salary Administration 15
9.2.3 Employment Benefit Programs
9.2.3.1 Employee Benefits 15
9.2.3.2 Continuation of Benefits Rights Under COBRA 16
9.2.3.3 Health Insurance 17
9.2.3.4 Dental Insurance 17
9.2.3.5 Section 125 Flexible Spending Accounts 17
9.2.3.6 Life Insurance 18
9.2.3.7 Long-term Disability 18
9.2.3.8 Temporary Disability 18
9.2.3.9 Retirement Plan 19
9.2.3.10 Employee Assistance Program 20
9.2.3.11 Vacation 20
9.2.3.12 Sick Leave 22
9.2.3.13 Holidays 23
9.2.3.14 Workers Compensation 24
9.2.3.15 Voting 24
9.2.3.16 Bereavement Leave 25
9.2.3.17 Jury Duty 25
9.2.3.18 Witness Duty 25
9.2.3.19 Relocation Benefits 26
9.2.3.20 Educational Benefits 26
9.2.3.21 Benefits for Retirees 29

9.2.4 Timekeeping/Payroll
9.2.4.1 Timekeeping/Overtime 30
9.2.4.2 Pay Dates 31
9.2.4.3 Termination of Employment 31
9.2.4.4. Advance Pay 32
9.2.4.5 Administrative Pay Corrections 32
9.2.4.6 Payroll Deductions/Reductions 32
9.2.4.7 Work Hours 32
9.2.4.8 Rest and Meal Periods 33
9.2.4.9 Break Time for Nursing Mothers 33
9.2.5 Workplace Conditions
9.2.5.1 Safety in the Workplace 33
9.2.5.2 Workplace Violence 34
9.2.5.3 Use of Telephones and Campus Mail 35
9.2.5.4 Tobacco Use Policy 35
9.2.5.5. Use of Equipment and Vehicles 35
9.2.5.6 Emergency Closings 35
9.2.5.7 Business Travel 36
9.2.5.8 Use of University Technology and Email 36
9.2.5.9 Internet Usage 38
9.2.5.10 Workplace Monitoring 39
9.2.6 Leaves of Absence
9.2.6.1 Family and Medical Leave 40
9.2.6.2 Child-related Leaves of Absences 41
9.2.6.2.1 Maternity Leave 41
9.2.6.2.2 Paternity Leave 41
9.2.6.2.3 Adoptive Leave 41
9.2.6.3 Personal Leave 42
9.2.6.4 Military Leave 42
9.2.7 Employee Conduct and Disciplinary Action
9.2.7.1 Employee Conduct and Work Rules 43
9.2.7.2 Discrimination and Sexual Misconduct 44
9.2.7.3 Procedure for Resolving Complaints of Discrimination or Sexual Misconduct 46
9.2.7.4 Drug Free Workplace 53
9.2.7.5 Attendance and Punctuality 55
9.2.7.6 Business Appropriate Attire 55
9.2.7.7 Return of University Property 56
9.2.7.8 Resignation 56
9.2.7.9 Problem Resolution 56
9.2.7.10 Staff Council 58

9.2 HUMAN RESOURCES – Staff Handbook

9.2.1 Employment in General

9.2.1.1 *Nature of Employment*

Every employee represents Bellarmine to our students, their parents, and the public. The way we do our jobs presents an image of our entire community. We are judged by how we treat our constituents. Therefore, one of our first priorities is to assist anyone who needs our help. Being courteous, friendly, helpful, and prompt in the attention you give to others is a cornerstone of our philosophy of hospitality and service.

Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of Bellarmine.

Bellarmine believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors and/or to the Human Resources staff.

Our experience has shown that when employees deal openly and directly with supervisors and vice versa, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Bellarmine amply demonstrates its commitment to employees by responding effectively to employee concerns.

9.2.1.2 *Equal Employment Opportunity*

Bellarmine will base its employment decisions on merit, qualifications, and abilities. It is the policy of Bellarmine not to discriminate against any individual or group of individuals but to provide equal employment opportunity to all qualified persons regardless of race, color, creed, sex, sexual orientation, pregnancy, religion, age (over 40), national origin, ethnicity, disability, military status or Vietnam veteran era status. The goal of Bellarmine is to select the best qualified person for each position. This applies to recruiting, selecting, training, promoting, and all other personnel actions and conditions of employment, such as compensation, job assignments, benefits, transfers, layoffs, reinstatements, disciplinary actions and terminations. Bellarmine will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.

Bellarmine also strongly opposes and will not tolerate any form of discrimination or of sexual misconduct, including sexual harassment, sexual exploitation, non-consensual sexual contact, non-consensual sexual intercourse or retaliation, by its employees against any other employee, supervisor, faculty member, student, customer, client, visitor or applicant. Nor will Bellarmine tolerate any form of sexual misconduct by someone who is not employed by the University. Any employee who believes that (s)he has been subject to discrimination or sexual misconduct should immediately bring the matter to the attention of his or her supervisor or area head. In the alternative, concerns may be reported to any officer of the University or the Human Resources Office. Employees can raise concerns and make reports without fear of retaliation. All complaints will be kept confidential, except to the extent that disclosure is necessary to investigate and resolve the allegations of discrimination or unfair treatment. Any person found by Bellarmine, after investigation, to have violated Bellarmine's policies on equal employment, will be subject to appropriate sanctions and discipline up to and including termination of employment,

depending on the circumstances. Bellarmine's Discrimination and Sexual Misconduct Policy and the steps to follow to report and resolve claims of discrimination or sexual misconduct are more fully set forth in Sections 9.2.7.2 and 9.2.7.3 respectively of this handbook.

9.2.1.3 *Disability Accommodation*

Bellarmine is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. If an applicant for employment or an employee believes s/he is eligible for such an accommodation, the individual must notify the Human Resources Office and provide adequate information about the disability and requested accommodation, including such medical documentation as may be required for the University to respond to the request.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, and opportunities for promotion. Bellarmine is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability.

This policy is neither exhaustive nor exclusive. Bellarmine is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

9.2.1.4 *Business Ethics and Conduct*

The reputation of Bellarmine and our successful meeting of the University's mission are built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of Bellarmine is dependent upon our constituents' trust, and we are dedicated to preserving that trust. Employees owe a duty to Bellarmine, students, parents, vendors, and employees to act in a way that will merit the continued trust and confidence of the public.

Bellarmine will comply with all applicable laws and regulations, and expects employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

9.2.1.5 *Hiring of Relatives; Dating Relationships*

The employment of relatives or individuals involved in a dating relationship in the same area of the University may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating

relationship is defined as a relationship that is currently or may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Although Bellarmine has no prohibition against employing relatives of current employees or individuals involved in a dating relationship with current employees, it is strongly discouraged. Bellarmine is committed to monitoring situations in which such relationships exist in the same area. In case of actual or potential problems, Bellarmine will take prompt action to avoid favoritism or inequitable treatment of other employees. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

Bellarmine's educational mission is promoted by the professionalism in its faculty-student and staff-student relationships. Faculty and staff are cautioned that consensual romantic relationships with student members of the University community, while not expressly prohibited, can prove problematic and may lead to complaints by students of sex discrimination or sexual misconduct. While some relationships may begin and remain harmonious, they are susceptible to being characterized as non-consensual and even coercive. This sometimes occurs when such a relationship ends and is exacerbated by the inherent power differential between the parties. A faculty or staff member involved in a consensual relationship with a student is expected to remove him/herself from academic or professional decisions concerning the student. This expectation arises because the relationship may impair, or may be perceived as impairing, a faculty or staff member's ability to make objective judgments about that student.

9.2.1.6 *Immigration Law Compliance*

Bellarmine is committed to employing only United States citizens and foreign nationals who are authorized legally to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Bellarmine within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

9.2.1.7 *HIPAA Compliance*

Bellarmine complies with the Health Insurance Portability and Accountability Act of 1966. Bellarmine's policy can be obtained by contacting the Human Resources Office. The HIPAA Point Person is the Chief Human Resources Officer.

9.2.1.8 *Conflict of Interest*

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Bellarmine wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Human Resources Office for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision or action which may result in a personal gain for that employee or for a relative of that employee. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, grants, contracts, or leases, it is imperative that they disclose to their area vice president and the Vice President for Administration and Finance as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. Where appropriate, the vice president should obtain prior approval of the transaction from the President.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Bellarmine does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Bellarmine.

Bellarmine reserves the right to investigate allegations of violations of this policy. A violator may be subject to discipline, up to and including termination of employment.

9.2.1.9 *Moral and Ethical Conduct*

Bellarmine is committed to the highest standards of moral and ethical conduct. The University recognizes the importance of protecting this institution, its employees, and assets against financial risks, operational breaches, illegal conduct, and unethical activities. Consequently, Bellarmine prohibits its employees and others from misconduct and such, but not limited to the following:

- Theft or other misappropriation of assets, including assets of Bellarmine, our students, our employees, our suppliers, or others with whom we have a business relationship
- Misstatements and other irregularities in University records, including the intentional misstatement of financial records
- Alteration or falsification of records
- Failure to account for monies collected
- Forgery or other alteration of documents
- Wrongdoing
- Knowingly providing false information on job applications and other University forms

It is the responsibility of every employee, supervisor, manager, and administrator to immediately report suspected misconduct or dishonesty. Concerns must be reported to any of the following:

- The employee's immediate supervisor or vice president
- The Vice President for Administration and Finance
- The Chief Human Resources Officer
- The President
- Bellarmine University Confidential Line at 502-272-7535

Supervisors, when made aware of such allegations, shall immediately report such acts to one of the individuals listed above. All reports will be taken seriously and will be investigated by the appropriate parties, in a manner intended to protect confidentiality, by the appropriate parties. If deemed necessary, the University will notify and cooperate with the appropriate law enforcement agency. Any investigation

resulting in the finding of dishonesty or other misconduct will result in disciplinary action, up to and including termination of employment for employees, or such other action as may be deemed appropriate under the circumstances. Said investigation and its outcome will be reported to the University's President and Trustees (as necessary).

9.2.1.10 *Whistleblower Protection Policy*

Bellarmine is committed to complying with applicable laws and to being a good steward of University assets. Accordingly, the University encourages any employee who has a good-faith belief that the University, its Trustees, or its employees are engaging in illegal or improper conduct to immediately

report the conduct to **the Bellarmine University Confidential Line 502-272-7535 to be reviewed weekly by the Vice President for Administration and Finance.**

The University specifically prohibits any form of retaliation, including harassment, intimidation, adverse employment actions, or any other form of retaliation against employees who raise suspected violations of law, cooperate in inquiries or investigations, or identify potential violations of policies. Any employee who engages in retaliation will be subject to discipline, up to and including termination.

Reports made under this policy should be based on facts, not speculation. Reporting persons are encouraged to provide as much relevant information in the initial report as possible. If the Vice President for Administration and Finance is implicated in the alleged misconduct, the report should be made to the President. Employees submitting reports that lack a good-faith, factual basis will be treated as dishonest or fraudulent conduct on the part of the reporting party and will be handled according to this policy (9.2.1.9).

9.2.1.11 *Red Flag Policy- Bellarmine University's Identity Theft Prevention Program*

Bellarmine University developed an Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's ("FTC") Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. After consideration of the size and complexity of Bellarmine's operations and account systems, and the nature and scope of Bellarmine's activities, the Board approved the Program as stated. The Procedures are outlined each year and reviewed by the Board of Trustees' Audit Committee, approved as revised, and maintained on the Human Resources' information portal.

The University is committed to the protection of confidential data of those that do business with the University, including, but not limited to, students, faculty, and staff. The following definitions have been outlined in the programs:

> "Identity Theft" is a "fraud committed or attempted using the identifying information of another person without authority."
>
> A "Red Flag" is a "pattern, practice, or specific activity that indicates the possible existence of Identity Theft."
>
> A "Covered Account" includes all student and employee accounts or loans that are administered by the University.

Refer to the Human Resources' information portal for a complete outline of the implemented program.

9.2.1.12 *Student Loan Code of Conduct Purpose*

Bellarmine University recognizes that ensuring the integrity of the student financial aid process is critical to providing fair and affordable access to higher education. Therefore, the University has formalized the following guiding principles that shall be effective immediately. These guidelines are designed to avoid any potential for a conflict of interest between the University and its students or their parents in the student financial aid process. For purposes of this Code of Conduct, a "Lending Institution" is any entity (other than an institution of higher education or a governmental entity, such as the U.S. or Kentucky Department of Education) involved in the making, holding, consolidating, or processing of any student loans.

1. **University employees shall receive no personal benefit.**

   No employee or officer of the University shall accept or solicit anything of more than nominal value on his or her behalf or on behalf of another person or entity from any Lending Institution. Specifically, no employee or officer of Bellarmine University shall accept or solicit, from any Lending Institution: (a) payment for entertainment expenses or any lodging, rental, transportation, or other gratuities related to lender-sponsored activities; (b) payments for registration, transportation, or lodging at lender-sponsored conferences and trainings; and (c) solicitations or invitations to serve on lender advisory boards and/or payments related to such service. Additionally, Bellarmine University employees and officers shall not accept or solicit from any student loan guarantee agency: (a) payments for entertainment expenses or any lodging, rental, transportation, or other gratuities related to activities sponsored by guarantee agency.

