



**BELLARMINE  
UNIVERSITY**

IN VERITATIS AMORE

# **Employee Handbook**

**Effective August 2017**



BELLARMINE UNIVERSITY

Dear Colleague!

I am pleased to provide you with an updated *Employee 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 (staff and faculty) and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the *Employee 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,  
Office of the President

<b>9.2</b>	<b>HUMAN RESOURCES</b>	
9.2.1	Employment in General	
9.2.1.1	Nature of Employment	5
9.2.1.2	Equal Employment Opportunity	5
9.2.1.3	Disability Accommodations	6
9.2.1.4	Business Ethics and Conduct	6
9.2.1.5	Hiring of Relatives; Dating Relationships	6
9.2.1.6	Immigration Law Compliance	7
9.2.1.7	HIPAA Compliance	7
9.2.1.8	Conflict of Interest	7
9.2.1.9	Moral and Ethical Conduct	8
9.2.1.10	Whistleblower Protection Policy	9
9.2.1.11	Red Flag Policy – Bellarmine University’s Identity Theft Prevention Program	9
9.2.1.12	Student Loan Code of Conduct Purpose	10
9.2.1.13	Conflict of Commitment	11
9.2.1.14	Confidential Information	12
9.2.1.15	Intellectual Property	13
	9.2.1.15.0 Introduction	13
	9.2.1.15.1 Coverage	13
	9.2.1.15.2 Definitions	13
	9.2.1.15.3 Disclosure	14
	9.2.1.15.4 Ownership	15
	9.2.1.15.5 Rights Protection and Enforcement	15
	9.2.1.15.6 Revenue Distribution and Revenue Sharing	15
	9.2.1.15.7 Students as Authors, Creators, or Inventors	15
	9.2.1.15.8 Problem Solving	16
9.2.1.16	Employee Accounts Receivable	16
9.2.1.17	Genetic Information Nondiscrimination Act of 2008	16
9.2.2	Employment Status and Classifications	
9.2.2.1	Job Postings	16
9.2.2.2	Employment Classifications	16
9.2.2.3	Access to Personnel File	18
9.2.2.4	Employment Reference and Background Checks	18
9.2.2.5	Personnel Data Changes	18
9.2.2.6	Employment Applications	18
9.2.2.7	Performance Evaluations	19
9.2.2.8	Job Descriptions	19
9.2.2.9	Salary Administration	19
9.2.3	Employment Benefit Programs	
9.2.3.1	Employee Benefits	20
9.2.3.2	Continuation of Benefits Rights Under COBRA	21
9.2.3.3	Health Insurance	22
9.2.3.4	Dental Insurance	22
9.2.3.5	Section 125 Flexible Spending Accounts	22
9.2.3.6	Life Insurance	22
9.2.3.7	Long-term Disability	22
9.2.3.8	Temporary Disability	23
9.2.3.9	Retirement Plan	23
9.2.3.10	Employee Assistance Program	24

9.2.3.11	Vacation	25
9.2.3.12	Sick Leave	27
9.2.3.13	Holidays	28
9.2.3.14	Workers Compensation	29
9.2.3.15	Voting	29
9.2.3.16	Bereavement Leave	29
9.2.3.17	Jury Duty	29
9.2.3.18	Witness Duty	30
9.2.3.19	Relocation Benefits	30
9.2.3.20	Educational Benefits	30
9.2.3.21	Benefits for Early Retirees/Retirees	33
9.2.4	Timekeeping/Payroll	
9.2.4.1	Timekeeping/Overtime	34
9.2.4.2	Pay Dates	35
9.2.4.3	Termination of Employment	35
9.2.4.4	Advance Pay	36
9.2.4.5	Administrative Pay Corrections	36
9.2.4.6	Payroll Deductions/Reductions	36
9.2.4.7	Work Hours	36
9.2.4.8	Rest and Meal Periods	37
9.2.4.9	Break Time for Nursing Mothers	37
9.2.5	Workplace Conditions	
9.2.5.1	Safety in the Workplace	37
9.2.5.2	Workplace Violence	38
9.2.5.3	Use of Telephones and Campus Mail	38
9.2.5.4	Tobacco Use Policy	39
9.2.5.5	Use of Equipment and Vehicles	39
9.2.5.6	Emergency Closings	39
9.2.5.7	Business Travel	40
9.2.5.8	Use of University Technology and Email	40
9.2.5.9	Internet Usage	42
9.2.5.10	Cellular Device Policy	43
9.2.5.11	Workplace Monitoring	47
9.2.5.12	Social Media Protocol	47
9.2.6	Leaves of Absence	
9.2.6.1	Family and Medical Leave	49
9.2.6.2	Child-related Leaves of Absences	50
	9.2.6.2.1 Parental Leave	50
	9.2.6.2.2 Adoptive Leave	50
9.2.6.3	Personal Leave	51
9.2.6.4	Military Leave	51
9.2.7	Employee Conduct and Disciplinary Action	
9.2.7.1	Employee Conduct and Work Rules	52
9.2.7.2	Sexual Discrimination and Misconduct Policy	53
9.2.7.3	Sexual Misconduct Grievance Procedures	74
9.2.7.4	Drug Free Workplace	79
9.2.7.5	Attendance and Punctuality	81
9.2.7.6	Business Appropriate Attire	81
9.2.7.7	Return of University Property	82
9.2.7.8	Resignation	82
9.2.7.9	Problem Resolution	82

9.2.7.10	Staff Council	84
9.2.8	Employee Acknowledgement Form	85

## **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.

Bellarmino 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.

Employment of staff is “at will,” which means that either the staff member or Bellarmine can terminate the employment relationship at any time, with or without notice.

#### **9.2.1.2 Equal Employment Opportunity**

Bellarmino 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, gender identity, 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.

Bellarmino 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

Bellarmino 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.

Bellarmino 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.

Bellarmino'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

Bellarmino 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 original 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

Bellarmino complies with the Health Insurance Portability and Accountability Act of 1996. 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.

Bellarmino 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

Bellarmino 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

Bellarmino 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 Bellarmino 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- Bellarmino University's Identity Theft Prevention Program

Bellarmino 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 Bellarmino's operations and account systems, and the nature and scope of Bellarmino'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

Bellarmino 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 a 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.

(An exception to the amount of teaching allowed exists for assistant deans in the Instructional Area, who are expected to teach 12 hours over the course of 12 months as part of their regular duties. The assistant deans have a split commitment of administrative duties and teaching duties.)

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 Intellectual Property

#### 9.2.1.15.0 Introduction

As stated in the University mission, the goals of Bellarmine University include benefiting the public interest and improving the human condition through the pursuit of knowledge. This policy is meant to encourage the creation of intellectual property and to clarify ownership rights for faculty, students, and staff.

#### 9.2.1.15.1 Coverage

This policy applies to intellectual property created or invented by any member of the University community where the creation or invention of the intellectual property is related to the faculty member's, student's, or staff member's relationship with the University, or is created with the use of extraordinary University resources. Ownership of educational software and distance education materials and technologies shall be governed by this policy. The University makes no claim to and this policy does not govern intellectual property created or invented by any member of the Bellarmine community (faculty, staff, or student) independent of his or her relationship to the University and without the use of University resources.

#### 9.2.1.15.2 Definitions

##### (A) Commissioned Intellectual Property

This term refers to intellectual property created or invented by a faculty member under a written "work for hire" agreement with the University whereby the individual assigns any rights he or she may have in the intellectual property in exchange for certain compensation or benefits to which the faculty member is not already entitled. Examples of such compensation include stipends and release time. Examples of work products may include, but are not limited to, University publications, curriculum, and course materials associated with special projects, such as the development of a distance course or social media content, insofar as these work products are defined and mutually agreed to in the form of a memorandum of understanding or similar written instrument.

##### (B) Extraordinary Use of University Resources

This term refers to the extraordinary provision of resources by the University, which includes, without limitation: release time from regularly assigned duties where the primary purpose of this is the creation of Intellectual Property; direct discretionary investment by the University of funds or staff, or the purchase of special equipment for the creation of intellectual property; extraordinary use of multimedia production personnel and facilities; and, extraordinary use of computing resources. Routine use of University computers, the campus information technology infrastructure (including Wifi), offices, libraries, and staff do not constitute an extraordinary use of University resources. Nor does an individual's receipt of his or her salary or the taking of a sabbatical constitute an extraordinary use of University Resources. Likewise, a student's financial aid package, merit scholarships, athletic scholarships, participation in a learning community, or similar standard student benefits are not considered extraordinary under this policy.

##### (C) Intellectual Property

This term refers collectively to creations or inventions covered by the law of copyright, patent, or trademark.

(D) Sponsored Intellectual Property

This term refers to intellectual property created by a faculty member, staff member, or student under a written agreement between the University or a subdivision thereof and a third party. In the absence of a pre-determined agreement on intellectual property, the sponsor, creator, and University will negotiate in “good faith” to determine an equitable outcome pursuant to 9.2.1.15.3.

9.2.1.15.3 Disclosure

A faculty member, staff member, or student who is endeavoring to create intellectual property that is either related to his or her relationship to the University or involves the use of University resources shall apprise the University’s Provost or their Vice President (or, in the case of students, their academic dean) as soon as practicable of the nature of the project and the anticipated use of University resources. Once the University has been notified of a potential intellectual property opportunity, the Provost shall coordinate the institution’s response including attempting in a good faith to agree on how the project should be classified under this Policy and whether the anticipated use of University resources is permissible (see 7.3.3.a). Agreements shall be reduced to writing and submitted to the University’s President for final approval. In the event the Provost and the faculty member, staff member, or student agree that a decision on how the project should be classified under this policy would be premature, the matter may be held in abeyance upon the written approval of the President. The failure of any individual to disclose intellectual property or other work products which the University may have a reasonable property interest as outlined in this document constitutes a violation of policy and the University may, at the discretion of the President in consultation with counsel, seek an appropriate remedy.

- (A) Following initial disclosure, the University will make a determination if the University does or does not have specific property rights under the Ownership section of this policy (9.2.1.15.4). If the University determines a reasonable interest exists, the University will determine a work’s potential for commercialization and market value. All costs associated with the potential and value assessment are the responsibility of the University. When and where sufficient potential and value exists, the University will execute and finance appropriate legal protections. In situations where the potential of the work and/or its market value are insufficient to pursue legal protections, the University will assign all rights and responsibilities to the faculty, staff, or student.
- (B) If a determination has been made to pursue legal protections based on an assessment of potential value, the University and creator will negotiate and develop a mutually agreed upon revenue sharing model prior to incurring additional costs. Any and all revenue sharing will address net royalties (income less initial legal costs, application fees, and other standard costs such as patent research). The exact distribution of net revenue varies and will be assessed on a case by case basis and informed by the practices of peer and aspirant institutions which ordinarily assign between 35% and 50% of net royalties to the creator depending on the scale and scope of extraordinary University resources deployed, the specifics of obtaining and enforcing legal protections, the future University resources required to maintain a protection and/or implement licensing agreements above and beyond standard fees, and the overall market potential of the property. If the creator and the University are unable to mutually agree on a revenue sharing model within a reasonable time frame, the creator or University may appeal to the Intellectual Property Committee (9.2.1.15.8) to make a recommendation on revenue sharing to the University.

#### 9.2.1.15.4 Ownership

##### (A) Traditional Scholarly/Artistic Works

Unless there has been an extraordinary use of University resources in creating a particular scholarly or artistic work or the scholarly or artistic work is commissioned or sponsored intellectual property, the University shall not assert any claim or ownership interest in such works. By way of example, traditional scholarly or artistic works include: textbooks; class notes; class handouts; syllabi, research proposals; classroom presentations; research articles; research monographs; theses and dissertations; class assignments; culminating experiences; paintings; drawings; sculpture; musical compositions and performances; dramatic works and performances; poetry; and popular fiction and nonfiction. The University does not waive any rights in intellectual property (as defined under 9.2.1.15.2) in which it has an ownership interest that is incorporated into a traditional scholarly work.

##### (B) Commissioned Intellectual Property

Unless otherwise agreed to in a writing signed by the faculty member, staff member, or student and an authorized representative of the University, the University shall own all rights to commissioned intellectual property.

##### (C) Sponsored Intellectual Property

Ownership of intellectual property created under an agreement with a third party shall be governed by the terms of such agreement. In the absence of a pre-determined agreement on intellectual property, the sponsor, creator, and University will negotiate in “good faith” to determine an equitable outcome as indicated in 9.2.1.15.3.