2. **University employees shall not serve on lender advisory board for remuneration.**

   No officer or employee of the University who makes financial aid decisions for the University or who is employed in, supervises, or otherwise has responsibility or authority over the University's financial aid office shall receive any remuneration for consulting services and/or serving as a member or participant of a student loan advisory board of a Lending Institution or any reimbursement of expenses for such service. Any officer or employee of the University who serves as a member or participant of a Lending Institution's board shall recuse himself or herself from any board discussions regarding the University's financial aid operations.

3. **The University shall not provide any advantage to a Lending Institution.**

   The University shall not accept anything of value from any Lending Institution in exchange for any advantage or consideration provided to the Lending Institution related to its student loan activities, including, but not limited to, revenue-sharing, printing costs, or below-cost computer hardware or software. Likewise, the University shall not allow any Lending Institution to: (a) staff the University's financial aid office at any time; or (b) communicate with the University's students or their parents in such a manner as to create the impression that the Lending Institution is an employee or agent of the University in connection with the University's student financial aid operations, including through the use of mascots, logos, and other marks. Finally, the University shall not enter into any agreement with a Lending Institution to provide alternative (i.e., private, non-federal or "opportunity") student loan programs if the provision of such alternative loan programs prejudices other students or parents, or if the acceptance of such funds by the University is conditioned on the University providing concessions to the Lending Institution.

4. **The University shall make appropriate use of any Preferred Lender Lists.**

If the University decides to promulgate a list or lists of preferred or recommended lenders for student loans or similar ranking or designation ("Preferred Lender List"), the selection of Lending Institutions for inclusion on the Preferred Lender List shall be based on the best interests of the University's students and their parents without regard to the financial interests of the University. In addition, any Preferred Lender List shall clearly indicate:

- That the University shall not steer borrowers to particular lenders. Nor shall it refuse to certify, or delay the certification of any loan based on the borrower's selection of a particular lender or guaranty agency. Students and their parents are free to select the Lending Institution of their choice and will suffer no penalty imposed by the University for using a Lending Institution that is not a "preferred lender." Further, for any first-time borrower, the University shall not assign, through the award packaging or other methods, the borrower's loan to a particular lender;

- That students and their parents are not required to use any of the "preferred lenders;

- Where to find information on their Lending Institutions for student loans;

- That the University will promptly certify any loan from any Lending Institution selected by a borrower, in accordance with U.S. Department of Education regulations;

- The process the University utilized to select "preferred lenders," including, but not limited to, the criteria used and the relative importance of such criteria.

The University shall review any Preferred Lender List on an annual basis to determine that the information appearing on the list is accurate and that any website links are still available.

9.2.1.13 *Conflict of Commitment*

By accepting appointments for full-time service, staff members agree that their primary professional responsibility is to the University and that they shall devote their time and energy primarily to the performance of their University duties. At the same time, the University recognizes that participation of staff members in outside professional activities may often serve the mission of the University. Professional consulting, leadership in professional societies, and various forms of public service not only promote the professional development of the staff, but also expose to others the work of the University.

Accordingly, a staff member may engage in non-University employment, consulting, or professional practice insofar as such activity does not impede, diminish, or conflict with the staff member's responsibilities to the University. Certain activities, such as those that involve business transactions, either with the University or in competition with the University may constitute an inherent conflict of interest and are not permitted. Other outside activities, whether remunerated or not, may interfere with a staff member's responsibilities through disproportionate commitment of professional effort devoted to such activities.

When the extent or the nature of the outside activity is such that a conflict of commitment may exist, the staff member must request in writing from the area vice president permission for the activity. Examples of activities that ordinarily require permission include: teaching at Bellarmine University; teaching at another institution; regularly scheduled full-time employment during the fiscal year; professional or business practice; activities that require frequent and/or protracted absence from campus; assumption of responsibilities and/or offices in organizations that demand extensive and continuous commitment of time and energy.

Teaching at Bellarmine University or teaching at another institution, with the approval of the area vice president, is limited to one course per semester. Maximum teaching per fiscal year would be three courses, one in each of the fall, spring, and summer semesters. Staff members teaching courses will be compensated for a course only if the class meeting time falls outside of the normal work day, 8:00 a.m. through 5:00 p.m., Monday through Friday. If a course falls within the normal work day it will be considered part of the staff member's normal work load and no extra compensation will be paid.

The written request to the area vice president must include information on the nature and duration of the proposed activity and must disclose any activity that may pose a question of conflict.

The area vice president shall review the materials submitted and determine if such outside activity constitutes a conflict of commitment. If it is determined that no conflict exists, the area vice president will sign the staff member's written request indicating approval of the outside activity for a given period not to exceed one fiscal year. If the activity is intended to continue beyond one fiscal year, the staff member must resubmit subsequent requests for approval using the above stated procedures. If the determination of the vice president is that a conflict of commitment exists and the request to undertake the outside activity is denied, the vice president and the staff member shall first have a meeting to discuss a modification of such activity. If the staff member and the area vice president do not agree whether a conflict of commitment exists, the President will make the final decision. A written statement of approval or denial by the area vice president or President shall be indicated on the staff member's written request, with a copy placed in the staff member's personnel file in the Human Resources Office.

If Bellarmine determines that an employee's outside work interferes with performance or the ability to meet the requirements of Bellarmine as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Bellarmine.

9.2.1.14 *Confidential Information*

The protection of confidential business information is vital to the interests and the success of Bellarmine. Such confidential information includes, but is not limited to, the following examples:

- student data
- employee data
- vendor data
- donor data
- compensation data
- computer processes
- computer programs and codes
- financial information
- employee and student medical records

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement and/or confidentiality agreement as a condition of employment. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

9.2.1.15 *Employee Accounts Receivable*

Employee Accounts Receivables are due within 30 days of receipt of statement. If payment is not timely received, interest will accrue. After 90 days, the Business Office may use alternative means of collection as necessary. Any fees associated with this will be the responsibility of the employee. If the employee chooses, the Business Office will deduct the total outstanding total from the employee's pay after an authorization has been signed.

9.2.1.16 *Genetic Information Nondiscrimination Act of 2008*

Bellarmine complies with the Title II of the Genetic Information Nondiscrimination Act of 2008 which protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members. Please contact the Office of Human Resources with any concerns or questions regarding this policy.

9.2.2 **Employment Status and Classifications**

9.2.2.1 *Job Postings*

Bellarmine provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time and part-time job openings are posted, although Bellarmine reserves its discretionary right to not post a particular opening.

Job openings will be posted on the Human Resources website and will normally remain open for five business days. Each job posting notice will include the job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be considered for an open position, employees should apply online as indicated in the posting. Their letter of interest should list job-related skills and accomplishments. Applicants also should describe how their current experience with Bellarmine and prior work experience and/or education qualifies them for the position.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the organization.

9.2.2.2 *Employment Classifications*

It is the intent of Bellarmine to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Bellarmine.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of

federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Human Resources Office.

In addition to the above categories, each employee belongs to another employment category:

REGULAR FULL-TIME employees are those who are not in a temporary status and who are regularly scheduled to work at least 32 hours a week. Generally, they are eligible for Bellarmine's flexible benefits package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a temporary status and who are regularly scheduled to work less than 32 hours per week. They receive all legally mandated benefits (such as Social Security and workers' compensation insurance). However, they are ineligible for benefits such as dental insurance, long term disability coverage, and life insurance. Some other Bellarmine-sponsored benefits may also be available, subject to the terms, conditions, and limitations of each benefit program. For example, they are eligible for health insurance if they pay the full premium for coverage.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. All legally mandated benefits (such as Social Security and workers' compensation insurance) are provided to temporary employees. Some other Bellarmine-sponsored benefits may also be available, subject to the terms, conditions, and limitations of each benefit program.

CASUAL employees are those who have established an employment relationship with Bellarmine, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Bellarmine's other benefit programs.

9.2.2.3 *Access to Personnel File*

Bellarmine maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of Bellarmine, and access to the information they contain is restricted. Generally, only supervisors and management personnel of Bellarmine who have a legitimate reason to review information in a file are allowed to do so.

An employee who wishes to review his own file should contact the Human Resources Office. With reasonable advance notice, employees may review their own personnel files in the Human Resources Office and in the presence of an individual appointed by Bellarmine to maintain the files.

9.2.2.4 *Employment Reference and Background Checks*

To ensure that individuals who join Bellarmine are well qualified and have a strong potential to be productive and successful, it is the policy of Bellarmine to check the employment references and criminal records of applicants. Where appropriate, other kinds of background checks may be conducted

with the applicant's prior written consent. The University reserves the right to require existing employees to be subjected to criminal and credit background checks where warranted.

The Human Resources Office will respond to reference check inquiries from other employers and lending institutions. Responses to such inquiries will generally confirm only dates of employment, wage rates (with written authorization from the employee or former employee), and position(s) held.

9.2.2.5 *Personnel Data Changes*

It is the responsibility of each employee to promptly notify Bellarmine of any changes in personnel data. Personal mailing addresses, telephone numbers, number, and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such information must be accurate and current at all times. If any personnel data has changed, please notify the Human Resources Office.

9.2.2.6 *Employment Applications*

Bellarmine relies upon the accuracy of information contained in the employment application and resume, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

9.2.2.7 *Performance Evaluations*

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is evaluated according to an ongoing 12-month cycle, which generally occurs in February prior to the fiscal-year end.

Annual pay adjustments may be awarded by Bellarmine in an effort to adjust wages for inflation and to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process.

9.2.2.8 *Job Descriptions*

Bellarmine makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, interpersonal skills, technical skills, and any certification required), a physical demands section, and a work environment section.

Bellarmine maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Area vice presidents, hiring supervisors, and the Human Resources Office collaboratively prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised annually to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact your supervisor or Human Resources Office if you have any questions or concerns about your job description.

9.2.2.9 *Salary Administration*

The salary administration program at Bellarmine was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, Bellarmine is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other organizations in the area.

Compensation for every position is determined by several factors, including job analysis and evaluation, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. Bellarmine periodically reviews its salary administration program and restructures it as necessary.

All employees are assigned to a salary administration grade. The grades are 1-9 plus Executive. Each position is evaluated based on the following factors: Interpersonal Skills, Education, Experience, Responsibility Level, Creativity, Skills, and Supervision (of Projects or Others). Each area vice president, in cooperation with the Human Resources Office, will create a job description for new positions and assign a grade to the position in compliance with the University's salary administration plan.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The Human Resources Office is also available to answer specific questions about the salary administration program.

9.2.3 **Employment Benefit Programs**

9.2.3.1 *Employee Benefits*

Eligible employees at Bellarmine are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law. The current official University benefit plan year is June 1-May 31.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Human Resources staff can identify the programs for which you are eligible. Details of many of these programs can be found on the Human Resources website or elsewhere in this handbook.

The following benefits are available to eligible employees:

Insurance Plans

- Health Insurance
- Dental Insurance
- Flexible Spending Accounts (Health Care and Dependent Care)
- Health Savings Accounts
- Life Insurance
- Long Term Disability Insurance
- Long Term Care Insurance
- 403(b) Retirement Savings Plans
- Vision Care Insurance
- Benefit Conversion at Termination (COBRA)
- Pre-paid Legal Services
- Other voluntary workplace plans

Other Benefits

- Bereavement Leave
- Early Retirement for Long-Term Employees
- Educational Assistance for Employees and Dependents
- Employee Assistance Program
- Employee Discounts
- Family and Medical Leave
- Holidays
- Jury Duty Leave
- Temporary Disability
- Personal Leave
- Recreational Activities
- Sick Leave Benefits
- Vacation Benefits
- Voting Time Off

Some benefit programs require contributions from the employee, but many are paid at least in part by Bellarmine.

Each year, the Human Resources Office will provide detailed information and Summary Plan Descriptions about the various insurance plans and the cost for those plans. Please contact the Human Resources Office with any questions about this coverage. These plans are subject to change as circumstance dictate.

9.2.3.2 *Continuation of Benefits Rights Under COBRA*

Introduction

You are receiving this notice because you may have recently become covered under a group health plan (the Plan). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator (i.e., the University's Chief Human Resources Officer).

If You Have Questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.)

Keep Your Plan Informed of Address Changes

In order to protect your family's rights, you must keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan Contact Information

Human Resources Office
Bellarmine University
2001 Newburg Road
Louisville, KY 40205 Phone: 502-272-8435

9.2.3.3 *Health Insurance*

Bellarmine offers regular, full-time employees and part-time staff the opportunity to enroll in health insurance through its carrier. Regular, part-time staff may purchase health insurance through Bellarmine by paying the full premium.