#### 9.2.1.15.5 Rights Protection and Enforcement

Unless otherwise agreed to in a writing signed by the faculty member, staff member, or student and an authorized representative of the University, the owner of the intellectual property shall bear the cost of securing any desired legal protection for a creation or invention, and shall be responsible for policing and enforcing any ownership rights.

#### 9.2.1.15.6 Revenue Distribution and Revenue Sharing

Unless otherwise agreed to in a writing signed by the faculty member, staff member, or student and an authorized representative of the University, the owner of the intellectual property shall be entitled to any and all royalties. In situations where revenues are shared between the University and an individual member of the faculty, staff, or student, the specifics will be negotiated in good faith as indicated in 7.7.3. In the case of revenues assigned to the University, the monies will ordinarily be allocated internally based on the same rules governing F&A recovery (see 9.6.11.2.4) which explicitly include additional support for the creator.

#### 9.2.1.15.7 Students as Authors, Creators, or Inventors

Students retain all rights and interest in their individual scholarship, research, creative work, and other traditional academic products (see 9.2.1.15.4A), including, but not limited to, class projects or assignments associated with the full, or partial, completion of degree requirements except in situations where the work is defined as a “work for hire,” commissioned, sponsored by an outside entity, and/or



required the extraordinary use of University resources above and beyond those required with completion of an academic program.

#### 9.2.1.15.8 Problem Solving

Disagreements as to the meaning or application of this policy shall be heard by an Intellectual Property Committee (IPC). The IPC shall be composed of two representatives of the faculty, two representatives of the administration, and in situations involving a student the Committee shall be expanded to include a student representative. Faculty representatives shall be elected by the University's Faculty Council. Student representatives shall be elected by the Student Government Association. The administration representations shall be the University's Provost and Vice President for Administration and Finance or their designees. A disagreement shall be submitted to the IPC within 30 days after efforts to mediate have failed. The IPC shall convene as soon as reasonably practicable to hear a disagreement, and shall render a written decision within 30 days of hearing the matter. Any individual claiming to be aggrieved by a decision of the IPC may file a written appeal with the President within 30 calendar days of receiving the IPC's written decision. The President shall ordinarily resolve the appeal in writing within 30 days of receiving the written appeal. The President's decision shall be final. In the event the IPC cannot agree, by a majority vote or greater, as to how the disagreement should be resolved, the matter will automatically be appealed to the University's President, whose decision shall be final.

#### 9.2.1.16 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.

#### 9.2.1.17 Genetic Information Nondiscrimination Act of 2008

Bellarmino 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

Bellarmino 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 Bellarmino 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, 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 30 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 30 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 medical, vision, and 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.

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.

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

Bellarmino 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.

A staff member who wishes to review his own file should contact the Human Resources Office. With reasonable advance notice, staff 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.

The Provost's Office maintains the academic-related files (e.g., transcripts, evaluations, tenure materials) for faculty. Faculty who wish to review that file should contact the Provost's Office. The Human Resources Office maintains general employment (e.g., direct deposit, employee data, tax forms) and benefits-related files for faculty members and may be contacted by faculty who wish to review non-academic information.

#### 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

Bellarmino 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 the fall of the year for staff. Faculty evaluations are scheduled per the Faculty Handbook.

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

Bellarmino 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.

Bellarmino 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 staff 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](http://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

Bellarmino offers regular, full-time employees the opportunity to enroll in health insurance through its carrier.

#### 9.2.3.4 Dental Insurance

Bellarmino 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

Bellarmino 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. Bellarmino 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 Bellarmino and the insurance carrier.

#### 9.2.3.7 Long-term Disability

Bellarmino 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. Bellarmino 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 Bellarmino and the insurance carrier.

Under the terms of the plan, if approved by the carrier, an eligible employee will receive an amount equal to the limits of the University's coverage. 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, 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

Bellarmino has established two IRC 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) record keeps and serves as trustee of the plans. Both the Defined Contribution Plan (DC) and the Tax Deferred Annuity Plan (TDA) 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 years of service at Bellarmine unless employed full-time for two years with an educational institution 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 TDA 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

Bellarmino 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 staff members to provide opportunities for rest, relaxation, and personal pursuits. The University recognizes that rest and recreation are very important to staff renewal and rejuvenation. Consequently, the University requires staff members to use all of their vacation each year, especially during the summer months when many students are not on campus.

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

#### Staff Policy

- Regular full-time Staff
- Regular part-time Staff

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

#### **Grades 1-7**

<i>Completed Years of Employment</i>	<i>Days of Paid Vacation</i>
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**

<i>Completed Years of Employment</i>	<i>Days of Paid Vacation</i>
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**

<i>Effective immediately upon Employment</i>	<i>Days of Paid Vacation</i>
Academic Deans of Schools, Academic Associate Deans, Associate/Assistant Vice Presidents and Vice Presidents, 12-month faculty	20 days/year (1.66 days/month or 160/year)

Vacation will be pro-rated based on hours a staff member is regularly scheduled to work per week.

As of June 1 of each year, staff members 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 a staff member is hired during the fiscal year, the staff member will be granted a bank of days proportionate to the time remaining in the fiscal year. The staff member 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 staff member may carry over vacation days to the end of the next fiscal year, but must use them during that next fiscal year.

If a staff member 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 staff member has used all banked vacation, Bellarmine will deduct the proportionate number of days from the staff member's final paycheck.

*Examples:*

1. Staff member A has an annual bank of 10 days and resigns in December. Staff member A has taken 10 days of vacation prior to resignation. Staff member A would owe Bellarmine five days of vacation.
2. Staff member B has an annual bank of 10 days and resigns in December. Staff member B has taken only 3 days of vacation. Employee B would be entitled to be paid for two days of vacation.
3. Staff member C is hired on April 1. Staff member 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 staff member would receive a bank of 10 days of vacation for the new fiscal year. Staff member C is eligible to take vacation as of July 1. Staff member C must take 11.66 days of vacation before the end of the new fiscal year.

**Regular, part-time staff members** earn vacation as follows:

- Exempt staff - in a ratio equivalent to their percent of full-time employment
- Non-exempt staff - 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 staff members 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 staff, 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, staff must request and obtain 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 cash and/or checks are 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 staff member'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 staff member 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 staff members are required to document their vacation leave accurately and timely via the timekeeping process designated by the Payroll Manager.

Temporary and casual staff members are not entitled to paid vacation.

**Faculty Vacation** – Faculty who are employed on an 11 or 12 month contract are entitled to twenty (20) days of vacation per year. Such vacation must be scheduled by the dean and faculty cooperatively.

#### 9.2.3.12 Sick Leave

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

- Regular full-time staff
- Regular part-time staff

All eligible, full-time staff members 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).

Full-time faculty are granted 22 sick days per academic year. These sick days may not be carried over to the next academic year.

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, domestic partner, 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 (staff and faculty), 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 staff members' sick time is recorded every two weeks through the time keeping system. Exempt

staff members are also required to record accurately 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 a staff member 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

Bellarmino 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)
- Columbus Day (second Monday in October)
- 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)

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

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

If a recognized holiday falls during an eligible staff member'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 staff members 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 staff members 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, domestic partner, 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.

Bellarmino 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

Bellarmino 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 will be available to any eligible newly hired employee who must relocate at least 51 miles from their previous place of employment. 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.

#### 9.2.3.20 Educational Benefits

Bellarmino 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 based on the following guidelines:

<b>Employee</b>	<b>Tuition Benefit</b>
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 & adjunct faculty	Proportionate tuition remission benefit based on average number of hours worked per week or load (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.
<b>Spouse and Children (biological, step, or adopted) through age 24</b>	<b>Tuition Benefit</b>
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	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.
<b>Children Age 25 and Older</b>	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.
<b>University Trustees &amp; Spouse, Children</b>	See Human Resources for Remission Policy

**\* Full-time employees must complete one year of service prior to being eligible for tuition remission for master’s programs and two years of service prior to being eligible for tuition remission for doctoral programs – unless you are already enrolled in a graduate program at the time you are**



**hired by Bellarmine and have the area vice president's approval to continue/enroll in the Bellarmine program.**

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.

Bellarmino 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. See the Continuing Studies Office for rates.

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

Bellarmino 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

Bellarmino is a member institution of The Tuition Exchange, Inc., a nonprofit association of more than 600 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 the dependent child starts classes at the importing institution.

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 institutions 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 Early Retirees

Bellarmino 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.

Both 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 general admissions to all Bellarmine home athletic events per year, except basketball (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 staff member. 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 hourly employees must 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. Supervisors must review and approve timekeeping online. **Tracking overtime as comp time is prohibited.**

For purposes of timekeeping, Bellarmine's work week begins at 12:01 a.m. on Saturday and ends at midnight the following Friday. Hourly staff are paid on a bi-weekly basis.. It is the staff member's responsibility to comply with existing timekeeping procedures. Bellarmine's work week for full-time nonexempt staff members is 40 hours. If a nonexempt hourly staff member **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 staff member'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 hourly staff**:

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

Nonexempt (e.g. hourly) staff and students are paid bi-weekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous work week. Exempt staff (e.g. salaried) and all faculty will be paid semi-monthly on the 15<sup>th</sup> and last working day of the month. If the 15<sup>th</sup> falls on a weekend, exempt staff and faculty will be paid on the preceding Friday.

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 have online access to their 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 per key 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 per key 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

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

#### 9.2.4.5 Administrative Pay Corrections

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

Bellarmino 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 Bellarmino 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 Saturday 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, staff members 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 staff members are provided with one unpaid meal period of at least 30 minutes each workday. Supervisors will schedule meal periods to accommodate operating requirements. Staff members 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

Bellarmino recognizes the importance of new mothers being able to express breast milk in a private location during the work day. In keeping with the Patient Protection and Affordable Care Act of 2010 (PPACA), Bellarmino 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 employees 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

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

Bellarmino 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 Department of Public Safety 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

Bellarmino is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Bellarmino 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 Bellarmino. The University policy also includes any item that can be perceived as threatening, including replica or toys that resemble weapons. Notwithstanding the University's general policy, individuals are permitted to possess firearms, ammunition, and deadly weapons in a factory-original compartment of their personal vehicle consistent with Kentucky state law.

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 Bellarmino 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 Department of Public Safety, 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.

Bellarmino 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, Bellarmino may suspend employees, either with or without pay, pending investigation. Bellarmino 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.

Bellarmino 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. Bellarmino 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 used 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. Those staff members 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 staff member and supervisor must coordinate taking OPTO at a later date.

If the University is closed for the entire day, staff will be paid for those hours normally worked (even if they are on approved sick or vacation leave) and those hours will not be charged against sick or vacation time.

If the University closes early due to an emergency or inclement weather to insure the safety of community members at work, those who were already off due to sick or vacation leave will be charged for that leave accordingly. If the University has a delayed opening, staff who are on sick or vacation leave will still be charged for that leave accordingly. Employees working on a day with a delayed opening or early closure will be given the exact amount of OPTO to make them whole for their previously scheduled shift.

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.bellarmino.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*

Bellarmino 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 Bellarmino. Employees are expected to limit expenses to reasonable amounts. Please refer to section 9.4.5.3.

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 Bellarmino 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, Bellarmino University provides access to computing and information technology for students, faculty, and staff. The Technology Policy provides guidelines for responsible use of information technology, and applies to all members of the Bellarmino community. These following items provide a summary of some key points of the policies for which all users of campus technology are responsible. All members of the Bellarmino community are expected to abide by all related policies and guidelines.

1. Public computers and electronic devices are the property of Bellarmino University and are to be used for the primary purpose of benefiting, enhancing, and furthering the mission of the University.