9.2.3.4 *Dental Insurance*

Bellarmine provides dental insurance for regular, full-time employees and contributes a specified dollar amount toward the premium.

9.2.3.5 *Section 125 Flexible Spending Accounts*

Bellarmine has established two Flexible Spending Accounts (FSA) under Section 125 of the Internal Revenue Code which allows regular, full-time employees to have pre-tax dollars deducted from their salaries to pay for health related premiums and eligible out-of-pocket expenses as well as for covered depended care expenses. The pre-tax contributions made to the FSAs can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Through the FSA program, you can reduce your taxable income without reducing your real income, so that you can keep more of the money you earn.

Participation in the Health Care and/or Dependent Care FSA is optional and determined on an annual basis for the plan year (June 1-May 31). You must enroll for each plan year. You determine how much to contribute to the account, up to a specified maximum, based on anticipated expenses during the plan year. Contributions are directed to the account through salary reduction on a pre-tax basis. This tax-free money is then available to you for reimbursement of out-of-pocket expenses. Since the amounts that remain in the account at the end of the plan year are forfeited, you should take care not to over-fund your account.

Contact the Human Resources Office for more information on the Flexible Spending Account program.

9.2.3.6 *Life Insurance*

Life insurance offers you and your family important financial protection. Bellarmine provides a basic term life insurance plan for regular, full-time employees and currently pays all of the cost of the premium. Employees may also purchase additional supplemental life insurance coverage.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan and the supplemental life insurance plan.

Eligible employees may participate in the life insurance plans subject to all terms and conditions of the agreement between Bellarmine and the insurance carrier.

9.2.3.7 *Long-term Disability*

Bellarmine provides a long-term disability (LTD) plan to help regular, full-time employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work. Bellarmine pays the entire cost of this benefit. Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between Bellarmine and the insurance carrier.

Under the terms of the plan, if approved by the carrier, an eligible employee will receive an amount equal to 66-2/3% of base pay. This benefit has a 180-day exclusionary period before benefits are payable. LTD benefits are offset with amounts received under Social Security or workers' compensation for the same time period.

Once an employee is approved for LTD, his/her employment with Bellarmine will be terminated.

9.2.3.8 *Temporary Disability*

Regular, full-time employees are eligible for temporary disability for **up to 180 days** if they are ill or have suffered an injury that will require them to be absent from work for more than five work days.

Before qualifying for temporary disability, an employee **must** use all earned sick days and has the option of using all or part of accumulated vacation days if s/he wishes to receive full pay. An employee must apply for temporary disability through the Human Resources Office and provide medical documentation to substantiate the need for continued absence from work. The area vice president and the Chief Human Resources Officer will decide if an employee qualifies for temporary disability. If approved, the employee will be paid temporary disability by the University at 66 2/3% of base pay, and may opt to use vacation time to supplement the disability pay.

If an employee is unable to return to work after 180 days, s/he will be eligible for Long Term Disability through the University's insurer. If Long Term Disability appears likely, the employee should notify the Human Resources Office at least three months in advance so that the proper forms can be completed by Human Resources, the employee, and the employee's physician for submission to the insurance carrier. If an employee has been on temporary disability for 180 days, returns to work and subsequently becomes disabled again, the University will pay only 30% temporary disability benefits for up to 180 days more. The University will not pay temporary disability payments to an employee for more than 12 months.

Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working. Disabilities covered by workers' compensation are excluded from temporary disability coverage.

Temporary disability, if for a qualifying serious illness, will count toward the 12 weeks of leave granted under the Family and Medical Leave Act. (See Family and Medical Leave, Sect. 9.2.6.1.)

9.2.3.9 *Retirement Plan*

Bellarmine has established two 403(b) retirement savings plans to provide employees the potential for future financial security for retirement. These are Defined Contribution Plans, established by the University in 1956. The Teachers Insurance and Annuity Association (TIAA) administers and serves as trustee of the plans. Both the Retirement Annuity (RA) and the Group Supplemental Retirement Annuity (SRA) Plans are pre-tax, tax-deferred plans authorized under the Internal Revenue Code. The University reserves the right to add other 403(b) retirement plans as it deems appropriate.

To be eligible to join the retirement plan that Bellarmine matches, an employee must complete two (2) years of service at Bellarmine unless employed full-time for two years with an educational institution (K-college) immediately prior to employment with Bellarmine. An employee is credited with a year of service for each 12-month period starting with your date of employment (or anniversary date of employment) during which you complete 1,000 or more hours of service. An employee may join this plan any time after meeting the eligibility requirements, subject to all terms and conditions of the plan. Participants in this plan are required to contribute a percentage of base pay to the plan, while the University contributes another percentage of pay to the employee's retirement account. Both the employee’s contribution and the University’s match are immediately vested.

Regular full-time and part-time employees may join the GSRA immediately upon hire. While the University does not match employee contributions to this plan, an employee may contribute an amount of salary on a pre-tax, tax deferred basis, subject to certain Internal Revenue Code limits. An employee can participate in the plan solely or in conjunction with the matched retirement plan.

Because your contribution to a 403(b) plan is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to 403(b) distributions. This pre-tax benefit also may reduce your Social Security wages base.

Complete details of the retirement plans are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Office for more information about the 403(b) plans.

9.2.3.10 *Employee Assistance Program*

Bellarmine cares about the health and well-being of its employees and recognizes that a variety of problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), Bellarmine provides free confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members and offers problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

There is **no cost** for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it. Call the Wayne Corporation at 451-8262 to contact an EAP counselor.

9.2.3.11 *Vacation*

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. The University recognizes that rest and recreation are very important to employee renewal and rejuvenation. Consequently, the University requires employees to use all of their vacation each year, especially during the summer months when many students are not on campus.

Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees
- Regular part-time employees

The amount of paid vacation time employees receive each fiscal year (i.e., June 1 to May 31) increases with the length of their employment. **Regular, full-time employees** earn vacation as shown in the following schedule:

Grades 1-7

Completed Years of Employment	*Days of Paid Vacation*
0-5	10 days/year (.83 days/month or 80 hours/year)
6-14	15 days/year (1.25 days/month or 120 hours/year)
15+	20 days/year (1.66 days/month or 160 hours/year)

Grades 8 to 10

Completed Years of Employment	*Days of Paid Vacation*
0-5	10 days/year (.83 days/month or 80 hours/year)
6-10	15 days/year (1.25 days/month or 120 hours/year)
11 +	20 days/year (1.66 days/month or 160 hours/year)

Senior Administrator Grade

Effective immediately upon Employment	*Days of Paid Vacation*
Academic Deans of Schools, AVPs & VPs	20 days/year (1.66 days/month or 160/year

Vacation will be pro-rated based on hours an employee is regularly scheduled to work per week.

As of June 1 of each year, employees will be given a "bank" of vacation days for the fiscal year equivalent to the number of vacation days to which they are entitled (see above) during the fiscal year. This bank of vacation days must be used before the end of the current fiscal year and may not be carried over into a new fiscal year. The scheduling of this vacation should be planned in advance as much as possible, and is subject to the supervisor's approval based on department and University needs.

If an employee is hired during the fiscal year, the employee will be granted a bank of days proportionate to the time remaining in the fiscal year. The employee must be employed for three months before s/he is eligible to take vacation time off. If this three-month period has not expired before May 31 of the fiscal year, the employee may carry over vacation days to the end of the next fiscal year, but must use them during that next fiscal year.

If an employee leaves Bellarmine's employ during the fiscal year, s/he will be paid the balance of unused banked hours earned up to the date of employment termination. Any unused banked hours must be taken or paid before the end of the fiscal year. If termination of employment occurs prior to the end of the fiscal year and the employee has used all banked vacation, Bellarmine will deduct the proportionate number of days from the employee's final paycheck.

Examples:

1. Employee A has an annual bank of 10 days and resigns in December. Employee A has taken 10 days of vacation prior to resignation. Employee A would owe Bellarmine five days of vacation.

2. Employee B has an annual bank of 10 days and resigns in December. Employee B has taken only 3 days of vacation. Employee B would be entitled to be paid for two days of vacation.

3. Employee C is hired on April 1. Employee C would be given a bank of 1.66 days of vacation (.83 x 2 months) for the rest of the fiscal year. As on June 1, the employee would receive a bank of 10 days of vacation for the new fiscal year. Employee C is eligible to take vacation as of July 1. Employee C must take 11.66 days of vacation before the end of the new fiscal year.

Regular, part-time employees earn vacation as follows:

- Salaried employees - in a ratio equivalent to their percent of full-time employment
- Hourly employees - in a ratio equivalent to the average number of hours per week employed, prorated on the schedule assigned to regular, full-time employees not to exceed 40 hours per week.

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule.

The University seeks to schedule vacations at the times sought by employees, but it is not always possible to do so and accommodate a department's work cycle. Due to specific operational needs, some University departments may adopt specific guidelines for requesting and scheduling vacation (e.g., a department might not permit vacations during registration time or the first two weeks of a semester). Arrangements to take vacation must be made with the supervisor prior to use. To take vacation, employees must request and obtain written advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

In accordance with policies set forth by the University's Audit Committee, staff who work in areas where checks and/or cash is handled will be required to take at least five consecutive days of vacation off at a time. Examples of such areas include, but are not limited to: Business Office, Registrar, SuRF, Athletics, Human Resources, Library, and Continuing and Professional Studies, etc.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Years of service will be calculated as total years of employment with Bellarmine University and may not necessarily be consecutive, cumulative years. Any employee who left employment with the University for a period of time will be permitted to include those previous years of service prior to their return in the calculation of paid vacation. The calculation will include present and past years of service for the purpose of "paid vacation."

All employees are required to document their vacation leave accurately and timely via the timekeeping process designated by the Payroll Manager.

Temporary and casual employees are not entitled to paid vacation.

9.2.3.12 *Sick Leave*

Bellarmine provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees

All eligible, full-time employees will be entitled to sick leave benefits at the rate of 15 days per year as of June 1 each year. This benefit will be pro-rated based on date of hire and hours regularly scheduled to be worked per week. Staff members are entitled to carry over any unused sick leave time (100% carryover) from one fiscal year to another, up to a maximum of 30 days. Effectively, this gives a staff member who has banked the maximum number of carryover days as many as 45 sick days in a fiscal year (15 days/year plus 30 days carryover).

Sick leave benefits are calculated on the basis of the University's fiscal year, June 1-May 31. An eligible employee may use sick leave benefits for an absence due to his or her own illness or injury, or that of a child, parent, grandparent, sibling, spouse, or parent-in-law of the employee.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence or advised periodically of the expected duration of the illness or injury (e.g., an employee who has surgery does not have to notify the supervisor daily). If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the illness or injury and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well, and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of 14 calendar days or more, an employee must provide a physician's verification that he or she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

All employees, both exempt and non-exempt, are required to document their sick leave accurately and timely in keeping with the University's approved timekeeping procedures. Non-exempt employees' sick time is recorded every two weeks through the time keeping system. Exempt employees are also required to accurately record the use of sick time through the University's online record keeping system. Failure to accurately record sick time may result in employee disciplinary action.

As a normal practice, routine dental and medical appointments should be scheduled outside normal working hours. If this is impractical, medical appointments for employee or his/her spouse, child or parent scheduled during regular work hours with the prior approval of the department head will be charged to sick leave time.

9.2.3.13 *Holidays*

Bellarmine grants generous paid holiday time off to regular full-time and regular part-time employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Last day of Bellarmine's Spring Break
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)
- Days between Christmas Day and New Year's Day

- Employee's birthday (which must be taken off on the birthday, or as close to that date as possible)

Bellarmine will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees (if regularly scheduled to work on the holiday)

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a Bellarmine designated holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday. If nonexempt employees work on a major holiday (i.e., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving or Christmas), they will receive holiday pay plus wages at time and a half for the hours worked on the holiday. For calculation purposes, the holiday begins at 12:01 a.m. and concludes at midnight.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Each office and operational area of the University must make arrangements to provide appropriate staffing on holidays.

9.2.3.14 *Workers Compensation*

Bellarmine provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or if the employee is hospitalized immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Injured employees also must contact the Human Resources Office following an injury so that a claim can be filed promptly with the University's insurance carrier. Specific information about the carrier can be obtained from Human Resources during regular office hours or the Security Office after hours. Time off from work not paid for by workers compensation will be tracked as OPTO and not charged to the employee's sick leave.

Neither Bellarmine nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Bellarmine.

9.2.3.15 *Voting*

Bellarmine encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees should be able to find time to vote either before or after their regular

work schedule. However, in accordance with the Kentucky Constitution, all employees are allowed at least four hours during the work day on election days, in which to cast their votes. Employees must request leave from their supervisor *prior to* the day in which they will cast their ballots to be eligible for this incentive and may use available vacation time to cover the time absent from work if they wish to be paid.