2. By using University-supplied technology, 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. All policies apply to all users of Bellarmine computing resources regardless of how those services are provided, i.e. locally or cloud-based.
6. Email usage:
  - a. Email transmissions are considered non-confidential communications and may be subject to disclosure through legal proceedings or otherwise through various laws that may be held to apply to such transmissions.
  - b. Email should only be used to communicate to individuals and/or small groups.
  - c. Sending electronic system-wide/mass communications (emails, texts, direct messages, etc.) is prohibited, except in cases of official University business communicated by authorized users.
  - d. Sending or forwarding chain mail (which most often asks the recipient to copy and send the message to others) is prohibited.
  - e. Email storage will be limited for each user and everyone is expected to ensure there is adequate space in their inbox to receive new email from faculty and staff.
  - f. Email distribution lists are intended for dissemination of information and announcements and are not intended for large group discussion threads. Therefore, the use of "REPLY ALL" to such emails is prohibited.
7. Email Termination:
  - a. In the case of faculty or staff separation, email and network accounts will be deactivated immediately upon separation from the University. Exceptions may be granted for legitimate reasons, such as approved absences, and in those cases the email account will remain active, but permissions may be reduced.
  - b. Students will be able to retain their @bellarmine.edu email account for as long as they desire after they complete their graduation requirements from Bellarmine. This benefit is contingent on proper adherence to all University technology policies governing email usage. Failure to follow said policies will result in a forfeiture of this privilege.
  - c. If a student is suspended, their email account will also be suspended, and unless readmitted to the University, the account will be deleted.
  - d. Email accounts will be terminated for students who voluntarily withdraw from Bellarmine prior to graduation. Account deletion will occur no sooner than 30 day following the date of withdrawal.
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 in any electronic format is prohibited.
10. Transmission of slanderous and/or harassing materials in any electronic format is prohibited.
11. Creation and/or propagation of computer viruses or worms is prohibited.
12. Campus technology is not to be used for illegal or criminal activities or for personal financial or commercial gain.
13. The University respects individual privacy and freedom, but will take necessary measures to protect systems and individuals; therefore, under certain circumstances Information Technology staff may be authorized by the CIO to access your computer files, email, and/or hardware.
14. All software on Bellarmine University systems is licensed by Bellarmine University, and as such, may not be copied for personal use, transferred to non-Bellarmino University equipment or modified in any manner.
15. Use only those computers and computer accounts for which you have authorization.
16. Be responsible for all use of accounts and for protecting each account's password. Do not share computer accounts and passwords.
17. Report unauthorized use of your accounts or violations of this policy to your supervisor, the Information Technology Department and/or other appropriate University authority.

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 who violate this policy will be subject to disciplinary action, up to and including termination of employment.

#### 9.2.5.9 Internet Usage

Access to global electronic information resources on the Internet 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, occasional personal use is permitted within reasonable limits, provided your supervisor condones such activity.

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 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/or 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

Revised: September 2017

#### 9.2.5.10 *Cellular Device Policy*

##### Purpose

The University recognizes that equipping certain employees with cellular devices can be a significant benefit to the University in terms of accessibility and productivity. Therefore, the University is establishing a policy to govern (1) University owned and provided cellular devices, and (2) allowances and reimbursements related to cellular device charges for employee-owned devices used to conduct University business.

## Definitions

For the purpose of this policy, a **cellular device** will be considered any device that can make and receive telephone calls and/or exchange data over a radio link that connects to a fee-based service provider network. A **smart phone** will be considered a mobile phone built on a mobile operating system having a more advanced computing capability than a standard phone.

## Applicability

This policy applies to employees of the University that have been authorized to receive a cellular device or a reimbursement allowance for cellular service.

This policy applies to mobile devices that connect to Cellular or Wide Area Wireless networks. Mobile devices that connect only to the University's wireless LAN are not subject to the conditions of this policy.

## Policy

### A. Process and Approval

Any employee of the University who wants to be issued a cellular device or receive reimbursement must first complete the appropriate request documentation. The request process is operated by the Technology Support Center (TSC); therefore, a request is initiated by contacting the TSC.

1. The employee's immediate Supervisor;
2. The Dean or Director of the employee's department;
3. The Vice President of the employee's division; AND
4. Either the Vice President for Administration and Finance OR the CIO and Vice Provost for Information Technology.

*Note:* If the employee is nonexempt/hourly, the Vice President for Administration and Finance must also approve the request.

Employee eligibility in this program is subject to change or cancellation at any time.

### B. Eligibility Guidelines

The following are general guidelines for why an employee may be authorized to participate in this program. Meeting one or more of these guidelines is no guarantee of authorization, as the approval process is the ultimate authority.

- The employee's position requires considerable time outside of the office (e.g., travel, meetings, conferences, etc.) and use of a cellular device facilitates the effective conduct of business operations during these times.
- The employee's position requires the employee to be immediately accessible on a 24 hours a day, 7 days a week basis for the purpose or remediating urgent University issues.
- The employee's position requires that the employee receive and/or make frequent business calls outside of working hours.
- The employee's job duties require him or her to master and use current cellular communications technology and media applications.
- The employee's duties away from the office may require him/her to immediately contact someone (e.g., visits to homes of prospective students and/or recruits).

### **C. Equipment Standards**

University officials will work with vendors to find the best device options for the University and will develop equipment standards; these standards will be based on purchasing and technical support considerations. A list of standard equipment will be developed and maintained outside of this policy and any equipment not on this list will require approval from the CIO and Vice Provost for Information Technology. This list will be updated and changed on an as needed basis.

### **D. Number of Allowed Connections**

Employees may possess more than one device that can connect to a cellular network so it is conceivable that the employee may request multiple cellular plans. Multiple cellular plans for a single employee are NOT permitted under this policy. In the event the employee needs to connect multiple devices to a cellular network, a “tethering” option may be used through the primary device. The TSC will assist the employee with the configuration of this option, but approval for a multiple device tether will need to be obtained per the terms of this policy.

### **E. Usage**

The following items detail the device usage policy:

- All devices under the governance of this policy are required to be registered for the University’s Emergency Notification System, Rave, provided the device has that capability.
- The employee must utilize the device under the specific direction of their supervisor.
- In order to make the usage of this device practical, the user may leverage the device for non-business use – provided that such usage does not add to the cost of the University plan.
- In the event the employee uses the device outside of policy or has an overage charge, the employee will be personally responsible for overage charges.
- Anyone not adhering to the usage policy will be subject to forfeiture of this benefit.

### **F. Personal Equipment Allowance**

The decision of whether an employee should be granted reimbursement for personal equipment is the decision of the Vice President of the employee’s division.

The rules governing personal equipment allowances are:

- The equipment must be on the approved list or approved by the CIO and Vice Provost for Information Technology.
- The employee must conduct a significant amount of their work on their device; as this is a subjective measure, the division vice president will be responsible for that determination.
- In cases where the ability to contact an employee is of benefit to the University, but where the employee does not use their device as a primary tool for conducting their University business, a lesser reimbursement amount may be authorized by the division vice president.
- The reimbursement amount may NOT exceed the monthly cost of a University provided device.
- The monthly allowance is not considered part of base pay used for calculating percentage salary increases.
- Claim for reimbursement must be submitted via an expense report with appropriate documentation detailing that the employee has an active cellular plan.
- Supervisors may periodically request documentation of business use to determine the appropriateness of eligibility and type of phone allowance.

## **G. Phone Number Ownership**

Phone number ownership will be given to the individual and the University will make best efforts to assist an individual exiting this program in porting their number to a new provider or plan. In cases where the number is considered of importance to the University, it will be the responsibility of the department to work out a transition plan that is in the best interests of all parties.

## **H. Cost and Purchasing**

University officials will work with vendors to find the best value for the University and will develop a standard Cost Schedule accordingly. This schedule will exist outside of this policy and will be updated and changed on an as needed basis. Note that the University will leverage the large number of devices it maintains in an effort to gain volume discounts from network carriers. Therefore, a blended rate will be presented in the cost schedule as the amount of time and effort required for the University to administer individual accounts cannot be cost justified.

Purchasing of the cellular devices will be handled by the University's Information Technology Department in conjunction with the Purchasing Department. The TSC will facilitate this process for the employee.

The cost of the equipment and the monthly service fee will be charged to an account specified by the employee's supervisor who must ensure availability of funding. Departmental eligibility criteria can be more (but not less) restrictive than the global University criteria.

## **I. Review/Controls**

Supervisors are responsible for regularly reviewing the list of eligible employees to validate that these employees meet the University policy. When a supervisor determines that an employee no longer meets the eligibility criteria, the supervisor must contact the TSC and that team will facilitate the deactivation of the service. The supervisor will be responsible for retrieving the cellular device and returning it to the TSC as well.

The University reserves the right to monitor and review device usage to verify policy compliance. Device usage will be reviewed as part of Accounts Payable processing.

## **J. Additional Considerations**

The following items constitute additional considerations within this policy:

- University issued equipment is the property of the University.
- Devices will be tagged and managed through the University's asset management system.
- Device upgrades are allowed based on the then then current purchasing cycles in the Purchasing Department; a more frequently upgrade must be justified and approved by the division vice president.

## **K. Employee Responsibilities**

- Sign the Cellular Device Agreement form thereby certifying receipt of phone, and that the employee agrees to the terms and conditions of this policy.

- Inform the University when the eligibility criteria are no longer met; if such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any charges incurred by the University as a result of this delay.
- Lost, damaged, or broken equipment will be repaired or replaced at the employee's expense, unless a waiver is granted by the division vice president and an acceptable budget code is provided.
- Comply with applicable laws regarding the use of cellular devices while driving and avoid cellular device use that may jeopardize the safety of the employee or others.
- Acknowledge that cellular device transmissions are not necessarily secure and that employees should use discretion in relaying confidential information over cellular devices.

**Please contact the Technical Services Center for a current cost schedule for devices.**

#### 9.2.5.11 *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.

Bellarmino 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.

#### 9.2.5.12 *Social Media Protocols*

Bellarmino University uses social media to connect with current and potential members of our community, including students, prospective students, faculty, staff, alumni, parents, donors, and others. Used properly, these tools can greatly enhance the university's effort to reach and engage our friends and the public.

This document is intended to provide guidance on proper use of social media to accomplish the university's goals and mission.

The university's current employee policies – including those found in the staff and faculty handbooks (online at <https://my.bellarmino.edu/ICS/Employee/>) – also apply to employee use of social media, as do local, state and federal laws.



## **Definition & Examples**

Social media can be difficult to define. On her website, marketer Heidi Cohen provides 30 potential definitions of social media: <http://heidicohen.com/social-media-definition/>. One promising definition on her list comes from Howard Greenstein: “**Social media** are the online technologies and practices that people use to share content, opinions, insights, experiences, perspectives, and media themselves. They are media for social interaction. You can tell social software because it is no fun to use by yourself – an account with no friends connected has no value.”

A few examples of the hundreds, perhaps thousands, of social media applications are Facebook, Google+, Instagram, LinkedIn, MySpace, Pinterest, Twitter, Wikipedia, WordPress and YouTube. A list of social media applications currently used by the university can be found at <http://www.bellarmino.edu/news/interact/>.

## **Social Media Protocols**

The university respects academic freedom and freedom of speech. With those freedoms come expectations that information communicated by employees adheres to university regulations and protocols.

The following protocols relate to the professional use of official Bellarmine University-administered social media accounts, whether at work or elsewhere, and whether using university-owned technology or personal devices:

- Respect matters of copyright and fair use (see Title 17, U.S. Code).
- Protect confidential and proprietary information pertaining to the university and its employees, students, alumni and donors, as defined in university policies and procedures. [This applies to all use of social media, personal and professional.]
- Understand the terms of service of any social media applications being used, and obey them. Represent the university well by ensuring you’ve posted accurate information, using proper spelling and grammar. Read what you’ve written before you press submit.
- Be respectful. The first sentence of the university’s mission calls for “respect for each individual’s intrinsic value and dignity.”

When you’re speaking on behalf of the university or about the university, disclose your affiliation with the university and use your real identity. On personal accounts, make certain that the views you express cannot be construed as being those of the university.

These protocols also represent best practice when using personal social media accounts on personal equipment.

## **Official University Social Media Profiles**

If you post publicly accessible social media content under the identity of a university department or program, these social media profiles must be registered with the Office of Communications and Public Affairs, and will be displayed in the university’s social media center, online at <http://www.bellarmino.edu/news/interact>. Profiles representing the university’s intercollegiate athletic teams must be registered with the Sports Information Office.

These profiles should be clearly labeled as representing the university and should include a link to the website for the relevant department or program whenever possible. Any graphics or profile images should conform to the university’s Brand Manual & Style Guide, available on MyBellarmine under the employee tab.

The Office of Communications and Public Affairs may monitor these profiles to ensure adherence to the university's mission and regulations.

### **Compliance with Non Profit Status**

As a 501(c)(3) organization, Bellarmine University is “absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office” (see: [http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501©\(3\)-Tax-Exempt-Organizations](http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501©(3)-Tax-Exempt-Organizations)). To safeguard the university's non-profit status, this prohibition applies to the university's social media accounts. While promoting particular candidates is improper, nonpartisan efforts to encourage members of the Bellarmine community to vote are acceptable, as long as specific candidates or political stances are not part of the message.

### **Supplemental Policies**

Individual departments and programs within the university may develop additional social media protocols or policies based on their unique needs and goals. Those protocols also will apply to employees working in those areas.

### **Questions**

Questions about social media usage can be answered by the Director of Media Relations & Social Networking.

Questions about use of logos and other brand elements can be answered by the Creative Director.

Questions about the applicability of the university's current employee policies to social media can be answered by Human Resources.

## **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 Parental Leave

Upon the birth of a child, the parent is entitled to parental leave. The first two weeks will be considered as paid parental leave related to childbirth, and the employee will receive her/his regular pay for

that period. The remainder of the leave, including any approved extension beyond FMLA leave (if eligible) 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 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 adoptive leave. 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 FMLA leave (if eligible) 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.

Bellarmino adheres to the federal Family Medical Leave Act. Please see section 9.2.6.1 of this Handbook

#### 9.2.6.3 Personal Leave

Bellarmino 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, Bellarmino 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, Bellarmino 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

Bellarmino 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
- Endorsement of products or services external to Bellarmine that will appear in publication (including social media websites or advertisements) without prior approval by the Office of Communications and Public Affairs
- 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
- Inappropriate, abusive, demeaning or offensive actions or language and/or physical aggression or threat of physical aggression

- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned property or property owned by another on Bellarmine's premises
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Discrimination
- Sexual or other unlawful or unwelcome misconduct
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace – see Section 9.2.5.2
- Tardiness; excessive absenteeism or any absence without notice
- Unauthorized use of Bellarmine's telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of confidential information
- Unsatisfactory performance or conduct
- Violation of policies contained in this Handbook

Non-contractual 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 & Sexual Misconduct Policy

Bellarmino 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, gender identity, gender expression, 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.

#### **Philosophy**

Sexual assault is a serious violent crime. It is a crime of hostility and aggression, as well as a violation of human dignity. Sexual assault is also a very sensitive crime, which is unique in its physical and mental impact upon the alleged victim. When it occurs at Bellarmine University, it is also a flagrant violation of University standards and will not be tolerated.

The Bellarmine University community expects its members to treat other persons with respect and dignity and will not tolerate any form of sexual assault or sexual misconduct. Sexual activity should be explicitly agreed upon by both parties. The same holds whether the assailant is a stranger or an acquaintance. The use of alcohol or drugs will not be accepted as an explanation for the actions of any

person charged with the violation of this policy. In addition, the use of alcohol or other mind-altering substances by either party does not have to be known by both parties for the offense to be considered sexual assault or sexual misconduct. Wanton, unacceptable conduct will be addressed severely for the good of the students and the academic community.

Students who violate this policy will be disciplined under the University's Code of Conduct and may be prosecuted under Kentucky's criminal statutes. University employees will be disciplined according to the Employee Handbook and Faculty Handbook policies and may be prosecuted under Kentucky's criminal statutes. Whether or not a criminal prosecution occurs, Bellarmine retains the right to proceed with disciplinary action at any time, and the University need not await the dispensation of any such criminal prosecution. Appropriate disciplinary action may include counseling, educational sanctions, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution. This policy applies to the entire Bellarmine campus community.

**Emotional Trauma** is severe after a sexual assault. The violation, loss of trust, and loss of control can have a serious long-term impact. It is not unusual for a person to withdraw, feel guilty or distrustful. However, there are many people who understand and places where support is available while one is recovering. The University Counseling Center is the best on-campus resource for students.

**Medical Attention** is critical. Even if the alleged reporting party ultimately decides not to report the assault, it is still very important to seek immediate medical attention for possible internal injuries or sexually transmitted diseases. Also, the collection of medical evidence becomes critical in the event of prosecution. Therefore, it is important to seek medical attention promptly and to refrain from:

1. Taking a shower or washing any part of the body;
2. Douching;
3. Brushing teeth;
4. Drinking liquids;
5. Changing clothes or changing sheets before seeking medical help; and
6. Putting anything in the mouth (gum, cigarettes, mints).

A particularly well-equipped emergency room with a Sexual Assault Response Team is located at University of Louisville Hospital.

At the Emergency Room, the doctor will collect hair samples, semen samples, and other evidence, including clothing. An alleged victim should bring a change of clothing to wear home. The police will be contacted to take possession of the samples until the victim makes a decision about whether or not to press allegations.

**University of Louisville Hospital** 530 S. Jackson St. Louisville, KY 40202 Directions: Turn right onto Newburg Rd./KY 1703 and continue to follow northwest 1.6 miles. KY 1703 becomes Baxter Ave. Turn left onto E. Broadway and follow for 1 mile. Turn right onto S. Jackson St. and end at 530 S. Jackson St.

**Counseling** is a very important step in helping someone who has been sexually assaulted regain control of his/her life. Sexual assault is an extremely traumatic experience that needs professional attention. The University urges students and employees involved in a sexual assault to meet with a counselor. Among other things, counselors can help alleged victims decide what further steps may be taken following an assault. The best resources are the Center for Women and Families and the University Counseling Center (students) and the Wayne Corporation (employees).

## **1. Introduction**

The University prohibits all forms of sexual discrimination, including sexual misconduct. The University is committed to addressing sexual misconduct in a manner consistent with applicable law. A notice of the University's policy of nondiscrimination shall be widely disseminated on the University's campus to students, employees, applicants for admission and applicants for employment. The notice shall be included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the University community, including all applicants for admission and employment, students, employees, and sources of referral of applicants for admission and employment. The notice shall specifically state that (a) the University does not discriminate on the basis of sex in its education programs and activities, (b) the University is required by Title IX not to discriminate in such a manner, and (c) questions concerning Title IX may be referred to the University's Title IX Coordinator or to the Office of Civil Rights at the United States Department of Education. The notice of non-discrimination shall state the office address, telephone number and email address of the University's Title IX Coordinator, or its lead Title IX Coordinator if there is more than one.

Specifically, it is the policy of the University that designated staff and faculty members take immediate and appropriate steps to investigate or otherwise determine what happened when the University knows or reasonably should know of possible sexual misconduct. When sexual misconduct is determined to have occurred, the University shall take prompt and effective steps reasonably calculated to end the sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. All complaints shall be processed in accordance with the procedures established in this policy.

It is also the policy of the University to protect any student or employee filing a complaint alleging sexual misconduct and to ensure the complainant's safety as necessary, including taking interim steps to protect the parties prior to the final outcome of any inquiry. It is the University's duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment, free from sexual harassment and sexual misconduct. This duty also applies to complaints involving parties of the same sex, and it requires the University to use the same procedures and standards used in all complaints involving sexual misconduct.

Inappropriate conduct by University personnel toward students, faculty and staff members is prohibited, and University policies shall identify procedures for identifying and responding to inappropriate conduct by University personnel.

## **2. Scope of Policy**

a. **Persons, Conduct, Locations, Programs, Activities and Relationships Covered** - All of the University's students, employees, and campus visitors are covered by this policy, regardless of sexual orientation or gender identity. This policy applies on all property owned by the University, on all property at which the University holds educational programs or activities, and on all airplanes, buses, or other vehicles used to transport the University's students, faculty and staff, and this policy applies to all of the University's educational programs and other activities. This policy, the name and contact information of the Title IX Coordinator, and other resources related to Title IX compliance and gender equity shall be maintained on a page on the University's website, and a link to this page shall be prominently displayed on the University's homepage. In the event of an alleged off-campus sexual misconduct incident, the University shall protect the student, faculty or staff member in the same manner it would had the sexual misconduct occurred on campus. Further, the University shall handle off-campus sexual misconduct incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any applicable law. b. **Overview of Confidentiality Policy** - The University's confidentiality policy is set forth in Section 6.



### **3. Options for Assistance Following an Incident of Sexual Misconduct**

The University shall take prompt steps to protect the complainant once the University has notice of sexual misconduct. The University shall take interim measures, including academic accommodations, to protect the complainant and witnesses as necessary while any criminal or campus inquiry is underway and before the final outcome of any inquiry. University officials should be mindful that sexual misconduct may result in delayed decision-making by a complainant who has experienced sexual misconduct. In anticipation of the need for support services from other agencies in the community, the University shall enter memoranda of understanding with other agencies as may be necessary to meet the University's obligation under Title IX. The University shall enter a memorandum of understanding with local victim services provider if the University does not offer services required by Title IX. All such memoranda shall comply with all FERPA requirements.

a. Immediate Assistance - In the event of a sexual assault, various resources are available to students and employees. Updated names and contact information can be found on the university's website at: <http://www.bellarmino.edu/sexualmisconduct>.

i. Trained on- and off- campus advocates and counselors who can provide an immediate confidential response in a crisis situation:

On-Campus Name and Contact Information: Dr. Gary Petiprin  
Director of the Counseling Center  
Allen 403  
502.272.8480

On-Campus Name and Contact Information: Dr. Melissa Gibson  
Counseling Center  
Allen 403  
502.272.8480

On-Campus Name and Contact Information: Dr. Alice Kimble  
Director of Health Services  
Newman Hall  
502.272.8313

Off-Campus Name and Contact Information: The Center for Women and Families  
927 S 2<sup>nd</sup> Street  
Louisville, KY 40201  
1.844.237.2331 or 502.581.7200

Off-Campus for Staff/Faculty      Wayne Corporation  
Name and Contact Information:      Medical Arts Building  
1169 Eastern Parkway  
Suite 1166  
Louisville, KY 40217  
502.451.8262

ii. Emergency phone numbers for on- and off- campus safety, law enforcement and other first responders, including the Title IX Coordinator:

Office of Public Safety: 502-272-7777  
Local Police: 911 or 502-574-7636  
Ambulance: 911 or 502-272-7777  
Title IX Coordinator: 502-272-8236

iii. Advocates who can accompany a victim to the hospital or other health care provider:

Name and Contact Information: Clare Dever  
2001 Newburg Road  
Louisville, KY 40205  
502-272-8326

Name and Contact Information: Elizabeth Cassady  
2001 Newburg Road  
Louisville, KY 40205  
502-272-7150

iv. The Bellarmine sexual misconduct response team can provide the resources and support described in the policy and support and can be accessed by:

1. Contacting the Office of Public Safety for on-call crisis response team at 502-272-7777.
2. Residence Life Coordinator on-call may also be reached at 502-523-2697.

v. Health care services for students are available as follows:

On-Campus: Bellarmine University Health Services  
Newman Hall  
502-272-8313

On-Campus: Bellarmine University Counseling Center  
Allen Hall 403  
502-272-8480

Off-Campus: University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502-562-3000

Health care services for employees are available as follows:

University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502-562-3000

vi. A Sexual Assault Nurse Examiner (SANE) can be found or a rape kit can be obtained at:

University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502-562-3000

Any victim of sexual misconduct should be aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other services. Complainants are encouraged to discuss with healthcare providers, campus officials, and/or first responders the option of seeking medical treatment in order to preserve evidence which may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protective order.

Alleged offenses may be simultaneously reported to the law enforcement agencies or to university officials designated in Section 6, and complainants may (a) notify law enforcement authorities, (b) be assisted by campus authorities in notifying law enforcement authorities if the complainant chooses, or (c) decline to notify such authorities. Complainants may also be able to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by an appropriate court.

University officials should be mindful of the University's obligation to provide interim measures to protect the complainant in the educational setting. The University must consider a number of factors in determining what interim measures to take, including, (a) the specific need expressed by the complainant, (b) the age of the parties involved, (c) the severity or pervasiveness of the allegations, (d) any continuing effects on the complainant, (e) whether the complainant and the respondent share the same residence hall, class, transportation or job location, and (f) whether other judicial or code of conduct measures have been taken to protect the complainant. The University shall minimize the burden of any interim measures on the complainant. The University will provide counseling services without charge to the complainant if the University determines that counseling is necessary as a part of its Title IX obligation to protect the complainant while the inquiry is ongoing. Non-professional counselors or advocates shall consult with complainants regarding what information needs to be withheld to protect each person's identity. The University shall notify the complainant of complainant's options to avoid contact with the respondent and allow the complainant to change academic and extracurricular activities or complainant's living, transportation, dining, and working situation as appropriate. The University shall ensure that the complainant is aware of (a) complainant's Title IX rights, (b) any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and (c) the right to report a crime to campus or local law enforcement. The University shall not dissuade a complainant from filing a criminal complaint either during or after the University's internal Title IX inquiry.

b. Ongoing Assistance - Updated names and contact information can be found on the University's website at: <http://www.bellarmino.edu/sexualmisconduct> .

i. Counseling, Advocacy and Support On and Off Campus

1. Counseling and support services for victims of sexual misconduct, whether or not a complainant chooses to make an official report or participate in the University's disciplinary process or criminal process, include:

Name and Contact Information:	Bellarmino University Counseling Center Allen Hall 403 502.272.8480
-------------------------------	---

Name and Contact Information:	The Center for Women and Families 927 S 2nd Street Louisville, KY 40201 1.844.237. 2331 or 502.581.7200
-------------------------------	--

2. Confidential counseling, advocacy, health, mental health, or sexual misconduct related sources, can be found both on and off campus as follows:

On Campus: Bellarmine University Counseling Center  
Allen Hall 403  
502.272.8480

On Campus: Bellarmine University Health Services  
Newman Hall  
502.272.8313

Off Campus: The Center for Women and Families  
927 S 2nd Street  
Louisville, KY 40201  
1 .844.237. 2331 or 502.581.7200

Off-Campus for Staff/Faculty  
Name and Contact Information: Wayne Corporation  
Medical Arts Building  
1169 Eastern Parkway  
Suite 1166  
Louisville, KY 40217  
502.451.8262

3. Ongoing support during the University’s disciplinary process or the criminal process can be found as follows:

Name and Contact Information: Clare Dever, Director of Campus Recreation  
SuRF Center  
502.272.8326

Name and Contact Information: Elizabeth Cassady  
Assistant Dean of Students  
Horrigan 225K  
502.272.7150

ii. Academic Accommodation and Interim Measures

1. The University can provide immediate steps to ensure the safety and well-being of the complainant, such as the ability to relocate immediately to another campus-owned residence hall, the issuance of no contact orders, and providing access to emergency medical and mental health services.