9.2.3.16 *Bereavement Leave*

An employee shall be allowed up to three days of bereavement leave with pay upon the death of an immediate family member. Employees who wish to take this time off should notify their supervisor immediately. This time is not chargeable against earned sick or vacation time. Immediate family is defined as spouse, child, parent, step-parent, parent-in-law, sibling (including step and half), grandparent, grandchild, sister-in-law, brother in-law, or other person whose relationship is similar. One day of paid bereavement leave will be granted for the loss of other family members.

Additional time off may be authorized by the immediate supervisor, but will be charged against available sick leave or vacation time.

9.2.3.17 *Jury Duty*

Bellarmine encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification must provide their supervisors with a copy of the Jury Summons. The University will continue to pay an employee on jury duty his/her regular rate of pay. The employee is required to report to work whenever released for jury duty during the day.

Employees on jury duty are not required to surrender any pay received from the courts. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees
- Regular part-time employees

Either Bellarmine or the employee may request an excuse from jury duty if, in Bellarmine's judgment, the employee's absence would create serious operational difficulties.

Bellarmine will continue to provide benefits for the full term of the jury duty absence.

Benefit accruals such as vacation, sick leave, or holiday benefits will be continued during jury duty leave.

9.2.3.18 *Witness Duty*

Bellarmine encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed or otherwise requested to testify as witnesses by Bellarmine, they will receive paid time off for the entire period of witness duty.

Employees will be granted a maximum of 8 hours of paid time off to appear in court as a witness at the request of a party other than Bellarmine. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (such as vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

9.2.3.19 *Relocation Benefits*

When Bellarmine asks employees to relocate to a new area, certain relocation benefits may be provided to facilitate the transition. Relocation may be available to any eligible newly hired employee who must relocate in order to reside within 50 miles of the new place of work. Those employees eligible for relocation benefits are regular, full-time employees in Grades 5 and above.

For specific information regarding the terms and extent of relocation benefits, please contact the Human Resources Office.

Employees must request relocation assistance for specific items in advance of the date the expenses are incurred. Bellarmine will reimburse expenses only if the employee has received advance approval, incurs reasonable expenses, and submits satisfactory proof of the expense within 30 calendar days of the date the expense was incurred.

9.2.3.20 *Educational Benefits*

Bellarmine recognizes that the skills and knowledge of its employees are critical to the success of the University. The educational assistance program encourages personal development through formal education primarily at Bellarmine so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within Bellarmine. ***All*** employees, spouses and dependents must meet the University's admissions and academic requirements to be eligible for tuition remission.

Employees who wish to apply for education benefits for themselves, dependents (as defined by the Internal Revenue Service), or non-dependents must notify the Human Resources Office ***in writing*** prior to the beginning of the semester for which the tuition remission is requested. Employees should be prepared to identify the courses and course credit hours to be taken and provide information regarding their dependent(s) as appropriate. Requests received after the completion of the semester will not be eligible for tuition remission. If an employee terminates employment with Bellarmine, the tuition remission benefit is subject to the same Semester Refund Schedule as stated in the Class Schedule. If an employee begins employment after the start of the semester in which they are enrolled, the employee may be eligible for partial benefit based on the Semester Refund Schedule published in the semester schedule. This policy also applies to benefits for dependents. If an employee terminates or begins employment, benefits for the dependent will be adjusted based on the same semester refund schedule as stated in the Class Schedule.

Bellarmine will provide educational assistance to all eligible employees in the form of tuition remission as follows:

Employee	Tuition Benefit
Regular, full-time employee	Two courses/semester (up to 7 hours), including summer, up to 20 credit hours/calendar year (graduate & undergraduate credit courses). Taxable for graduate benefits that exceed $5,250/ calendar year (IRS regulations).
Regular, part-time employee	Proportionate tuition remission benefit based on average number of hours worked per week (graduate & undergraduate credit courses). Cannot exceed full-time benefit. Taxable for graduate benefits that exceed $5,250/ calendar year (IRS regulations).
Part-time athletic coaches on contract stipends	Proportionate benefits based on schedule approved by Athletic Director and VP for Administration & Finance; applies to only one person per semester, the employee or one dependent, not both.
Spouse and Children through age 24	**Tuition Benefit**
Regular, full-time employee, (staff and faculty)	Undergraduate: full tuition remission (subject to limits in policy); no credit hour limit. Graduate: full tuition remission (subject to limits in policy) up to 3 credit hours per semester; remission is taxable to employee per IRS regulations.
Regular, part-time employee, (staff and faculty)	Proportionate tuition remission benefit based on average number of hours worked per week – see related full-time benefit above. Cannot exceed full-time benefit.
Part-time athletic coaches on contract stipends	Proportionate benefits based on schedule approved by Athletic Director and VP for Administration & Finance; applies to only one person per semester, the employee or one dependent, not both.
Children Age 25 and Older	**Tuition Benefit** Fifty percent (50%) of tuition remission for up to 6 undergraduate credit hours or 3 graduate credit hours per semester. Graduate tuition remission is taxable to employee per IRS regulations.
ACES Faculty & Spouse, Children	See Human Resources for Remission Policy
University Trustees & Spouse, Children	See Human Resources for Remission Policy

The definition of children includes biological, adopted, or step-children.

An employee should take courses outside of scheduled work hours or on weekends. Occasionally, it may be necessary for an employee to take a course that falls within scheduled work hours because it is not offered at any other time. If this is the case, the employee must obtain written permission from her/his supervisor before enrolling. It should be understood that taking classes during scheduled work hours is a

privilege, not a right, for employees. As such, a supervisor may approve or disapprove this privilege based on University/department needs, the employee's job performance, the employee's attendance record, and other appropriate factors. If this is approved, lost work time should be made up by the employee.

Note: The tuition remission does not apply to special fees, books, computer acquisition, technology fees, student activities fees, room and board charges on Bellarmine's campus, international trips, other than Bellarmine tuition charges, or other educational tools. When an employee, spouse, dependent, or non-dependent child takes independent study, contract course, private music lesson or a course with low enrollment, there may be a cost to the student. The determining factor is whether or not the University incurs direct out-of-pocket costs (generally 50% of the course tuition paid as faculty salary). Where direct out-of-pocket costs are incurred, the student must pay for the out-of-pocket costs.

State and federal grant monies may be used by the student for books, fees on campus, room and board without reduction of the tuition benefit so long as all tuition costs have been paid. The benefits outlined in this policy may be subject to institutional financial aid procedures and policies. Bellarmine University employees and/or their dependents receiving tuition remission are not eligible to receive residence hall grants.

Bellarmine University scholarships, grants, and employee benefits, or any combination of these, shall not exceed the tuition amount. In the case where this may occur, the employee benefit will be reduced. The only exception to this policy applies to participatory grants which can be applied to a Bellarmine University resident room charge. Participatory grants are those grants awarded to a student which require them to perform a duty in order to receive the grant. If the duty is not performed, the grant is removed. Examples of participatory grants include being a cheerleader, dance team member, pep band member, Chapel participant, or any intercollegiate sports athlete (unless specifically excluded). Participatory grants can be applied to room charges only and cannot be used for any fees, books, board, or other charges.

Regular, full-time employees may take non-credit courses at discounted rates, generally approximately 50% of the standard rate. Regular, part-time employees may take non-credit course at a similar discount, proportionately based on hours worked per week. The rates will be published annually with the approval of the President and Vice President for Administration and Finance.

While Human Resources advises Financial Aid and the Bursar's offices about an employee's eligibility for tuition remission, specific questions relating to eligibility for other forms of financial aid or questions about a tuition bill should be directed to Financial Aid or the Bursar.

Temporary and casual labor employees are not eligible for these benefits.

Metroversity Benefits

Bellarmine is a member of Metroversity, a consortium of Louisville and Southern Indiana colleges and universities, which permits full-time undergraduate students of one member institution to take courses at another member institution under certain circumstances. This benefit is available to staff members and their dependents only during the fall and spring semesters if a required course is not offered by Bellarmine. Those interested in this benefit should contact the Bellarmine Registrar's Office for details.

Tuition Exchange Program

Bellarmine is a member institution of The Tuition Exchange, Inc., a nonprofit association of 560 participating colleges and universities which offer scholarships to members of faculty and staff families employed at any of the participating institutions. *Scholarships are granted by member institutions, not by The Tuition Exchange, Inc. This benefit is available only to the dependent children of regular, full time employees.*

Member colleges and universities set their own policies and procedures for determining eligibility and sponsoring (certifying) students sent on the exchange (commonly referred to as 'exports'). Member colleges and universities set their own policies and procedures for determining the requirements for students received or hosted (commonly referred to as 'imports').

Employees who wish to apply for tuition exchange must complete two (2) years of full-time service at Bellarmine before they are eligible. However, if a new employee has a dependent child who is a Tuition Exchange participant at the time the employee begins employment at Bellarmine, the University will waive the waiting period.

If your child wishes to apply for this scholarship, you should contact the office of the Vice President for Enrollment Management for details *at least one year* before you wish to use the TE program. *Tuition Exchange Scholarships are competitive. You must comply with the procedures and deadlines established by the office of the Vice President for Enrollment Management. Most scholarships cover four years (eight semesters) of undergraduate education, but i*nstitutions have the right to offer scholarships for less than four years. *Scholarships generally do not cover special fees, course overloads, or room and board charges.* Once admitted, *students must meet the receiving institution's standards for academic performance and personal conduct and other terms and conditions of the scholarship.* A complete listing of participating institutions can be found at: http://www.tuitionexchange.org/. A complete guide for exchange scholars and their families can be found at: http://www.tuitionexchange.org/.

9.2.3.21 *Benefits for Retirees*

Bellarmine recognizes the significant contributions made by the senior employees to the University community. The University would like to continue to benefit from those employees' experience and still provide them with alternatives for continued employment. Therefore, if an employee discontinues full-time employment before normal retirement age as defined by the Social Security Administration's full benefits table and after age 58 with **at least 15 years of service** as a Bellarmine employee, the employee is eligible for the following benefits:

1. Payment to the employee of an amount equal to the University's retirement contribution (10% of base pay) in the last year of full-time work until normal retirement age as defined by the Social Security Administration's full benefits table. (By law, payments must be made directly to the retired employee.)

2. Payment to the employee of an amount equal to the University's portion of the single premium of the health care and dental plan(s) in which the employee was enrolled at the time of retirement until normal retirement age as defined by the Social Security Administration's full benefits table.

3. Payment to the employee of an amount equal to the University's portion of the employee's group term life insurance premium (if so enrolled) until normal retirement age as defined by the Social Security Administration's full benefits table.

The above payments are treated as wages and are subject to the applicable withholding and Social Security taxes. Such payments will be annualized and paid monthly until the employee reaches normal retirement age as defined by the Social Security Administration's full benefits table. The amounts will be adjusted annually on June 1 to reflect new insurance plan rates.

Retirees also will enjoy the following benefits:

a. Continuation of the tuition benefits for employees, spouse, and children as they exist in the year preceding participation in the agreement.
b. Two free admissions to all Bellarmine home athletic events per year (if requested).
c. A Bellarmine employee I.D. card.
d. Free access to the University Sports and Recreation Center
e. Invitations to major University events.
f. Possibility, but no guarantee of, consultancies.
g. Access to the Bellarmine Library.
h. Bookstore discounts allowed to regular employees.
j. One Bellarmine parking permit, at no charge.

9.2.4 **Timekeeping/Payroll**

9.2.4.1 *Timekeeping/Overtime*

Accurately recording time worked is the responsibility of every exempt and nonexempt employee. Federal and state laws require Bellarmine to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Bellarmine's work week begins at 12:01 a.m. on Saturday and ends at midnight the following Friday. Staff is paid bi-weekly. It is the employee's responsibility to comply with existing timekeeping procedures. Bellarmine's work week for full-time nonexempt employees is 40 hours. If a nonexempt employee **works more than 40 hours** during a given week, s/he must list those hours for the work week in which the overtime hours were worked. Overtime will be paid at 1-1/2 times the employee's hourly rate. All hours worked must be correctly documented. Vacation, sick, OPTO, and holiday time off is excluded from overtime calculations.

The department vice president (or supervisor) must approve overtime work **in advance** of the staff person working overtime, unless such prior approval is impractical. If prior approval is impractical, the vice president must approve the overtime as soon after the overtime is worked, but no later than the date on which time records are due for the pay period during which the overtime is worked. Supervisors are required to keep their department vice presidents apprised of all overtime worked.

A couple of reminders for **nonexempt employees**:

1. If you eat lunch at your desk while answering the phone, it is time worked. Make sure this is acceptable to your supervisor and Vice President before you do so. Otherwise, that time will be

considered as part of your hours worked for the week, and might contribute toward your accumulation of hours in excess of 40. So, if it's lunch time, take your lunch hour away from the office.

2. If you come to work early or stay late because that's the time you're dropped off or picked up at Bellarmine, if you answer the phone or do any work, you must show it on your time sheet. Make sure this is acceptable to your supervisor and Vice President before you do so. Otherwise, that time will be considered as part of your hours worked for the week, and might contribute toward your accumulation of hours in excess of 40.

All nonexempt staff are required to take a lunch break of 30-60 minutes as close to the middle of their work day as possible in accordance with the procedures of their respective departments.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

9.2.4.2 *Pay Dates*

All staff is paid bi-weekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous work week.

Employees are required to have pay directly deposited into their bank accounts and must provide advance written authorization to Bellarmine. Any exceptions to this rule must be approved by Human Resources and the Vice President for Administration and Finance. Employees will receive an itemized statement of wages when Bellarmine makes direct deposits.

9.2.4.3 *Termination of Employment*

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by Bellarmine.
- Layoff - involuntary employment termination initiated by Bellarmine for non-disciplinary reasons.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from Bellarmine.

Human Resources will schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Bellarmine, or return of Bellarmine-owned property, including any keys issued. Employees who do not return University-issued keys will have $100 withheld from their final paycheck. If all keys are returned within five working days of the last day worked, the University will issue a $100 check to that employee with customary deductions. Suggestions, complaints, and questions can also be voiced during the exit interview.

Since employment with Bellarmine is based on mutual consent, both the employee and Bellarmine have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued and vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

9.2.4.4 *Advance Pay*

Bellarmine does not provide pay advances on unearned wages to employees, except in cases of grave personal emergency.

9.2.4.5 *Administrative Pay Corrections*

Bellarmine takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll Office so that corrections can be made as quickly as possible. Generally, any correction will be made on the next regularly scheduled pay date.

9.2.4.6 *Payroll Deductions/Reductions*

The law requires that Bellarmine make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. Bellarmine also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." Bellarmine matches the amount of Social Security taxes paid by each employee.

Bellarmine offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

It is the mutual responsibility of both Bellarmine and the employee to ensure that taxes are properly withheld and benefits are correctly deducted. In the unlikely event that there is an error, the employee should promptly notify the Payroll Office so that corrections can be made as quickly as possible.

If the error requires that the employee pay for benefits that should have been deducted on previous paychecks, the University will work with the employee on a repayment schedule, preferably within the same fiscal year, but no later than the end of the following fiscal year. No interest will be charged on these payments.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your supervisor can assist in having your questions answered or you may contact the Payroll Office or the Human Resources Office.

9.2.4.7 *Work Hours*

Work schedules for employees vary throughout the University. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. The standard work week begins on Monday and ends on Friday. The work day generally

begins at 8 a.m. and ends at 5 p.m. with a one hour lunch break. However, the schedules in some departments may vary based on work that must be performed.

If exceptions are made to this policy, they must be approved in writing by the area supervisor and area vice president. These written exceptions must be filed with the Human Resources Office.

9.2.4.8 *Rest and Meal Periods*

Generally, employees are permitted to take periodic breaks of reasonable length (e.g., 10 minutes) so long as doing so does not disrupt business operations or services to students. Each department may establish its own policy regarding rest periods during the workday.

As required by state law, all full-time nonexempt employees are provided with one unpaid meal period of at least 30 minutes each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

9.2.4.9 *Break Time for Nursing Mothers*

Bellarmine recognized the importance of new mothers being able to express breast milk in a private location during the work day. In keeping with Patient Protection and Affordable care Act of 2010 (PPACA), Bellarmine will allow nursing mothers reasonable paid break times during the day so they can express milk as needed, for up to one year after the baby's birth. The University also will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by employee to express breast milk. Please contact Human Resources with any questions regarding this policy.

9.2.5 **Workplace Conditions**

9.2.5.1 *Safety in the Workplace*

Bellarmine is committed to providing a safe and healthful work environment for employees, students, and visitors. The Safety and Security Office has responsibility for implementing, administering, monitoring, and evaluating the safety programs on campus. Its success depends on the alertness and personal commitment of all.

Bellarmine provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Many employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards, and safe work practices and procedures to eliminate or minimize hazards.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

If an employee is injured on the job, regardless of how insignificant the injury may appear, employees must immediately notify the Safety and Security Office or the Human Resources Office in addition to the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

9.2.5.2 *Workplace Violence*

Bellarmine is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Bellarmine has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Bellarmine.

Conduct on campus that threatens, intimidates, or coerces another employee, a student, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by Bellarmine policy or federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, the Safety & Security Office, the Human Resources Office or any other member of University administration. This includes threats by employees and students, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede.

Bellarmine will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, Bellarmine may suspend employees, either with or without pay, pending investigation. Bellarmine reserves the right to take any action deemed appropriate to insure the safety of its employees or others on the University campus.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Bellarmine encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Office before the situation escalates into potential violence. Bellarmine is eager to assist in the resolution of employee disputes, and will not discipline employees for appropriately raising such concerns.

9.2.5.3 *Use of Telephones and Campus Mail*

Employees are permitted to use the telephone for personal business so long as such usage is not excessive and does not interfere with the performance of his/her duties or those of other employees. Employees may be required to reimburse Bellarmine for any charges resulting from their personal use of the telephone.

To ensure effective telephone communications, employees should always use an appropriate greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

Employees may use Bellarmine's mail system to mail personal correspondence and packages, but are required to pay for any personal postage expenses.

9.2.5.4 *Tobacco Use Policy*

In keeping with Bellarmine's intent to provide a safe and healthful learning environment, tobacco use is not permitted in any University building, on the campus property, or in University-owned vehicles. Tobacco may be in individuals' own personal vehicles. Tobacco products mean all forms of tobacco, including, but not limited to, cigarettes, cigars, pipes, water pipes (hookahs), electronic cigarettes, and smokeless tobacco products. This policy applies to all individuals including, but not limited to, faculty, staff, students, volunteers, patients, customers, contractors, and visitors to the campus.

Violations of this policy by employees should be reported to the Human Resources Office.

9.2.5.5 *Use of Equipment and Vehicles*

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using the University's property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. Due to liability concerns, all Bellarmine University equipment and vehicles are prohibited from being used on or off campus for any personal use. Any exception to this policy must be approved by the Vice President for Administration and Finance or the President.

9.2.5.6 *Emergency Closings*

At times, emergencies such as severe weather, fires, or power failures can disrupt University operations. In extreme cases, these circumstances may require the cancellation of classes and/or the closing of the University.

If the President (or his designee) cancels or delays classes due to inclement weather or other serious circumstances (e.g., power outages), staff are not expected to report to work unless designated by their supervisors to do so for the safety and security of students and other members of the Bellarmine community who must be present on campus. Staff will be paid for those hours normally worked and those hours will not be charged against sick or vacation time. Those employees required to report to work will be paid for the hours actually worked and will be granted other paid time off equivalent to the hours granted by the President for other employees, but not to exceed the number of hours normally worked that day. The employee and supervisor must coordinate taking OPTO at a later date.

Critical information and updates about the emergency situation will be available via text messaging, *the University's voice mail system (**272-8000** and select **option #6**), or the website (**http://www.bellarmine.edu/**).* The message will be updated by 6:30 a.m. if it is an early morning situation or by 4 p.m. if it is an early evening situation. The University will initiate a call tree notification process if the University's phone or web systems are inoperable.

Please speak with your supervisor if you have any questions about this policy.

9.2.5.7 *Business Travel*

Bellarmine will reimburse employees for reasonable business travel expenses incurred while on assignments away from the University. All business travel must be approved in advance by the employee's supervisor.

Employees whose travel plans have been approved are responsible for making their travel arrangements in accordance with departmental and University policies.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Bellarmine. Employees are expected to limit expenses to reasonable amounts. Please refer to the University's *Manual of Purchasing & Accounts Payable Policies & Procedures* for specific details.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by Bellarmine may not be used for personal use without prior approval.

9.2.5.8 *Use of University Technology and Email*

In support of its mission and goals of teaching and public service, Bellarmine University provides access to computing and information technology for students, faculty, and staff. All members of the Bellarmine community are expected to abide by all related policies and guidelines.

1. Computers, related equipment and other electronic media are the property of Bellarmine and are to be used for the primary purpose of benefiting, enhancing, and furthering the mission of the University.

2. By using University-supplied information technology facilities and resources, individuals and other entities agree to abide by all applicable policies and procedures adopted by the University, and/or with current state and federal laws, including, but not limited to those relating to trademarks, service marks and copyright, defamation and discrimination.

3. University policies that address academic dishonesty, including theft, plagiarism, disruptive conduct and misuse of materials and property, must guide your computing activities, just as they guide your activities in the classroom, residence hall, or elsewhere on campus.

4. Access to computing resources is a privilege, not a right. The University reserves the right to limit, restrict, or extend computing privileges and access to its information resources.

5. Email transmissions are considered to be non-confidential communications and may be subject to monitoring by Bellarmine or disclosure through legal proceedings or monitoring or otherwise through various laws that may be held to apply to such transmissions.
6. Sending electronic system-wide messages ("mass mailings") to people you do not know or who do not need to get your message is prohibited. Highlighting the entire list of names, large sections of the list of names, or all group listings in the address book for the "To" section is also prohibited.

7. Using University computing resources to send chain mail is prohibited. Chain mail most often asks the recipient to copy and send the message to others. A monetary or other reward need not be mentioned for a message to be considered chain mail.

8. Intentionally receiving, viewing, or transmitting pornographic information or images is prohibited. Materials are deemed pornographic at the sole discretion and judgment of the University.

9. Distribution of unsolicited advertising is prohibited.

10. Transmission of slanderous and/or harassing materials is prohibited.

11. Creation and/or propagation of computer viruses or worms are prohibited.

12. Campus information technology (computers, email, Internet) is not to be used for illegal or criminal purposes, for commercial purposes, or to gain personal or commercial profit advantage.

13. Unauthorized disclosure of user IDs, email addresses, and passwords is prohibited.

14. Alteration, fabrication or misuse of, or obtaining unauthorized access to, University IDs, other documents, or computer files or systems is prohibited.

15. Use of computers, computer accounts, data, and information resources for which you have authorization is limited. Using access codes that belong to someone else is prohibited.

16. Hacking programs, long distance phone and credit card fraud programs, or similar utilities that can breach the security of the University's technology system or otherwise result in criminal activity may not be accessed, executed, or downloaded with University technology equipment.

17. Using Bellarmine University facilities to gain unauthorized entry to any other facility, whether internal or external to the Bellarmine University network is prohibited.

18. An employee must cooperate with system administrator requests for information about computing activities. Under certain unusual circumstances, a system administrator is authorized to access your computer files.

19. All software on Bellarmine University systems is licensed by Bellarmine University and as such may not be copied for personal use, transferred to non-Bellarmine University equipment or modified in any manner.

20. Staff must be responsible for all use of computer and email accounts and for protecting account passwords. Staff will be held accountable for any abuse of computing resources by persons you allow to use your access code and password.

Alleged violations of the technology policy shall be handled in conjunction with the University's policies for employees. In some cases, an employee's computing privileges may be suspended immediately to protect the computing resources and to assure reliable service to the rest of the community.

Employees should notify their immediate supervisor, the Information Services Department, or any member of the administration upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

9.2.5.9 *Internet Usage*

Internet access to global electronic information resources on the World Wide Web is provided by Bellarmine to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While internet usage is intended for Bellarmine-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of Bellarmine and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of Bellarmine. As such, Bellarmine reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Abuse of the Internet access provided by Bellarmine in violation of law or Bellarmine policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of

previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the University's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the University or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Jeopardizing the security of the University's electronic communications systems
- Passing off personal views as representing those of the organization
- Sending anonymous e-mail messages
- Engaging in any other illegal activities

9.2.5.10 *Workplace Monitoring*

Workplace monitoring may be conducted by Bellarmine to ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of Bellarmine, as well as their satisfaction with our service.

Computers furnished to employees are the property of Bellarmine. As such, computer usage and files may be monitored or accessed.

Bellarmine may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to protect confidentiality or an ongoing investigation.

Because Bellarmine is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

9.2.6 **Leaves of Absence**

9.2.6.1 *Family and Medical Leave*

Pursuant to the Family and Medical Leave Act of 1993 (FMLA), Bellarmine provides leaves of absence without pay to regular full-time and regular part-time employees who wish to take time off from work duties due to their own serious health condition; or to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Only employees who have worked for Bellarmine for at least 12 months, with no fewer than 1,250 hours worked during the 12 month period, are eligible for FMLA leave. The 1,250 hours include only those hours actually worked, not paid or unpaid leave. Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Eligible employees may request up to a maximum of 12 work weeks of leave within a rolling 12-month period measured backwards from the date an employee uses a FMLA leave. Employees may be required to first use any accrued paid leave time before taking unpaid family leave. Intermittent leave will be permitted in accordance with the law.

Subject to the terms, conditions, and limitations of the applicable plans, Bellarmine will continue to provide health insurance benefits for the full period of the approved FMLA leave. However, if the employee is on unpaid leave, the employee must continue to pay for their share of the premiums for these insurance benefits by making appropriate arrangements with the Human Resources Office.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA leave is requested to provide Bellarmine with at least two weeks advance notice of the date the employee intends to return to work. When the leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, Bellarmine will assume that the employee has resigned.