2. The University may be able to provide additional interim measures for complainants while an inquiry is pending, such as no contact orders and changing the respondent's living arrangements or course schedule, change on-campus work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g. tutoring).

**4. Title IX Coordinator**

The Title IX Coordinator shall help the University comply with Title IX and promote gender equity in education. The President shall designate at least one employee to coordinate the University’s efforts to comply with and carry out responsibilities under Title IX. The position must not be left vacant; the University must have at least one person designated and actually serving as the Title IX Coordinator at all times. The name and current contact information of the Title IX Coordinator can be found on the

University's website at: <https://www.bellarmino.edu/sexualmisconduct>. The University shall notify all students and employees of the name or title and contact information for the Title IX Coordinator. The President shall give the Title IX Coordinator the training, authority, and visibility to fulfill the required duties set forth in this section and elsewhere in this policy in sections, 1, 3, 4, 6, 7, 9 and 10. The Title IX Coordinator shall have knowledge of Title IX requirements, of the University's policies and procedures on sex discrimination and of all complaints raising Title IX issues throughout the University. The University shall appropriately train the Title IX Coordinator in all areas over which the Title IX Coordinator has responsibility and ensure that the Title IX Coordinator possesses comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities. The Title IX Coordinator shall be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the inquiry is to be conducted by another individual or office. All university officials are prohibited from interfering with the Title IX coordinator's participation in complaint inquiries and monitoring of the university's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator shall be available to meet with students, faculty and staff as needed. The Title IX Coordinator shall have no other job responsibilities which create a conflict of interest with the responsibilities associated with being the Title IX Coordinator. The Title IX Coordinator shall review all processes used to resolve complaints of sexual misconduct to ensure that they (a) comply with requirements for prompt and equitable resolution of these complaints, (b) allow for appropriate interim measures to be taken to protect the complainant during the process, and (c) provide for remedies to the complainant and University community where appropriate. The Title IX Coordinator shall be knowledgeable about other applicable federal and state laws, regulations, and policies that overlap with Title IX. The University shall provide training for the Title IX Coordinator that explains the different facets of Title IX, including regulatory provisions, applicable OCR guidance, and the university's Title IX policies and grievance procedures. The Title IX Coordinator shall be involved in the drafting and revision of such processes and policies to help ensure that they comply with the requirements of Title IX. The University shall provide the Title IX Coordinator with access to information regarding enrollment in particular subject areas, participation in athletics, administration of university discipline, and incidents of sex-based harassment to allow the Title IX Coordinator to identify and proactively address issues related to possible sex discrimination as they arise. The Title IX Coordinator shall also review the University's disciplinary policy to ensure it does not have a chilling effect on student's reporting of sexual misconduct offenses or participating as witnesses.

## **5. Definitions**

As used in this policy, the phrases and words listed shall have the meanings set forth below:

**Consent** - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

**Counseling employees** - Pastoral and professional counselors who are licensed by the state in which they practice and employed by the University and other non-licensed employees working under the direct supervision and control of the licensed employees such that non-licensed employees are covered by the licensed employees' statutory privilege.

**Dating violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type

of the relationship, and the frequency of interaction between the persons involved in the relationship. "Dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but it does not include acts covered under the definition of domestic violence.

Domestic violence - A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the complainant, (b) a person with whom the complainant shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Educational setting - All of the University's academic programs and other activities of whatever nature on campus and at every other location where the University conducts authorized programs or activities.

Incapacitation - Any situation in which a person is incapable of giving consent due to the student's age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.

Intimidation - The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against that person's will.

Hostile environment - Activity or conduct involving sexual harassment that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the University's program.

Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.

Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after a previous consent is withdrawn. "Sexual intercourse" includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation.

Responsible employees - The President, Vice Presidents and Deans of the University, the Title IX Coordinator, full-time faculty members, Residence Life student staff and their supervisors, Intercollegiate Varsity Full Time Coaching Staff and their supervisors, Full Time Student Affairs Staff and University security officers are responsible employees.

Retaliation - The act of seeking revenge upon another person.

Sexual assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

Sexual exploitation - The abuse of a position of vulnerability, differential power, or trust for sexual purposes.

Sexual harassment - Unwelcome conduct of a sexual nature.

Sexual misconduct - Any act of sexual harassment, sexual misconduct, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under this policy.

Sexual violence - Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. "Sexual violence" also means same-sex conduct that violates the University's prohibition on sexual violence, including, but not limited to, the following examples: sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), incapacitation, sexual exploitation, stalking, dating violence, domestic violence, consent, force, and/ or retaliation in connection with any of these offenses.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils threatens or communicates to or about a person, or interferes with a person's property; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a person under similar circumstances and with similar identities to the complainant .

Title IX Coordinator - The person designated as such by the University's president or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator's incapacity or absence from the University's campus.

## **6. Reporting Policies and Protocols**

If a student assault occurs, it should be reported to the Office of Public Safety, the Dean of Students, Residence Life, Health Services, or the Counseling Center. If a faculty or staff member assault occurs, it should be reported to the Office of Public Safety or Human Resources. Privacy will be maintained unless another student is involved or a potential risk of harm to self or others exists; reports to Health Services or the Counseling Center will be kept confidential, to the extent possible in accordance with the statutory obligation of the licensed professionals practicing there. Information will be shared only with relevant medical and/or therapeutic personnel until such time that a decision is made or temporary, indirect, or direct action taken. Assaults that occur by an assailant not affiliated with the University and/or off-campus should be reported to local police (911). If law enforcement officials are notified first, it is still recommended to contact a campus resource person so that appropriate measures can be taken and support provided. When an alleged sexual assault is reported, campus resource persons will notify the reporting party in writing of the range of resources and alternatives available to him/her both on campus and in the Louisville community. This includes those staff members who maintain confidentiality (health services clinicians, Professional Counselors and Ordained Pastoral staff serving in the capacity of pastoral counseling). (See Sexual Misconduct and Advocacy Resources handout located at: <http://www.bellarmine.edu/sexualmisconduct>). The discussion should include encouraging the reporting party to report the incident to law enforcement authorities. The University can help arrange a meeting with law enforcement authorities and will accompany and support the alleged victim during the meetings. In instances where reports of sexual discrimination or misconduct are found to be falsely made, the reporting party may be charged with a violation of the Student Code of Conduct, specifically, providing false information to University officials.

The University encourages victims of sexual misconduct to talk to somebody about what happened so complainants can get the support they need and so that the University can respond appropriately. Different employees on campus have different abilities to maintain a complainant's confidentiality:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” This would include the counseling center staff members, health services staff members, and clergy as they act in that specific capacity.
- Other employees may talk to a complainant in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University inquiry into an incident against the complainant’s wishes.
- Thirdly, some employees are required to report all of the details of an incident (including the identities of both the complainant and the respondent) to the Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University - and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make employees, students and their parents, if appropriate, aware of the various reporting and confidential policies available to them - so they can make informed choices about where to seek assistance should they become a victim of sexual misconduct and so they will know how to report any problems relating to retaliation which may subsequently arise. The University encourages complainants to talk to someone identified in one or more of these groups.

a. Reporting Required - All responsible employees must be aware of their own reporting responsibilities and the importance of informing complainants of (a) the reporting requirements of responsible employees, (b) complainants’ option to request confidentiality and available confidential advocacy, counseling, or other support service, and (c) complainants’ right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement. All responsible employees shall report incidents of sexual misconduct to the Title IX Coordinator, subject to the exemption for the University’s counseling employees. All other employees shall respond to reports of sexual misconduct by notifying a responsible employee of the information pertaining to the incident of sexual misconduct. The University shall take the following steps to ensure that a complainant understands an employee’s reporting obligation before the complainant reveals any information to that employee:

b. Responsible Employees - Responsible employees shall report to the Title IX Coordinator all relevant details about the alleged sexual misconduct that the student or other person has shared and that the University will need to determine what occurred and to resolve the situation. Before a complainant reveals information that the complainant wishes to keep confidential, a responsible employee, including a Residence Life Student Staff Member, should make effort to ensure that the complainant understands: (a) the responsible employee's obligation to report the names of the respondent and complainant involved in the alleged sexual misconduct, as well as relevant facts regarding the alleged incident to the Title IX Coordinator or other appropriate University officials, (b) the complainant's option to request that the University maintain the complainant’s confidentiality which the University will consider, and (c) the complainant's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. Residence Life student staff and all responsible employees shall report the names of the respondent (if known), the student, faculty or staff member who experienced the alleged sexual misconduct, other students, faculty or staff involved in the alleged sexual misconduct, as well as relevant facts, including the date, time and location to the Title IX Coordinator. A responsible employee, including a Residence Life student staff member, prior to providing information about the incident to the Title IX Coordinator, shall consult with the student, faculty or staff member about how to protect his or her safety and the details of what will be shared with the Title IX Coordinator. Responsible employees do not need to determine whether the alleged sexual harassment or sexual misconduct actually occurred or that a hostile environment has been created before reporting an incident to the Title IX Coordinator.



c. Requests for Confidentiality - Upon receipt of a complaint of sexual misconduct, the University must act immediately to protect the complainant while keeping the identity of the complainant confidential. The Title IX Coordinator and other appropriate University personnel shall determine, consistent with state and local law, whether appropriate law enforcement or other authorities should be notified. The Title IX Coordinator or his/her designee shall evaluate requests for confidentiality and shall determine when such requests shall be honored. The Title IX Coordinator shall be consulted in evaluating requests for confidentiality. The Title IX Coordinator or his/her designee shall make every effort to respect requests for confidentiality. In considering a request for confidentiality that would preclude a meaningful inquiry or potential discipline of the respondent, the Title IX Coordinator or his/her designee shall consider an evaluation of circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual misconduct or other violence, such as: (a) whether there have been other sexual misconduct complaints about the same respondent, (b) whether the respondent has a history of arrests or records from a prior university indicated a history of violence, (c) whether the respondent threatened further sexual misconduct or other violence against the student or others, (d) whether the sexual misconduct was committed by multiple respondents, (e) whether the report reveals a pattern of perpetration at a given location or by a particular group, (f) whether the violence was perpetrated with a weapon, (g) the age of the person subjected to sexual misconduct, and (h) whether the University possesses other means to obtain relevant evidence. The Title IX Coordinator and his/her designee shall evaluate confidentiality requests in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students, faculty and staff members. The University shall inform the complainant that the complainant's request that the complainant's name not be released to the respondent or asks that the University not investigate or seek action against the respondent may limit the University's ability to fully respond to the incident, including pursuing disciplinary action against the respondent. A responsible employee, including a Residence Life student staff member, shall explain to the complainant that reporting the complainant's information to the Title IX Coordinator or any other university official does not necessarily mean that a formal complaint or inquiry under the University's Title IX grievance procedure must be initiated if the student requests confidentiality. All information reported in connection with an alleged sexual misconduct incident shall be maintained in a secure manner. All University employees shall only disclose information regarding alleged incidents of sexual misconduct to individuals who are responsible for handling the University's response. All University employees shall notify complainants of the information that will be disclosed, to whom it will be disclosed and why the disclosure is being made. In the event the complainant requests that the University inform the respondent that the complainant asked the University not to investigate or seek discipline, the University shall honor this request and inform the respondent that the University, not the complainant, made the decision to go forward. In the event the University determines that it can respect the request for confidentiality, the University shall take all reasonable steps to respond to the complaint consistent with the request and to determine what interim measures are appropriate or necessary. In the event the University determines it must disclose the complainant's identity to a respondent, the University shall inform the complainant prior to making the disclosure.

d. Reporting Options – Students and employees may use any combination of the following options to report sexual misconduct:

1. Criminal Complaint - Criminal complaints are filed with local law enforcement officials and the University is not involved in that process. Criminal complaints can be filed with the following agencies:

Agency & Contact Information:

Louisville Metro Police Department 5<sup>th</sup> Division  
2301 Douglass Boulevard  
Louisville, KY 40205  
502.574.7636

Agency & Contact Information:                   Louisville Metro Police Department Headquarters  
633 West Jefferson Street  
Louisville, KY 40202  
502.574.7111

2.       Institutional Complaint. Institutional complaints are filed with the University, and upon receipt of the complaint, the University will initiate an inquiry by the University in accordance with this policy. Institutional complaints may be filed with the Title IX Coordinator. The Title IX Coordinator's name and contact information are:

Lynn Bynum  
Centro, Horrigan Hall 202B  
502.272.8236

Institutional complaints can also be filed with the following offices:  
Office & Contact Information:                   Dean of Students Office  
Centro, Horrigan Hall 225K  
502.272.8150

Office & Contact Information:                   Office of Public Safety  
Centro, Treece Hall 054  
502.272.7777

3.       Report to Responsible Employee - Reports made to responsible employees, including Residence Life student staff members are required by federal law to be relayed to the University's Title IX Coordinator and will initiate an inquiry by the University in accordance with this policy. Responsible employees are identified in Section 5. The Title IX Coordinator is a responsible employee. You can report sexual misconduct to any responsible employee.