The National Defense Authorization Act was signed into law in January of 2008 and became effective on January 16, 2009. The Act expanded the Family Medical Leave Act (FMLA) of 1992 and provides new leave rights related to military service. These entitlements include **Military Caregiver Leave**, which provides family members of injured service members with up to 26 work weeks of leave in a single 12-month period and **Qualifying Exigency Leave**, which allows family members of the National Guard and Reserves to use up to the normal 12 work weeks of FMLA leave to manage the affairs of a service member while he or she is on active duty in support of a contingency operation. Questions or additional information related is available from the Human Resources Office.

Contact the Human Resources Office for the appropriate leave request forms.

9.2.6.2 *Child-related Leaves of Absence*

The Catholic tradition within which Bellarmine University was founded affirms that each and every human being is created in the image and likeness of God. Because of this, each human being has an intrinsic, God-given dignity and infinite value as a person.

Given this belief and understanding, the birth or adoption of a child is a great blessing, a great privilege, a great opportunity and a great responsibility. As a Catholic University, Bellarmine encourages parents, mothers, fathers, and caregivers to be fully present and loving to their new children at all times, of course, and especially in the child's precious first days at home in the family.

So to celebrate the arrival of this wonderful new human life into the lives of Bellarmine faculty and staff, the University is pleased to improve its parental leave policy for regular, full-time faculty and regular, full-time staff.

9.2.6.2.1 Maternity Leave

Upon the birth of a child, the mother is entitled to leave for up to twelve consecutive weeks, according to the Family Medical Leave Act (FMLA). The first two weeks will be considered as paid maternity leave related to childbirth, and the employee will receive her regular pay for that period. The remainder of the leave, including any approved extension beyond the twelve-week period, will be unpaid unless the employee is medically disabled and is due pay under the University's sick leave or temporary disability policies, or unless the employee has vacation time, in which case the vacation time may be applied toward the leave, with the approval of the employee's supervisor. The pay period is not extended by the occurrence of any holidays that fall within the first two weeks.

9.2.6.2.2 Paternity Leave

Upon the birth of a child, the father is entitled to leave for up to twelve consecutive weeks, according to the Family Medical Leave Act (FMLA). The first two weeks will be considered as paid paternity leave related to childbirth and the employee will receive his regular pay for that period. The remainder of the leave, including any approved extension beyond the twelve-week period will be unpaid unless the employee is due pay under the University's sick leave (to care for the mother and/or child) or unless the employee has vacation time available, in which case the vacation time may be applied toward the leave, with the approval of the employee's supervisor. The pay period is not extended by the occurrence of any holidays that fall within the first two weeks.

9.2.6.2.3 Adoptive Leave

Upon the birth of the child or on the day the adopting parent receives custody of the child, the adopting parent is entitled to leave for up to twelve consecutive weeks, according to the Family Medical Leave Act (FMLA). The first two weeks will be considered as paid adoptive leave for the parent/caregiver and the employee will receive her/his regular pay for that period. The remainder of the leave, including any approved extension beyond the twelve-week will be unpaid unless the employee is due pay under the University's sick leave (to care for child) or unless the employee has vacation time available, in which case the vacation time may be applied toward the leave, with the approval of the employee's supervisor. The pay period is not extended by the occurrence of any holidays that fall within the first two weeks.

Those employees wishing to apply for any of the above leaves should consult with their dean or immediate supervisor as soon as practical so that suitable arrangements can be made. The employee must contact Human Resources to fill out the necessary paperwork before her/his leave. Use of temporary disability, sick leave, or vacation time is subject to existing policies.

Bellarmine adheres to the federal Family Medical Leave Act. Please see section 9.2.6.1 of the University's *Policies and Procedures Manual*.

9.2.6.3 *Personal Leave*

Bellarmine provides leaves of absence without pay to regular full-time and regular part-time employees who wish to take time off from work duties to fulfill personal obligations. Eligible employees may request personal leave only after having completed one year of service. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor.

Personal leave may be granted for a period of up to 30 calendar days in any one year. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. With the supervisor's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, Bellarmine will continue to provide this coverage to the employee. However, the employee will be responsible for paying the applicable premiums in a timely manner.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Bellarmine cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, Bellarmine will assume the employee has resigned.

9.2.6.4 *Military Leave*

Bellarmine complies with the Uniformed Services Employment and Reemployment Rights Act and the Veterans' Reemployment Rights statute. A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with federal law. Verbal or written advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Health and retirement plan benefits are available as required by law.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with federal law and all applicable state laws.

Employees returning from military leave will be reemployed in the same or similar job they left or placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with federal law. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

9.2.7 **Employee Conduct and Disciplinary Action**

9.2.7.1 *Employee Conduct and Work Rules*

To ensure orderly operations and provide the best possible work environment, Bellarmine expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. If you have any questions about your work environment, please contact your supervisor, area vice president or the Human Resources Office.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Dishonesty (fraud), misconduct or other unethical activities
- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, unauthorized use of alcohol or use of illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of confidential information
- Unsatisfactory performance or conduct
- Violation of policies contained in this Handbook

Employment with Bellarmine is at the mutual consent of Bellarmine and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

9.2.7.2 *Discrimination and Sexual Misconduct Policy*

Bellarmine strongly opposes and will not tolerate any form of discrimination or sexual misconduct by its employees (defined below as including faculty, staff, administration, temporary, part-time and adjunct employees) against another employee, supervisor, student, customer, client, visitor or applicant. Nor will Bellarmine tolerate any form of discrimination or sexual misconduct against one of its employees or students by someone who is not employed by the University. The procedure for filing and resolving complaints of discrimination and sexual misconduct is set forth in Section 9.2.7.3.

Discrimination is any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age (40 or over), creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that unreasonably interferes with or limits employment or the ability to participate in or benefit from the University's educational program.

Sexual Misconduct comprises a broad range of behavior that will not be tolerated in Bellarmine's community of trust. For purposes of this Policy, **"Sexual Misconduct" includes (a) Sexual Exploitation, (b) Sexual Harassment, (c) Non-Consensual Sexual Contact, and (d) Non-Consensual Sexual Intercourse, or Retaliation, each as more fully defined below.** Sexual Misconduct violates University policy and federal and state civil rights laws and may also be subject to criminal prosecution.

Overview:

Bellarmine is committed to fostering a community that promotes prompt reporting of all types of discrimination and sexual misconduct and timely and fair resolution of complaints, whether related to conduct on or off the University campus. Off campus situations include, but are not limited to, student activities, student trips, and all programs for study abroad or away from the University campus, and may include other situations involving University employees or students. Creating a safe environment is the responsibility of all members of the Bellarmine community.

Bellarmine is committed to providing employment, programs, activities and an educational environment free from discrimination and sexual misconduct through this Policy and through additional policies applicable to students. These policies are designed to provide an equitable process for all parties while also ensuring all protections under law. Nothing in this Policy is intended to abridge the rights or freedoms guaranteed by the First Amendment.

Definitions:

The following definitions are incorporated in this Policy and are used in making decisions and determining sanctions in connection with behaviors complained about under this Policy.

(a) Non-Consensual Sexual Contact means sexual contact that occurs without effective consent. **Sexual Contact** means the deliberate touching of a person's intimate parts including genitalia, groin, breast or buttocks, or clothing covering any of those areas, or using **force** to cause a person to touch his or her own or another person's intimate parts. **Force** means physical force, violence, threats, intimidation or coercion. Non-consensual sexual contact is a form of sexual assault.

(b) Non-Consensual Sexual Intercourse means sexual intercourse that occurs without consent**.** **Sexual Intercourse** means penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object. Non-consensual sexual intercourse is a form of sexual assault.

(c) Sexual Exploitation means taking sexual advantage of another person without consent, and includes, without limitation, causing or attempting to cause the Incapacitation of another person in order to gain a sexual advantage over such person, including but not limited to the use of alcohol or other drugs; causing the prostitution or another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

(d) Sexual Harassment constitutes discrimination and is illegal under state and federal laws. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

(3) submission to or rejection of such conduct by an individual has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment. All employees and volunteers are required to complete the University's Sexual Harassment Prevention training within two weeks of employment or the start of volunteer activities.

Sexual harassment may include a range or subtle and not-so-subtle behaviors and may involve individuals of the same or different sexes. These behaviors may include, but are not limited to: unwanted sexual advances, subtle or overt pressure for sexual favors, sexual jokes, profane language, innuendoes, advances or propositions, stalking, bullying, verbal abuse or a sexual nature or about a person's lifestyle, graphic commentary about a person's body, sexual prowess or sexual deficiencies, comments about appearance, manner of dress or accent, cultural differences, leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting or obscene comments, gestures, pictures, cartoons, photographs, objects, computer screen savers or wallpaper, or other conduct of a sexual nature. Such behavior is unacceptable whether it occurs on the Bellarmine campus or is non-University conduct.

Sexual harassment may also include intimate partner violence, defined as the use of physical violence, coercion, threats, intimidation, isolation, stalking or other forms of emotional, sexual or economic abuse directed towards a partner in an intimate relationship. Intimate partner violence can be a single act or a pattern of behavior in relationships. Intimate partner relationships may be short or long-term relationships intended to provide some emotional, romantic and/or physical intimacy.

(e) Employees include all faculty, staff and administration of Bellarmine University, including temporary, part-time and adjunct employees.

(f) Consent means words or actions that show an explicit, knowing and voluntary approval and agreement to engage in mutually agreed-upon sexual activity.

- Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or reasonably should have known about the incapacitation.
- Consent is also absent when the activity in question exceeds the scope of effective consent previously given or when the person is under the "minimum age" according to state law.
- The absence of "No" is not "Yes" and is not agreement to sexual activity. Agreement to previous sexual activity is not consent to current sexual activity, even if the sexual act is the same as in the previous activity.

(g) Incapacitation means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where drugs or alcohol are involved, one does not have to be drunk or intoxicated to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Alcohol and drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. The question is whether the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated. Employees and students are strongly encouraged to err on the side of caution; when in doubt, assume that the other person is incapacitated and therefore unable to give consent. The use of alcohol and drugs never makes someone at fault for being sexually assaulted. Likewise, being intoxicated or drunk is never a defense to a complaint of sexual misconduct under this Policy.

(h) Retaliation is any adverse action against a person who reports discrimination or sexual misconduct, files a complaint, assists someone in reporting or filing a complaint, participates in an investigation or hearing of a complaint, or protests what he or she considers to be discrimination or sexual misconduct under this Policy, where the intent of the action is to intimidate, coerce, or otherwise deter the person from exercising his or her rights under this Policy. Retaliation includes, but is not limited to, verbal threats, physical abuse or different treatment because of the person's exercise of his or her rights. Retaliation is a violation of this Policy and of federal and state law.

Bellarmine's Department of Human Resources and Bellarmine's Title IX Coordinator and Assistant Coordinators ("Policy Response Team" or "PRT") are responsible for enforcing Bellarmine's Discrimination and Sexual Misconduct Policy. Please refer to the University Title IX website for a current listing of coordinators.

9.2.7.3 *Procedure for Resolving Complaints of Discrimination or Sexual Misconduct.*

Bellarmine's Office of Human Resources and Bellarmine's Title IX Coordinator and Assistant Coordinators ("Policy Response Team" or "PRT") are responsible for enforcing Bellarmine's Discrimination and Sexual Misconduct Policy. Please refer to the University Title IX website for a current listing of coordinators.

I. **Duty to Report.** An employee who has reasonable cause to believe that a situation has occurred which may be covered by this Policy, whether or not the employee is involved, should take steps immediately to make the University aware of the situation by notifying his or her supervisor, department head, or any member of the Policy Response Team. Supervisors, department heads or others who are notified or become aware of a situation potentially covered by this Policy should immediately inform a member of the PRT.

II. **Informal Procedure**. An employee with a concern is encouraged to attempt initially to resolve complaints at the lowest level through the administrative structure of the employment unit or academic department. Supervisors or administrators, including faculty, always should contact a member of the PRT before attempting to resolve any such complaints. **However, employees are not required to follow the informal procedures before filing a formal complaint. This procedure is not available to a student alleging a sexual assault; please refer to the Sexual Discrimination and Misconduct policy in the Student Handbook:**
http://www.bellarmine.edu/Libraries/Student_Affairs_Docs/studenthandbook2012-2013.sflb.ashx.

1. If you feel comfortable dealing with the situation without the direct involvement of a third party, you can communicate directly with the person whose behavior is unwelcome.
2. It is appropriate to use face-to-face, individual communication only when you do not feel threatened, there is no risk of physical harm and you believe the other person will be receptive.
3. E-mail is the preferred method of communication. If you choose to communicate face-to-face, you also should send an e-mail, if possible. Keep copies of any written communication. The communication should include:

    a. A factual description of the incident(s) including date, time, place, witnesses and a description of the specific unwelcome behavior.

    b. A description of any consequences you may have suffered due to the unwelcome behavior.

    c. A request that the unwelcome behavior cease.

    d. If you do not feel comfortable with individual communication or you believe the communication was not successful, you should consider other informal or formal procedures, as outlined below.