4.       Privileged and Confidential Reporting - Either as an alternative to the reporting options listed above or in lieu of reporting sexual misconduct to the individuals or offices listed above, complainants may make privileged and confidential reports of sexual misconduct to certain health or mental health providers or to certain pastoral counselors. While criminal complaints, institutional complaints, and reports to responsible employees will result in the initiation of an inquiry, reports to health or mental health providers or to certain pastoral counselors are privileged and will remain confidential so long as the student filing the report does not represent a threat to his or her self or to others. Privileged and confidential reports may be made to:

On Campus Health Provider and                   Office of Health Services  
Contact Information:                               Newman Hall 121  
502-272-8131

Off Campus Health Provider and                   University of Louisville Hospital  
Contact Information:                               530 S. Jackson Street  
Louisville, KY 40202  
502-562-3000

On Campus Mental Student Health Care Provider   Bellarmine University Counseling Center  
and Contact Information:                           Allen Hall 403  
502.272.8480

Off Campus Mental Health Care Provider  
and Contact Information:

University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502-562-3000

On Campus Pastoral Counselor  
and Contact Information:

Office of Campus Ministry  
Father John Pozhathuparambil  
Centro- Horrigan Hall 016  
502-272-7051

Off Campus Pastoral Counselor  
and Contact Information

Louisville Seminary Counseling Center  
1044 Alta Vista Road  
Louisville, KY 40205  
502-895-3411

Off-Campus for Staff/Employees  
Name and Contact Information:

Wayne Corporation  
Medical Arts Building  
1169 Eastern Parkway  
Suite 1166  
Louisville, KY 40217  
502.451.8262

Reports of sexual misconduct may be made by third-parties (individuals who were not the complainant or respondent) to:

Office of Public Safety  
Centro- Treece Hall 054  
502-272-7777

or

Lynn Bynum, Title IX Coordinator  
Horrigan Hall 202B  
502-272-8236

Requests for amnesty from drug, alcohol, and other policies should be directed to the Title IX Coordinator or his/her designee who shall consider the request and make a recommendation to the appropriate university official. Those individuals may approve or disapprove the request after considering all of the University's interests.

e. Reporting under the Clery Act - The University has various reporting obligations under the Clery Act which promotes campus safety by ensuring that students, employees, parents and the broader community are well-informed about important public safety and crime prevention matters. Details about the University's reporting obligations under Clery may be obtained at: <https://www.notalone.gov/assets/ferpa-clerychart.pdf>. Depending on the circumstances, the Clery Act may also require the University to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. Certain Campus Security Authorities (CSAs) are required to report information gathered during the inquiry of criminal activity. These CSAs include non-law enforcement campus security officers and local law enforcement officers. These CSAs will typically be required to document incidents in a fashion that contains personally identifiable information about the parties involved and witnesses. Other CSAs, such as University officials, are not typically required to report personally identifiable information.

## **7. Inquiry Procedures and Protocols**

The University shall process all complaints of sexual misconduct, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. The University shall determine whether any alleged off-campus sexual misconduct occurred in the context of an education program or activity of the University. If the off-campus misconduct occurred in the context of an education program or activity of the University, the University shall treat the complaint in the same manner that treats complaints regarding on-campus conduct. Once the University is on notice of an allegation of off-campus sexual misconduct, the University shall assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, the University shall address the hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. Since there may be continuing effects of off-campus sexual misconduct while at University or in an off-campus education program or activity, if the off-campus sexual misconduct did not occur in the context of an education program or activity of the University, the University shall consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity. The Title IX Coordinator or an individual designated by the Title IX Coordinator shall conduct the inquiry of any complaint of sexual misconduct under this policy. An inquiry may entail interviews with witnesses, a review of any documentary or electronic evidence, a review of medical evidence, a review of campus security data, or a review of any other material which the investigator deems relevant to an assessment of the facts surrounding the complaint. As soon after the initiation of the inquiry as possible, the Title IX Coordinator or the designated investigator shall notify all University employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the inquiry. The inquiry shall provide the respondent and the complainant with equitable rights during the inquiry. The University will endeavor to complete inquiries and resolve complaints within sixty (60) days of the date on which the complaint was received, but the University's primary objective is a thorough inquiry and complaint resolution. Thus, if the Title IX Coordinator believes additional time beyond sixty days is necessary to complete a thorough inquiry and to resolve the complaint, the Title IX Coordinator shall advise the appropriate vice president of such information in writing and request an extension of time for the inquiry and complaint resolution, and such extensions shall be approved whenever the appropriate vice president believes an extension is warranted.

The University shall coordinate its Title IX inquiry with any other ongoing University or criminal inquiry of the incident and establish appropriate fact-finding roles for each investigator. The following information may be shared with law enforcement during a parallel inquiry:

- (a) Non-emergency situations- Information regarding student records will be shared in accordance with the Bellarmine University Student Records Policy
- (b) Emergency situations- Urgent requests for student information, e.g. address, telephone number, or immediate whereabouts, based upon an apparent emergency, should be handled when possible by the Dean of Students office. The University may release information from education records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons. This is to be strictly interpreted.

The University will not share any FERPA-protected information with law enforcement during a parallel inquiry, unless that information is the subject of a subpoena or other judicial process.

Government investigative agencies as such have no inherent legal right to access to University files and records. When additional information is requested, it may be released only on written authorization

from the student or employee. If such authorization is not given, the information should be released only on court-order or subpoena. If a subpoena is served, the student or employee whose record is being subpoenaed should be notified and that subpoena should be referred to the institution's legal counsel.

The University shall consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. The University should not wait for the conclusion of a criminal inquiry or criminal proceeding to begin its own Title IX inquiry. If the fact-finding portion of the University's Title IX inquiry is suspended due to the existence of a criminal inquiry, the University's fact-finding portion of the Title IX inquiry shall resume promptly once law enforcement officials have completed their evidence-gathering state of the criminal inquiry. The University shall periodically update the parties on the status of the inquiry and inform the parties when the University resumes its Title IX inquiry following any delay associated with a criminal inquiry.

The University shall immediately investigate any possible retaliation against the complainant, including threats, intimidation, coercion, or discrimination.

## **8. Grievance/Adjudication Procedures**

The University has jurisdiction over Title IX complaints. The University shall adopt and publish grievance procedures for the prompt and equitable resolution of discrimination complaints, including harassment complaints, filed by complainants against University employees, students and third parties, which shall:

- Provide notice to students and employees of the grievance procedures, including where complaints may be filed.
- Explain generally the grievance/adjudication process.
- Conduct hearings in a manner that minimizes additional emotional trauma on the complainant.
- Explain the possible results of the adjudication process, including sanctions, remedies/accommodations for the complainant, and additional remedies for the University community.
- Explain that mediation is never appropriate in sexual misconduct cases.
- Notify the complainant of the right to end the informal process at any time and to begin the formal stage of the complaint process, if voluntary informal mechanisms for resolving some types of sexual harassment complaints are provided.
- Provide for the application of the procedure to complaints filed by students, faculty or staff member or others on their behalf alleging sexual misconduct carried out by employees, students, or third parties.
- Provide for adequate, reliable, and impartial inquiry of complaints, including the opportunity for both the complainant and the respondent to present witnesses and evidence.
- Designate reasonably prompt time frames for the major stages of the complaint process.
- Provide for simultaneous written notice to the complainant and the respondent of the outcome of the complaint and any appeal.
- Provide assurance that the University will take steps to prevent the recurrence of any sexual misconduct and remedy discriminatory effects on the complainant and others, if appropriate.
- Provide adequate definitions of "sexual harassment" and an explanation as to when such conduct creates a hostile environment.
- Include reporting policies and protocols, including provisions for confidential reporting.
- Identify the employee or employees responsible for evaluating requests for confidentiality.
- Provide notice that Title IX prohibits retaliation.
- Provide notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously.

- Provide notice of available interim measures that may be taken to protect the student in the educational setting.
- State the evidentiary standard that must be used (preponderance of the evidence) in resolving a complaint.
- Provide notice of the potential remedies for respondents.
- Provide notice of the potential sanctions or protective measures which may be imposed against the respondents, including, specifically, the sanctions regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
- Provide sources of counseling, advocacy and support.
- Provides the respondent with due process.
- Provide for the extension of all rights given to the respondent to the complainant.
- Provide notice of hearing(s) to both parties.
- Identify a process by which either party may raise issues related to potential conflicts of interest of the adjudicators.
- Identify the trained individuals who will determine whether the alleged sexual misconduct occurred and the individuals who will determine the sanction.
- Provide for all proceedings to provide a prompt, fair, and impartial inquiry and resolution.
- Provide for all proceedings to be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an inquiry and hearing process that protects the safety of complainants and promotes accountability.
- Provide an equal opportunity for the parties to present relevant witnesses and other evidence.
- Provide the parties with similar and timely access to any information that will be used at the hearing.
- Provide a description of the types of evidence that may or may not be presented.
- Provide an equal opportunity for the parties to have an advisor of their choice present during any institutional disciplinary proceeding, including interviews or hearings.
- Impose equal restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings.
- Identify the persons who may attend and/or participate in the adjudication process and the extent of their participation.
- Provide an equal opportunity for the parties to present expert testimony.
- Provide an equal opportunity for the parties to appeal.
- Require the same type of review be applied on appeal, regardless of which party files the appeal.
- Describe the appellate procedures, grounds for appeal, the person/entity that will decide appeals, and the applicable reasonably prompt time frames for appeal.
- Include a statement that the University will not require a party to abide by a nondisclosure agreement, in writing or otherwise that would prevent the redisclosure of information relating to the outcome of the proceeding.
- Provide an equal opportunity for the parties to be present at the hearing.
- Permit the hearing to proceed if the complainant is not present.
- Provide the parties with an equal opportunity to cross-examine witnesses.
- Provide a description of alternative methods that preclude the respondent from personally cross-examining the complainant.
- Require the University to notify both parties in writing about the outcome of the complaint.
- Require the University to notify both parties in writing if there is any change to the results of the hearing that occurs prior to the time that such results become final.
- Require the University to notify both parties in writing when such results become final.
- Require the University to notify the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant, and other steps the University has taken to eliminate the hostile environment, if the University finds one to exist, and prevent recurrence.

- Prohibit questioning about the complainant’s sexual history with anyone other than the respondent.
- Acknowledge that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual misconduct.
- Prohibit University officials from notifying the respondent of the individual remedies offered or provided to the complainant.
- Require the University to offer the complainant all services needed to remedy the hostile environment on an interim basis.
- Require the University to offer the complainant all services needed as a final remedy to the hostile environment, even if the complainant declined the service as part of an interim measure.
- Require the University to consider remedies for the broad campus population whenever the University is unable to conduct a full inquiry.
- Require the University to take steps to provide appropriate remedies for the complainant and the broader campus population when the respondent is not affiliated with the University.

The University shall continue to protect the complainant after a determination that sexual misconduct has occurred.

The University’s Grievance Procedure, consistent with these requirements, can be found in Section 9.2.7.3.

## **9. Prevention and Education**

This policy shall be accessible to students and employees with disabilities. This policy, reporting forms, information and training shall be accessible to students and employees who are English language learners. This policy shall be distributed on campus in such a way that all students, regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. Title IX prohibits retaliation against the complainant, anyone who files a third-party report, any witness or anyone who otherwise participates in the investigative and/or disciplinary process, and the University will take steps to prevent retaliation and strong responsive action if it occurs, including any retaliatory actions by University officials. The University must routinely take steps to inform students, faculty and staff that the University’s primary concern is student safety and that the use of alcohol and drugs never makes the survivor at fault for sexual misconduct.

a. Residence Life Student Staff Members (RLSSMs) - As noted above, RLSSMs are responsible employees. As such, RLSSMs shall explain to the student (before the student reveals confidential information) that although the RLSSM must report the names of the respondent and the complainant and other relevant facts to the Title IX Coordinator or other designated University officials, the University will protect the student’s confidentiality to the greatest extent possible. RLSSMs shall provide complainants with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the local rape crisis center or other off-campus resources.

b. Sexual Violence and Prevention Program - The University’s sexual violence and prevention program (SVPP) shall clearly identify the offices or individual with whom complainants can speak confidentially. The SVPP shall clearly identify the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling disability services, health and mental health services, and legal assistance. The SVPP shall identify the University’s responsible employees. The SVPP shall explain that, if complainants report incidents to responsible employees, these employees are required to report the incident to the Title IX Coordinator or other appropriate official, including the names of the individuals involved in the sexual misconduct, the date, time, and location. The

University’s approach to prevention, including the type and frequency of prevention programming and education/outreach activities, shall consist of:

Program/ Activity	Description	Frequency
BraveBU	BraveBU is a culture of care campaign that is focused on the promotion of bystander intervention and healthy behaviors. Often led by students, BraveBU programs occur throughout the academic year and focus on issues such as sexual assault prevention, healthy relationships, and wellness-based discussions. The initial BraveBU program is led at new student orientation each August. Staff members from the Dean of Students Office explain the culture of care at Bellarmine, walk students through the definitions included in the campus sexual misconduct policy and facilitate dialogue around realistic and helpful strategies to avoid being a bystander.	Annually
Haven	Haven: All new students complete Haven each fall. Haven is an online series of modules that inform students of the campus sexual misconduct policy, methods of reporting, and utilizes a tone rooted in positive psychology. Students complete a pre-test and the modules in early September. Students then complete a post-test one month after completion of part 1. Aggregate data and population specific data is used to generate learning outcomes for ongoing programming. Faculty and staff complete a different version of online training modules with similar learning outcomes. Haven is also used with all new faculty and staff as a component of onboarding training.	Annually; each Fall Semester
Written Notification of University’s Sexual Misconduct Policies	Annually, every student receives written notification of the university’s sexual misconduct policies which includes available resources and reporting procedures.	Annually
New Employee Orientation	Every new employee attends an employee orientation hosted by Human Resources. During this session, staff members from Human Resources distribute and explain the sexual misconduct policy. Occurs at beginning of employment.	At beginning of employment
Annual Employee Training	Each employee completes an on-line training module which disseminates the sexual misconduct policy including the educational outcomes outlined in this policy to include reporting, responsible employee duties, confidential reporting, on and off campus resources, etc. Occurs on a regular basis.	On a regular basis

c. Bystander Intervention - The University shall utilize bystander intervention as a tool to prevent sexual misconduct. In implementing the bystander-focused prevention methods, the University shall implement the common components of safe and positive bystander intervention and delivery methods found at: <https://www.notalone.gov/assets/bystander-summary.pdf>.

d. Campus Assessments - The University shall conduct a climate survey in accordance with the guidelines found at: <https://www.notalone.gov/assets/ovw-climate-survey.pdf>. The Title IX Coordinator or designee shall coordinate the collection and analysis of information from an annual climate surveys.



e. Educating Students - The University shall conduct programs to educate students about the University's sexual misconduct policy at least one time during each calendar year. At sexual misconduct awareness events, the University shall provide information on (a) Title IX, (b) how to file a Title IX complaint with the University, (c) resources available to sexual misconduct complainant(s) such as counseling, mental health and health services, and (d) options for reporting an incident of sexual misconduct to campus or local law enforcement. The University shall provide education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, and stalking, which shall include:

1. primary prevention and awareness programs for all incoming students and new employees, which shall include -
  - (a) a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
  - (b) the definition of domestic violence, dating violence, sexual assault, and stalking in the state of Kentucky;
  - (c) the definition of consent, in reference to sexual activity, in the state of Kentucky;
  - (d) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
  - (e) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
  - (f) information described in 20 U.S.C. 1092(f)(8)(B)(ii) through (vii); and
2. ongoing prevention and awareness campaigns for students and faculty, including the information described in clauses (a) through (f) of subparagraph 1. above.

## **10. Training**

In all forms of training, the University shall establish methods for verifying that the training was effective.

- a. Student Training - The University shall provide the following training for students:
  - Encouragement to report incidents of sexual misconduct.
  - How to report sexual misconduct to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance.
  - General information on Title IX.
  - What constitutes sexual misconduct under the University's policies.
  - The University's definition of consent as applicable to sexual conduct, including examples.
  - How the University analyzes whether unwelcome sexual conduct creates a hostile environment.
  - Available reporting options, including formal reporting and confidential disclosure options and any timeframes set by the University for reporting.
  - Places where students, faculty, and staff members can seek confidential support services.
  - Grievance procedures used to process sexual misconduct complaints.
  - Disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions.
  - Effects of trauma, including neurobiological changes.
  - The role alcohol and drugs often play in sexual misconduct incidents, including the deliberate use of alcohol and/or other drugs to perpetuate sexual misconduct.
  - Strategies and skills for bystanders to intervene to prevent possible sexual misconduct.
  - Title IX's protections against retaliation.
  - Persons on campus to whom students, faculty, and staff members can confidentially report incidents of sexual misconduct.

- An explanation that students, faculty or staff members do not need to determine whether incidents of sexual misconduct or other sexual harassment created a hostile environment before reporting the incident.

With regard to all training directed toward students, the University shall consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals.

b. Residence Life Student Staff (“RLSS”) Training - The University shall provide the following training for RLSS:

- Places where students, faculty and staff can seek confidential support services.
- Information about local rape crisis centers or other off-campus resources so that RLSSs can provide this information to complainants.

c. Faculty and Staff Training - The University shall provide training on a regular basis, even if employees have prior relevant experience in sexual misconduct, to all employees likely to witness or receive reports of sexual harassment and violence, including faculty, University safety office employees, University administrators, University counselors, athletic coaches, health personnel and RLSSs. The University shall determine how training should be conducted, who has the relevant expertise to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. Employees who work with international students shall be trained on the University’s sexual misconduct policies. The University requires (a) training or experience in handling sexual misconduct complaints and (b) training in the operation of the University’s grievance procedures for the Title IX Coordinator, others who receive complaints, investigators, and adjudicators. The University shall provide the following training for faculty and staff:

- Practical information about (a) how to prevent and identify sexual misconduct, including same-sex sexual misconduct. (b) the behaviors that may lead to and result in sexual misconduct; (c) the attitudes of bystanders that may allow conduct to continue; (d) the potential for revictimization by responders and its effect on complainants; (e) appropriate methods for responding to a complainant who may have experienced sexual misconduct, including the use of nonjudgmental language; (f) the impact of trauma on complainant s; and (g) the person(s) to whom such misconduct must be reported.
- Training to explain responsible employees' reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to complainants' requests for confidentiality, as well as provide the contact information for the University's Title IX Coordinator.
- Practical information on how and when to identify and report harassment and/or to appropriate University officials.

d. Training for Responsible Employees - Responsible employees are those employees defined in Section 5. Responsible employees shall be trained so that they will know how to respond properly to sexual misconduct complaints. The University shall train responsible employees to inform students and employees of: (a) the reporting obligations of responsible employees; (b) students' and employees' option to request confidentiality and available confidential advocacy, counseling, or other support services; and (c) their right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement.

e. Special Training for Title IX Coordinator and Others Involved in Grievance Procedure - The University shall require training for the Title IX Coordinator, others who receive complaints, investigators, and adjudicators to include information on: (a) working with and interviewing persons subjected to sexual misconduct, including same-sex sexual misconduct; (b) the proper standard of review for sexual misconduct

complaints (preponderance of the evidence); (c) information on consent and the role drugs or alcohol can play in the ability to consent; (d) the importance of accountability for individuals found to have committed sexual misconduct; (e) the need for remedial actions for the respondent, complainant, and University community; (f) how to determine credibility; (g) how to evaluate evidence and weigh it in an impartial manner; (h) how to conduct inquiries; (i) confidentiality; (j) the effects of trauma, including neurobiological change; and (k) cultural awareness training regarding how sexual misconduct may impact individuals differently depending on their cultural backgrounds. All staff members involved in the grievance procedure must be trained so that they are capable of providing culturally competent counseling for all complainants. Counselors and other staff members who are responsible for receiving and responding to complaints of sexual misconduct, including investigators and hearing board members, shall receive appropriate training about working with LGBT and gender-nonconforming individuals and same-sex sexual misconduct. Counselors and other staff members who are responsible for receiving and responding to complaints of sexual misconduct, including investigators and hearing board members, and others counseling complainants who have experienced sexual misconduct shall be trained to be aware of the special issues that international students may encounter. Any University officials responsible for discussing safety and confidentiality with complainants shall be trained on the effects of trauma and the appropriate methods to communicate with complainants subjected to sexual misconduct. Any individual or body handling appeals shall be trained in the dynamics of and trauma associated with sexual misconduct.

f. Special Training for Pastoral and Professional Counselors - The University shall instruct pastoral and professional counselors to inform students and employees:

- Of their right to file a Title IX complaint with the University and a separate complaint with campus or local law enforcement.
- That they are available to assist the student in filing such complaints.
- That Title IX includes protections against retaliation.
- That University officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Pastoral and professional counselors shall be trained to ensure that they understand the extent to which they may keep a report confidential. In addition to receiving the training listed for pastoral and professional counselors, non-professional counselors or advocates shall be trained to report only general information about incidents of sexual misconduct and to avoid disclosing personally identifiable information.

#### 9.2.7.3 Sexual Misconduct Grievance Procedures

The University has adopted a Sexual Misconduct Policy (“Policy”), all of the provisions of which are incorporated herein by reference. A copy of the policy can be viewed at: <https://www.bellarmino.edu/sexualmisconduct>. In accordance with Section 8 of that policy, the University adopts and publishes the following grievance procedures for the prompt, fair, impartial and equitable inquiry and resolution of sexual misconduct complaints, including discrimination and sexual harassment complaints, filed against University employees, other students, and third parties. Generally, these procedures provide (a) a method by which students, faculty or staff members can file complaints under Title IX, (b) a description of how those complaints will be investigated, (c) an informal resolution process, (d) procedures for the hearing to adjudicate factual disputes, (e) the method for appealing the outcome of the hearing, and (f) the method by which remedies and sanctions will be imposed.

All hearing panel members and all officials involved in the appeal process described below shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct a hearing that protects the safety of victims and promotes accountability.

Pursuant to Title IX and the requirements established by the United States Department of Education, please be aware that:

- Persons who file complaints (“Complainants”) have the right to end the informal process described in Section 3 at any time and to begin the formal stage of the complaint process as outlined in Section 4.
- The University will take steps to prevent the recurrence of any sexual violence and remedy discriminatory effects on the Complainant and others, if appropriate.
- The employee responsible for evaluating requests for confidentiality is the Title IX Coordinator and/or his/her designee as identified in the Policy.
- Reporting policies and protocols are set forth in Section 6 of the Policy, and members of the campus community are encouraged to review those policies and protocols, including the provisions for confidential reporting.
- Title IX prohibits retaliation against any person involved in the inquiry or hearing.
- Complainants have the right to file simultaneously a criminal complaint with appropriate law enforcement agencies and a Title IX complaint with the University.
- Various interim measures may be taken to protect Complainants in the educational setting, including those set forth in Section 3 of the Policy.
- The evidentiary standard that must be used in resolving the complaint is a preponderance of the evidence.
- The potential remedies for Complainants are set forth in Section 3 of the Policy.
- It is the intent of this procedure to provide the parties with equal rights.
- Both parties shall have the same opportunity to have an advisor of their choice present during any interview and/ or institutional disciplinary proceeding involving alleged sexual misconduct.
- The potential sanctions or protective measures which may be imposed against the Respondents include the possible reprimand, suspension or expulsion of a student Respondent, the possible reprimand, suspension or termination of an employee Respondent, and complainant’s options to avoid contact with the Respondent and allow the Complainant to change academic and extracurricular activities or complainant’s living, transportation, dining, and working situation as appropriate.
- The process may result in additional remedies for the University community, including greater emphasis on student awareness, educational and professional development courses for faculty and staff, and other steps designed to address the specific issues raised by the complaint.
- Sources of counseling, advocacy and support are listed in Sections 3 and 6 of the Policy.
- Information about how the University will protect the confidentiality of victims is listed in Section 6 of the Policy.
- As used in this procedure, “sexual harassment” and “hostile environment” shall have the meanings set forth in Section 5 of the Policy.
- The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information relating to the outcome of the proceeding.
- The University shall offer the Complainant all services needed to remedy the hostile environment on an interim basis, all as outlined in Section 3 of the Policy.
- The University shall offer the Complainant all services needed as a final remedy to the hostile environment, even if the Complainant declined the service as a part of an interim measure.
- The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence.