4. If you would like to proceed informally, but with the assistance of someone else, you may ask one of the following individuals or offices to intervene:
    a. Your supervisor or the other person's supervisor; or
    b. Any member of the Policy Response Team
    c. If the alleged behavior is severe or there is threat of imminent harm, these offices or individuals may have to take further action.
5. Do not rely upon other co-workers or individuals who are not familiar with University policy to intervene on your behalf when discussing your concerns with the person whose behavior is unwelcome and/or offensive.

III. **Formal Procedures**. Employees or students who have a complaint against an employee may initiate formal complaint procedures by filing a complaint whether or not they have attempted resolution through informal procedures. The individual who files the complaint is referred to as the "Complainant". The individual against whom the complaint is filed is referred to as the "Respondent." Collectively, these individuals are referred to as the "Parties".

A. **Filing a Complaint.** The PRT responds to complaints in accordance with the procedures outlined below. However, there may be exceptional circumstances which justify a departure from these procedures, and should such circumstances arise, the PRT will advise the Parties as soon as possible.

1. **Who May File**. Any employee (as defined in 9.2.7.2), student, applicant for admission or employment, or participant in the University's programs or activities who believes that (s)he has been unlawfully discriminated against or harassed on the basis of age, color, disability, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, or family medical or genetic information, or who has been the victim of sexual misconduct, or who believes that (s)he has been retaliated against for reporting discrimination or harassment or for assisting or participating in a complaint investigation, may file a complaint under this Policy. Discrimination

or sexual misconduct should be reported to any supervisor, department head, the Dean of Students, Student Affairs or any member of the PRT, who will provide assistance in filing the complaint. If the complaint involves any of those people, the complaint can be made directly to the Chief Human Resources Officer for the University.

2. **Student Complaints Against Other Students.** Complaints by students against employees and others are resolved under this Policy. **However, Complaints of discrimination and sexual misconduct (including sexual harassment, sexual exploitation, non-consensual sexual contact, non-consensual intercourse and retaliation) by a University student against another University student should be reported to the Dean of Students or Student Affairs** [Contact info with phones, email) or in person (where)]. Student sexual misconduct complaints are addressed by the Student Code of Conduct and Conduct Procedures in the Student Handbook, a copy of which is provided to each student and which can be located at [web link].

3. **When to File.** Complaints should be in writing and should be filed as soon as practicable. However, verbal complaints will be accepted. Early reporting is the most effective method of resolving actual or perceived incidents of discrimination or sexual misconduct. All time limits set forth in these procedures may be extended for good cause. The Complainant also may file a formal charge of discrimination, harassment and/or retaliation with a state or federal agency authorized by law to receive such complaints.

4. **Content of Complaint.** The PRT strongly encourages the use of its Complaint Form, which can be found at [link]. Otherwise, the complaint should be a written document which includes: the Complainant's name, contact information and signature, a description of the conduct believed to be discriminatory, sexually inappropriate, harassing and/or retaliatory with approximate date(s) when these actions occurred, and the name(s) of the Respondent(s).

B. Receipt and Acceptance of a Complaint

1. **Initial Meeting.** Upon receipt of a complaint, if PRT has not previously spoken with the Complainant, a member of the PRT will hold an initial meeting with the Complainant within five (5) working days to review the complaint procedures and discuss the Complainant's allegations.

2. **Initial Review.** Following the initial meeting with the Complainant, the PRT shall decide whether the written complaint states a potential violation of University policies or federal and state laws and shall notify the Complainant in writing of its decision.

3. **No Cause Finding**. If the PRT determines that there is no reasonable cause to believe the Complainant's allegations, if true, state a violation of University policies or federal or state laws, the written notice of this decision shall explain why the complaint does not state a violation and may inform the Complainant of other possible avenues of redress, if appropriate.

4. **Reasonable Cause**. If the PRT concludes that the allegations of the complaint state a potential violation, it will notify the Complainant that it has accepted

his/her complaint and meet with the Complainant to determine the specific factual allegations upon which the complaint is based, and discuss complaint procedures.

5. **Confidentiality/Privacy & Non-Retaliation Policy.** When a report of discrimination or gender-based misconduct is filed, the Complainant, the Respondent, and all identified witnesses who are named in the investigation, will be notified of the University's expectation of confidentiality/privacy. The University will make all reasonable efforts to maintain the confidentiality/privacy of parties involved in gender-based misconduct investigations. Breaches of confidentiality/privacy or retaliation against any person involved in the investigation, including the complainant, respondent, witnesses, or the investigators, may result in additional disciplinary action.

6. **Interim Measures**. From the time the University is made aware of any situation or concern or a complaint is filed, until resolution of the matter, the University may take interim measures including, but not limited to: notification of law enforcement, restrictions on contact between the Complainant and the Respondent, bans from areas of campus, and/or removal or relocation from the residential areas, and temporary suspension pending the resolution of the complaint. Failure to adhere to the requirements of any interim measures is a violation of this Policy and may lead to additional disciplinary action.

C. **Complaint Investigation.** The PRT will conduct an investigation in accordance with the following procedures.

1. **Scope of Investigation.** The investigation may include, but is not limited to:

   a. Interviewing material witnesses, including Complainant and Respondent;

   b. Reviewing relevant files and records;

   c. In appropriate cases, comparing the treatment of the Complainant to that of others similarly situated in the department or unit; and/or

   d. Reviewing applicable policies and procedures.

2. **Notice**. In addition to the notice provided to the Respondent, at or near the time that the investigation is commenced, the PRT will notify the Respondent's immediate supervisor of the Complaint. In some cases, the PRT may determine that it is necessary to contact other University officials to protect against imminent risk of physical harm or to investigate potential crimes. However, information will be provided strictly on a need-to-know basis.

3. **Written Report.** The investigation shall normally be concluded within sixty (60) working days of inception, at which time the investigator(s) shall issue a written report. The report will include findings of fact as well as appropriate recommendations.

4. **Dismissal.** If the investigation report concludes that the Complainant's allegations do not establish a violation of this Policy, the findings will be shared with all parties and the Complaint will be dismissed.

5. **Set for Conference.** If report concludes that the Complainant's allegations are substantiated, then the Complaint will be set for a conference before a panel whose members will be determined by the PRT.

6. **Updates to Parties.** Every effort will be made to ensure that both the Complainant and Respondent are updated at several points during the investigation and conference procedures.

D. **Informal Resolution.** Informal resolution is a process by which the PRT attempts to resolve complaints quickly and to the satisfaction of all parties prior to the conference, while protecting confidentiality to the extent possible. Informal resolution may be attempted at any stage of the complaint process, but it will generally be considered at the conclusion of the investigation and prior to a conference. The PRT may deem a complaint unsuitable for an informal resolution or may determine that the only basis for informal resolution is full imposition of sanctions on the Respondent. At any time during the informal resolution process, either party may elect to terminate the process. Generally, the informal resolution process will not involve anyone other than the Complainant and Respondent. In some cases, it may be necessary to consult with or otherwise involve other University officials regarding University policies and procedures or available remedies. However, information will be provided solely to these persons on a need-to-know basis. If the complaint is successfully resolved, the parties will sign a "Informal Resolution Agreement" prepared by PRT, setting forth the agreed-upon terms. Copies of the complaint, all pertinent documents and the Informal Resolution Agreement will be maintained by PRT in accordance with University policies and state and federal law.

E. **The Conference**. A conference panel will be convened as soon as practicable following the receipt of the investigators' report and the conclusion of the informal resolution process, ideally within 30 days following the receipt of the investigators' report, which time may be extended for good cause. Whenever possible, the Complainant and Respondent will be given at least five calendar days' notice to prepare for the conference. The conference is a closed proceeding.

1**. The Conference Panel.** The conference panel is charged with determining whether the Discrimination and Sexual Misconduct Policy has been violated and providing PRT with their finding. The conference panel will be selected by the PRT based on the nature of the complaint and the parties' employment status or University position from deans, senior administration, and, where appropriate, employee or faculty representatives. The Complainant and Respondent will be informed of the panel's constitution prior to the commencement of the conference. A party may challenge a panel member's participation in writing if the party believes that the panelist has a conflict of interest or a personal relationship that could affect his or her ability objectively to consider the issues in the case. The PRT will review the request and in its discretion determine whether it is appropriate to make a substitution.

2. **The Conference Procedure.**

a**. Investigators' Report.** At the conference, the investigator(s) will present the report of the investigation and recommended findings and sanctions. The investigators' report will summarize all relevant witness statements and documents reviewed in the investigation and will state the investigators' conclusions as to their credibility. As the investigator reviews the report, (s)he will ask Complainant and Respondent whether

they have any additional statements or evidence to add to the report. Except in unusual circumstances, additional evidence must not have been available at the time of the investigation. Unless a witness is necessary to testify about new evidence which is accepted at the conference, witnesses may not testify merely to repeat the contents of their witness statements. No character witnesses will be permitted to testify.

b**. Conduct of the Proceeding.** The panel may impose time limits on any stage of the procedure. The panel may also determine the relevance of and place restrictions on any witnesses or information presented. Only the panel may ask questions of the investigator, the parties and any witnesses. Both parties have the opportunity to put forth questions not covered in the investigator's report by submitting them to the panel in written format. The panel may determine which questions are relevant and which are duplicative in nature. The panel reserves the right to revise or remove submitted questions.

c. **Testimony Regarding Romantic or Sexual History in Cases Involving Sexual Misconduct.** The romantic or sexual history of either the Complainant or Respondent will not be allowed in a conference involving allegations of sexual misconduct, unless such information is determined to be so highly relevant by the Conference Panel that excluding such information would result in a manifest injustice. No such information may be proffered unless the offering party notifies the other party and the panel at least 3 business days in advance of the conference and receives written permission from the conference panel to do so. Such testimony may also be admitted where the Respondent was previously found to be responsible in a sexual misconduct situation substantially similar to the present allegation, and the information indicates a pattern of behavior that substantially conforms to the pattern in the present Complaint. If the Complainant and Respondent had a romantic or sexual history, testimony and questions about this history is permitted.

d. **Refusal of Participation.** In cases where a Complainant and/or Respondent refuse to participate in the conference procedure and where an investigation deems that a policy violation may have occurred, the conference panel will convene and determine a finding based on the evidence and testimony available to them.

e**. Supporters.** Both the Complainant and Respondent are entitled to have a supporter present at the conference and during any meetings regarding the process. The supporter's function in the process is to provide support to the Complainant or Respondent. During the conference, the supporter may talk quietly with the Complainant or Respondent or pass notes in a non-disruptive manner. The supporter may not, in any way, intervene in the conference or address the panel. The supporter must be a current member of the University community (i.e. employee or student). The supporter should generally not be someone who has a current formal role (e.g., advisor, coach, faculty member) with either the Respondent or Complainant, unless the PRT determines that this would be beneficial given the circumstances. Neither party is entitled to legal representation (as that term is commonly understood) during the conference. A supporter from the University community may be an attorney by training, but is only permitted to act as a supporter (as described above) during the conference.

f**. Panel Findings.** The panel may find a party responsible for an alleged violation of policy based on a majority vote. The panel may also vote by majority to dismiss the charge. The panel will render a recommendation within five working days following the conclusion of the conference. The panel also may recommend sanctions consistent with University guidelines and practice.

Upon finding a Respondent responsible, the panel will submit its decision to the Title IX Coordinator, who will review the panel's finding with senior administration before notifying the Complainant and Respondent and other appropriate supervisory personnel where applicable.

g**. Range of Sanctions.** An employee or student who has been found to have violated this Policy may be subject to sanctions including, but not limited to, reprimand/warning, disciplinary probation, suspension, and dismissal or termination of employment. Prior disciplinary history may be taken into consideration in determining an appropriate sanction. An employee or student may also be barred from certain University facilities or activities, or required to attend educational programming.

In a discrimination case, sanctions and remedies may include, but are not limited to:

(1) A directive to stop any ongoing discriminatory, harassing and/or retaliatory behavior/practice;

(2) Disciplinary or other corrective action against the Respondent and/or others; and/or

(3) Relief to the Complainant, such as reinstatement, hiring, reassignment, promotion, training, back pay or other compensation and/or benefits.

F. The Appeals Process. Both the Complainant and Respondent may appeal the decision made by the conference panel and the sanctions imposed. The three grounds upon which an appeal of the decision or sanctions may be made are:

- The party believes a procedural error occurred, which if not corrected could substantially affect the finding or sanctions.
- The party has substantive new evidence that was not available at the time of the conference and that if introduced would substantially affect the findings or the sanctions;
- The party believes that the severity of the sanction is inappropriate given the findings of the case. Disagreement with the finding or sanctions is not, by itself, grounds for appeal.

1. The appeal should be submitted in writing to the PRT within five working days following the date on the outcome letter. The conference panel will review the appeal and make a final decision. This decision is not appealable except as set forth in the next paragraph. Appeals decisions will be rendered within 10 working days after the receipt of the formal appeal is filed.

2. If the Respondent is a member of the faculty, (s)he may request the remedies under Sections 7.4.1, 7.4.2 and 7.4.3 of the Faculty Handbook following receipt of the decision on appeal.

9.2.7.4 *Drug Free Workplace*

Research shows that substance abusers in the workplace are late and absent more often than non-abusing co-workers and subject to more accidents, often involving fellow employees. Substance abusers are less effective in their jobs and sometimes steal from their employer to support their addictions. They damage their own and their employer's reputations and can involve their employers in lawsuits.

No organization is immune from the difficulties created by substance abuse. Therefore, we have established this policy and will take the necessary steps to maintain a drug and alcohol-free workplace, inform our employees annually of the dangers of substance abuse, standards of conduct, health risks and legal sanctions, and make available information on the sources of drug and alcohol counseling. Ignoring the situation, or failing to establish effective counter-measures, would be unfair to valued employees and students. It is Bellarmine University's policy to maintain a drug and alcohol free workplace and require compliance with this policy as a condition of employment.

In order to protect our employees, our students and the University's reputation and integrity, Bellarmine has identified certain activities that will not be tolerated, that are considered **gross misconduct, and could lead to disciplinary action, up to and including immediate dismissal**. The policy describes these activities and possible consequences for all full, part-time, and temporary employees, including students functioning in work assignments.

Covered Substances

The following substances are covered by this policy:

- Alcoholic beverages of any kind;
- Controlled substances and illegal drugs, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs; the use, possession, or transfer of which is restricted or prohibited.

Drugs prescribed by a physician, dentist, or other persons licensed by the State or Federal Government to prescribe or dispense controlled substances and used in accordance with their instructions are not subject to the restrictions of this policy.

Prohibited Activities – on University premises or University business

The following activities are prohibited while an employee in on University premises or University business. **An employee who engages in such conduct is engaged in gross misconduct and is subject to disciplinary action, up to and including immediate dismissal:**

- The unlawful manufacture, use, sale, distribution, possession, receipt or transportation of any controlled substance or illegal drug;
- The consumption of alcoholic beverages, except where authorized or in accordance with University policy. Note, however that excessive consumption rendering one under the influence of alcohol is expressly prohibited.
- Consumption of alcoholic beverages during undergraduate and graduate classes irrespective of the students' ages.
- Being under the influence of alcohol, illegal drugs, or controlled substances during business hours, whether or not consumed on University premises and whether or not consumed out of or during working hours.

An employee is considered under the influence when he or she is affected by drugs or controlled substances in any detectable manner, or when the amount of alcohol, illegal drugs, or controlled substances consumed interferes with the employee's ability to efficiently and satisfactorily perform assigned tasks and/or renders the employee a risk to others and/or to the interests of the University.

While the University is not in the business of policing the private lives of its employees, and although not occurring on University premises, the following actions are considered to endanger the University's reputation for honesty and integrity. An employee who becomes the subject of any of the following, therefore, may be subject to disciplinary actions, up to and including dismissal:

- **Conviction of criminal offenses relating to the unlawful manufacture, use, sale, possession, distribution, receipt or transportation of any controlled substances or illegal drugs**

Any person who has been found by Bellarmine, to have made false accusations regarding this policy will be subject to appropriate sanctions and discipline, up to and including termination of employment.

State and City Laws

Members of the University community are expected to be aware of and obey state and municipal laws or ordinances regulating the use, possession or sale of alcoholic beverages. Alcohol concentration of or above 0.08 is the definition of intoxication in the State of Kentucky.

The following are important Kentucky and City of Louisville laws or ordinances:

1. It is illegal for any person under 21 years of age to attempt to purchase, consume, possess, or transport any alcoholic beverages.
2. It is illegal for any person under 21 years of age to knowingly and falsely present himself or herself to be 21 years of age for the purpose of procuring any intoxicating beverage.
3. It is illegal for any person to represent to a dealer or any other person that a minor is over 21 years of age for the purpose of inducing the dealer or other person to serve alcoholic beverages to that minor.
4. It is illegal for any person to request anyone over 21 years of age to purchase or offer to purchase any alcoholic beverage from a licensed dealer for a minor.
5. It is illegal for any person to sell, furnish, or give away any alcoholic beverage to a person under 21 years of age or to any person who is visibly intoxicated.
6. It is illegal to operate or control a motor vehicle while under the influence of alcohol.
7. It is illegal for any person, whether or not a minor, to sell alcoholic beverages without a license.

A City of Louisville ordinance prohibits the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages in public streets, sidewalks, highways, buildings, lanes, parking lots, recreation or park areas, or other public property within the City of Louisville. The penalties for violating the above laws and ordinance are severe. Moreover, individuals may face severe financial consequences from a civil lawsuit arising out of the use or misuse of alcohol.

The responsibility of notifying the University lies with the employee for any alcohol-related or criminal drug statute conviction for a violation. This notification must be no later than five days after the conviction. At a minimum, the University will require any employee, who is convicted, to satisfactorily participate in a drug abuse or rehabilitation program selected by the University.

In considering whether and how to discipline employees in violation of this policy, the University will comply with the dictates of relevant Federal and State laws and regulations that address the adverse employment use of arrest and conviction information. The University reserves the right, however, to independently investigate all such employee violations of its policy and determine appropriate sanctions.

Risks Associated with Alcohol and Drug Use

All substance use poses some degree of health risk. The level of risk is dependent on the type of substance, frequency, and amount used; interactions with other medications/substances, and individual risk factors, including family history, previous substance abuse history, and health conditions (e.g., depression, pregnancy, diabetes, heart disease).

Alcohol and Drug Abuse Prevention and Intervention

Bellarmine offers employees and their families free, confidential, and professional counseling to address problems related to substance use/abuse through the University Employee Assistance Program. Please contact our EAP, **Wayne Corporation, 502-451-8262,** to schedule an appointment. If you are a participant in the University's health insurance program, you also may contact **Humana at 1-800-427-7478** for help.

Other sources of information on substance abuse include: Jefferson Alcohol and Drug Abuse Center, 502-583-3951, http://www.sevencounties.org/prevention.htm; and Alcoholics Anonymous, 502-582-1849, www.louisvilleaa.org.

The University is committed to periodic reviews of this policy, at least bi-annually, to determine its effectiveness and assure that disciplinary actions are consistently enforced. Accordingly, we are also committed to maintaining, as prescribed by Federal regulation, records reasonably related to compliance with this policy.

9.2.7.5 *Attendance and Punctuality*

To maintain a safe and productive work environment, Bellarmine expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Bellarmine. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

9.2.7.6 *Business Appropriate Attire*

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the professional image Bellarmine presents to the public. Bellarmine has adopted "business casual" as its standard of attire for staff. Jeans are considered inappropriate unless a work assignment requires it or the President authorizes an exception.

During business hours or when representing Bellarmine, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. The key to making this work is remembering to show respect for

your visitors and colleagues. We encourage you to make sound decisions about your attire and remind others if you believe their attire is inappropriate.

9.2.7.7 *Return of University Property*

Employees are responsible for items issued to them by Bellarmine or in their possession or control, such as the following:

- cell phones
- PDA devices
- computer equipment
- files belonging to Bellarmine
- credit and phone cards
- equipment
- identification badges
- keys
- pagers
- protective equipment
- tools
- uniforms
- vehicles

All Bellarmine property must be returned by employees on or before their last day of work. Where permitted by applicable laws, Bellarmine may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Bellarmine may also take all action deemed appropriate to recover or protect its property.

9.2.7.8 *Resignation*

Resignation is a voluntary act initiated by the employee to terminate employment with Bellarmine. Although advance notice is not required, Bellarmine requests at least two weeks' written resignation notice from all employees.

Prior to an employee's departure, Human Resources staff will schedule an exit interview to discuss the reasons for resignation and the effect of the resignation on benefits.

9.2.7.9 *Problem Resolution*

Bellarmine is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from Bellarmine supervisors and management.

Bellarmine strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with Bellarmine in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs in which employees believe that a term or condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following process. The employee may discontinue the process at any time.

INFORMAL RESOLUTION: Any matter to be considered under this procedure must be discussed between the employee and the immediate supervisor within seven (7) work days after problem occurs or the employee becomes aware of the problem. If supervisor is unavailable or employee believes it would be inappropriate or uncomfortable to discuss the problem with that person, the employee may present the problem to an officer of the University (e.g., vice president) or the Chief Human Resources Officer. If the employee is dissatisfied with supervisor's answer to the informal appeal, the employee may proceed to put the appeal in writing within five (5) work days of receiving the supervisor's answer.

STEP ONE: The staff member will submit the appeal in writing to the supervisor with copies to the supervisor's manager and the Human Resources Office. The Appeal Form is available on the Human Resources intranet website and in the HR Office. Within the next five (5) work days, the supervisor's manager will schedule a meeting with the employee, the supervisor and other University officials that may be concerned. At this step, the staff member may be accompanied by another staff member of his choosing to provide support. The manager will provide a written answer to the staff member within five (5) work days of the meeting.

STEP TWO: If the staff member is not satisfied with the Step One answer, the staff member should request a Step Two meeting in writing within five (5) work days of Step One answer. The Chief Human Resources Officer will convene a meeting of the affected parties within five (5) work days of the request. At this step, the staff member may be accompanied by another staff member of his choosing to provide support. The Chief Human Resources Officer will provide a written answer to the staff member within five work (5) days of the meeting.

STEP THREE: If the staff member is not satisfied with the Step Two answer, the staff member should request a Step Three hearing in writing within five (5) work days of the Step Two answer. The Chief Human Resources Officer and the staff person's vice president will appoint a panel of three (3) disinterested persons to review the problem. The affected staff person is entitled to request the replacement of any panel member who is believed to have a conflict of interest. The hearing may be attended by all persons present at the Step Two meeting and other individuals with knowledge of the problem. The affected staff person may be accompanied by another staff member of his choosing to provide support. The panel will apply existing policies and procedures to the case at hand and make recommendation(s) for action as expeditiously as possible to the President of the University. The President shall make a ruling in the matter after considering the recommendation(s) and facts of the case. This ruling shall be final.

DISMISSAL APPEAL: An appeal of a dismissal from employment shall begin at Step Two.

By mutual agreement, special meetings between the staff member and University representatives may be scheduled on an informal basis at any time during this process to seek resolution of this matter. Staff members shall not lose pay for any time not on the job if their presence is required at these meetings/hearings. Time limits may be extended by mutual agreement in writing between the staff member and the University. University holidays shall not be applied in computing time limits, and all time limits specified herein shall be deemed exclusive of Saturdays and Sundays.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and the administration develop

confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

9.2.7.10 *Staff Council*

The purpose of the Council is to:

- Serve as an advisory group to the President
- Promote collegiality and mutual respect between staff, faculty, and students
- Increase the sense of identity, recognition, and value of each staff member in his/her relationship to the University.
- Identify concerns relating to staff as well as recommended solutions

Number of representatives: up to 21 (with at least one representative from: President's Office, Information Services, Library, Development and Alumni Relations, Communications and Public Affairs, Administration and Finance, Facilities Management (custodial, maintenance, security, grounds, mail/print/vending), Academic Affairs (staff from all the Schools), Enrollment Management, Student Affairs, and Athletics. Each area will select one representative internally. The remaining positions will be elected "at-large" by eligible staff (regular full-time and part-time staff regardless of length of service).

Election of At-Large Representatives: Candidates may self-nominate or be nominated by another eligible staff person. Elections are at large. Election of councilors shall be held annually during April. The term of office is two years beginning with the April meeting each year. The maximum term of office for representative or at-large members of the Staff Council is two years, with the exception of elected officers of the Staff Council who may serve up to three years. Representatives shall serve staggered terms so that approximately half of the members will rotate off each year.

Qualifications for Candidates: Regular full-time or part-time staff (Grades 1-8). Must be employed at least six months as of the election date.

Governance of Council: Coordinating Committee of seven representatives, elected by the representatives at large. Officers are chair, vice chair (chair-elect), secretary-treasurer. Coordinating Committee members serve one-year terms, except the vice chair. Maximum service: Two (2) consecutive terms. Coordinating Committee will meet prior to scheduled Council meeting. Coordinating Committee responsibilities:

- Assign issues to committees
- Arrange Staff Council Agenda in cooperation with the President
- Handle logistics and detail of Staff Council governance organization

Council Committees: Will be established as necessary.

Committees will set their agendas with the concurrence of the Coordinating Committee. Staff time devoted to Staff Council activities will be considered time worked; however, if the representative is non-exempt, any overtime must be approved in advance by the representative's supervisor.

The Chief Human Resources Officer will serve as advisor to the Staff Council.