- In the event the University is unable to conduct a full inquiry, such as when the Respondent is a visitor to the University's campus, the University shall still consider remedies for both the Complainant and the broader campus population.

**1. Initiation of Complaint** – Any person who believes that he or she has been the victim of sexual misconduct as defined in the University's Policy shall file either a written complaint or incident report (either of which is hereafter referred to as a "complaint") with the University's Title IX Coordinator, or his or her designee, as identified in the Policy. The complaint shall specify the alleged sexual misconduct, the name of the individual who engaged in the alleged misconduct and such other information as may assist the University in promptly investigating the alleged sexual misconduct.

**2. Inquiry** – The Title IX Coordinator or the Coordinator's designee shall promptly investigate the alleged sexual misconduct in accordance with the provisions of Section 7 of the Policy. Any designee shall have received training in conducting inquiries of Title IX complaints. It is the goal of the University to provide for an adequate, reliable, and impartial inquiry for each complaint, including the opportunity for both the Complainant and the Respondent to present witnesses and evidence. As soon after the initiation of the inquiry as possible, the Title IX Coordinator or the designated investigator shall notify all University employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the inquiry. Upon the conclusion of the inquiry, the University shall determine whether probable cause exists to believe that the alleged sexual misconduct occurred. If the University determines that there is no probable cause to believe the alleged sexual misconduct occurred, the complaint shall be dismissed, and both the Complainant and the Respondent shall be notified in writing such determination by the University. If the University determines that there is probable cause to believe that the alleged sexual misconduct occurred, both the Complainant and the Respondent shall be notified in writing of such determination by the University, and an adjudicative hearing shall be scheduled within seven(7) days to resolve all disputed facts, if any. The University shall provide both the Complainant and the Respondent the time and place of the hearing, and the name of the hearing panel members. The hearing shall be conducted in accordance with Section 4. In the event there are no disputed facts, no hearing will be held, and the University shall proceed to implement remedies and sanctions pursuant to Section 6 via informal resolution.

**3. Informal Resolution Process** – Mediation is never appropriate in sexual misconduct cases and shall not be utilized by the University. However, after a finding of probable cause and prior to the hearing to resolve factual disputes, the University shall informally discuss possible remedies and sanctions with the Complainant and the Respondent to ascertain if a satisfactory resolution of the matter can be reached without the necessity of an adjudicative hearing. If so, the remedies and sanctions to which the parties agree shall be imposed. If not, the hearing pursuant to Section 4 will proceed as scheduled.

**4. Formal Resolution Process** – The purpose of the hearing is to resolve any facts disputed by the parties.

a. **The Hearing Panel** – The hearing shall be conducted by a three-person hearing panel designated by the University ("Hearing Panel"). The Hearing Panel members shall consist of a faculty member, a staff member, and a chief hearing officer who shall be either a faculty or staff member. The Title IX Coordinator, or his or her designee, shall notify the parties of the date, time, and place for the hearing and the names of the Hearing Panel members at least seven (7) days prior to the hearing. If either party wishes to object to one or more members of the Hearing Panel on the basis of a potential conflict of interest by the Hearing Panel member(s), the party must notify the Title IX Coordinator or his or her designee of the objection within three (3) days after receipt of the notice specifying the names of the hearing panel members. The Title IX Coordinator or his or her designee shall evaluate the objection and determine if a different Hearing Panel member should be designated.

b. The Hearing Process – The Hearing Panel shall endeavor to conduct the hearing in a manner that does not inflict additional emotional trauma on the parties. The hearing shall permit both the Complainant and the Respondent an equal opportunity to present relevant witnesses and evidence, including expert testimony. The Hearing Panel shall determine the probative value of the evidence presented and the rules of evidence shall not be strictly enforced. Three (3) days prior to the hearing, both the Complainant and the Respondent shall notify the hearing officer of the witnesses and documentary evidence that the party intends to present. Both the Complainant and the Respondent may be accompanied by legal counsel or other advisor of their choice, but if either of the parties chooses not to be accompanied by legal counsel or an advisor, the other party may still be accompanied by legal counsel or an advisor. Neither party's legal counsel nor advisor may speak at the hearing. Only the Title IX Coordinator, the investigators, representatives from the Dean of Students office, the University's counsel, the Complainant and the Respondent, the parties' legal counsel or advisor and the parties' parents (if invited by the parties), and witnesses may attend the hearing. Parents may not participate in the hearing unless they are called as witnesses to address factual disputes. The hearing may proceed if either of the parties fails to attend. The investigators shall present the results of the inquiry. The Complainant may then present evidence, and the Respondent may present evidence following the Complainant. Each witness may be cross-examined by the parties, but the parties may not cross-examine each other. In the event a party wishes to question the opposing party, the party may submit written questions for the opposing party to the chief hearing officer who may ask the questions to the opposing party, if the chief hearing officer deems such questions relevant. Questions pertaining to the Complainant's sexual history with anyone other than the Respondent shall be prohibited. The University may elect to make an audio recording of the hearing and in that event, the recording shall retained by the University in accordance with FERPA.

c. Proposed Findings and Recommended Remedies and Sanctions – Within five (5) days following the completion of the hearing, the Hearing Panel shall prepare proposed findings and recommended remedies and sanctions ("Findings"). The Hearing Panel shall make a finding as to whether a hostile environment exists at the University in light of the Findings, and if so, the Hearing Panel shall make recommendations as to how the hostile environment can be eliminated. The Findings shall be submitted in writing for a ruling on behalf of the University ("Ruling") to: the Dean of Students, if the parties are students; the Vice President to whom the employees report, if the parties are employees; or the Vice Provost, if the parties are faculty members. If the parties include a combination of faculty, staff, and students, the Findings shall be submitted to the Dean, Vice President, or Vice Provost responsible for the group of which the Respondent is a member. In the Ruling, the Dean, Vice President or Vice Provost may adopt the Findings in whole or in part and shall make a determination as to what, if any, remedies and sanctions should be imposed. The Dean, Vice President or Vice Provost may also remand the matter to the hearing officer for further findings and conclusions, if necessary. The Dean, Vice President, or Vice Provost shall make the Ruling within five (5) days following the receipt of the Findings. In determining sanctions against the Respondent, both the Hearing Panel and the Dean, Vice President or Vice Provost shall assess whether imposing sanctions against the Respondent, without additional remedies, will be sufficient to eliminate the hostile environment, prevent recurrence, and remedy effects as required by Title IX.

d. Notice to the Parties – When the Ruling is issued, the Title IX Coordinator or his or her designee shall simultaneously send written notice via email to the parties of the University's Ruling and of their right of appeal under Paragraph 5 below. Specifically, the Title IX Coordinator or his or her designee shall notify both parties as to: (a) whether or not the University found that the alleged conduct occurred, (b) any sanction imposed on the Respondent that directly relate to the Complainant, and (c) other steps the University has taken to eliminate the hostile environment, if the University finds one to exist, and prevent recurrence of the misconduct. The Title IX Coordinator or his or her designee shall also notify the Complainant of any individual remedies offered or provided to the Complainant, but, the Title IX Coordinator or his or her designee shall not notify the Respondent of the individual remedies offered or provided to the Complainant.

**5. Appeals** – Either party may appeal the University’s determination of no probable cause or the Ruling by submitting a written statement of appeal to the Title IX Coordinator or his or her designee. The appeal must be received by the Title IX Coordinator or his or her designee within seven (7) days following the date on which the parties received notice of the probable cause determination or the Ruling from the Title IX Coordinator or his or her designee. Appeals must be based on one or more of the following reasons:

- a. Sanction Proportionality – to determine whether the sanction was disproportionate to the offense committed, for which the party was found to be responsible.
- b. New Information – to consider new information that was not known at the time of the original hearing that, if introduced, would substantially impact the finding or sanction.
- c. Procedural Conformity – a claim that the hearing did not conform to the procedures outlined, and that substantially affected the outcome of the original hearing.

The written appeal must include the specific grounds for the appeal, supporting arguments and documentation, and any other relevant information the respondent wishes to include. Upon receipt of the written appeal, the parties involved in the original hearing are notified and provided reasonable opportunity to respond in writing to the appeal.

Appeals will be heard by the Committee on Sexual Misconduct Appeals (“CSMA”). This committee is composed of one faculty member and two administrators appointed by the Title IX Coordinator or his or her designee. The CSMA will evaluate the record of the hearing and render a recommendation to the Vice President of Student Affairs, if the parties are students, the Vice President for Administration and Finance, if the parties are staff members, or the Provost, if the parties are faculty members, (“Appropriate Officials”, or any one of them individually, “Appropriate Official”) who will review the recommendation and issue a written decision in the matter. If the parties include a combination of faculty, staff, and students, the CSMA shall submit the recommendation to the Appropriate Official responsible for the group of which the Respondent is a member. In the event the Vice President for Administration and Finance is involved in making the Ruling, the Vice President for Administration and Finance shall not participate in the appeal, and the CSMA shall make its recommendation to the Vice President for Student Affairs who shall make a written decision in the matter on behalf of the Vice President for Administration and Finance. The Title IX Coordinator or his or her designee will notify the parties of the decision within three working days of receipt of the decision by the Appropriate Official.

Regardless of which party files the appeal, the Appropriate Official may reverse the probable cause determination or Ruling only if the Appropriate Official finds that the probable cause determination or Ruling did not result in a proportionate sanction, did not consider new information, or was not in conformity with University procedures as outlined above. If the appeal is granted, the Appropriate Official shall make such instructions to the Title IX Coordinator or the Hearing Panel as may be appropriate. The Appropriate Official’s decision on the appeal shall constitute the final action by the University, and the Title IX Coordinator or his or her designee shall simultaneously send written notice of the decision via email to the parties. If neither party appeals the probable cause determination or the Panel’s Ruling, the Title IX Coordinator or his or her designee, shall simultaneously send written notice of the expiration of the time for an appeal via email to the parties. Upon the expiration of the time for an appeal of the probable cause determination or the Panel’s Ruling or upon the decision on a timely appeal, the University’s decision shall be deemed final.

**6. Imposition of Remedies and Sanctions** – After the time for an appeal of the Ruling has expired or after the decision on the appeal is made, the Title IX Coordinator shall take the steps necessary to implement the remedies and sanctions. In the event interim measures should be taken to protect the Complainant at any point prior to the University’s final determination, the Title IX Coordinator or his or her designee may implement such measures in accordance with Section 3 of the Policy.

#### 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 is 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.**
- **Arrest or conviction of criminal offenses relating to the unlawful manufacture, use, sale, possession, distribution, receipt or transportation of any controlled substances or illegal drugs;**
- **Any other actions involving alcohol, drugs, or controlled substances that, in the opinion of the University, endanger its reputation for honesty and integrity.**

**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**

Bellarmino 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://centerstoneky.org/services/>; and Alcoholics Anonymous, 502-582-1849, [www.louisvilleaa.org](http://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
- furniture
- library books, DVDs, and other materials
- identification badges
- keys
- pagers and walkie-talkies
- 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

Bellarmino 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 work days after problem occurs or the employee becomes aware of the problem. If a 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 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 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 work days of Step One answer. The Chief Human Resources Officer will convene a meeting of the affected parties within five 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 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 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 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.

9.2.8 **Employee Acknowledgement Form**

Each non-academic employee is required to sign the following:

The *Employee Handbook* describes important information about Bellarmine, and I understand that I should consult my supervisor or the Human Resources Office regarding any question not answered in the handbook. I have entered into my employment relationship with Bellarmine voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Bellarmine can terminate the relationship at will, with or without cause, at any time.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to Bellarmine’s policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the President of Bellarmine has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Printed)