

# BALDWIN-WALLACE COLLEGE EMPLOYEE HANDBOOK

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Revised 7-1-98

## **PURPOSE OF PUBLICATION**

This booklet outlines the employment policies and procedures for non-academic employees at Baldwin-Wallace College and benefits for both faculty and staff as they exist at the time of publication. The College reserves the right to change its policies, procedures and benefits when necessary. This publication is, therefore, a source of general information.

It is not intended as a contract of employment and does not constitute one.

It is important that you familiarize yourself with these policies, procedures and benefits. Knowledge of them will be useful to you. Your supervisor or the Human Resources Department will clarify any point you may not understand.

Employees of the College are chosen for their courtesy and thoughtfulness in dealing with people, as well as for competence in their work. As a member of the Baldwin-Wallace College family, you reflect the image of the College as you participate in the educational process for our students, regardless of your job responsibilities.

Your ideas and suggestions for improving these policies will always be welcome. They should be directed to the Department of Human Resources, located on the second floor of the Bonds Administration Building.

Baldwin-Wallace College is an equal opportunity employer and does not discriminate because of race, creed, age, disabilities, national origin, gender or sexual orientation.

## **POLICIES AND PROCEDURES**

### ***CRITERIA FOR EMPLOYMENT***

Applications for employment are considered on the basis of appropriate level of training, experience and capability to fulfill responsibilities of the position adequately, without regard for race, creed, disability, national origin, age or sex.

### ***MEDICAL EXAMINATION***

The College reserves the right to require a medical examination to determine your fitness to perform your job functions. This examination may include a chest x-ray. The cost of the examination is paid by the College.

### ***PROBATIONARY PERIOD***

The probationary period for a new employee is the first ninety calendar days of employment at Baldwin-Wallace. The purpose of the probationary period is to allow time for a supervisor to orient an employee to the work requirements and expectations of the position and to determine whether or not the employee demonstrates satisfactory knowledge and skills in the performance of the work requirements and expectations of the position. The probationary period also is intended to afford the employee an opportunity to become adapted to the work required, to the department, and to determine whether he/she wishes to continue in the position.

The supervisors will provide the employee a copy of the employee's job description, explain the expectations regarding performance in the new position and provide on-the-job training which covers the specific duties and responsibilities of the position.

By mutual consent of the employee and supervisor, the probationary period may be extended by thirty additional calendar days if job performance has not been completely satisfactory or if the employee has moved to a different position during the original probationary period.

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If the employee's ability or job performance is judged unsatisfactory by the supervisor, he/she may be terminated at any time during the probationary period and such termination shall not be subject to the grievance procedure. If the

employee successfully completes the probationary period, benefits accrue from the initial date of employment.

### ***PROMOTION***

Whenever possible, efforts will be made to fill staff vacancies by the promotion of individuals already employed at the College. A memo from the Human Resources Department is circulated on and off the campus when there are position openings.

### ***WORK SCHEDULE***

All full-time service employees are scheduled for 40 hours per week, plus one-half hour for lunch. The department head assigns starting time and quitting time, lunch and dinner breaks. Service employees are paid by the hour and are required to record the time when they are ready to begin work, before and after meal periods, and when reporting off duty.

Full-time clerical and secretarial employees work 37 ½ hours per week, scheduled from 8:30 a.m. to 5:00 p.m. with one hour for lunch.

### ***OVERTIME/COMPENSATORY TIME***

Revised 6/5/93

In accordance with the Fair Labor Standards Act, as amended, all non-exempt employees shall be paid overtime for all hours worked in excess of 40 hours in the standard work week. Time and one half will be paid for all hours actually worked in excess of 40 hours in a week. Overtime must be approved in advance by the employee's immediate supervisor.

Employees in the following job classifications are considered non-exempt and subject to overtime pay: General Workers, Service Workers, Service Specialists, Craftpersons, Craft Supervisors, Nurses, Technicians, Receptionists/Clerk/Data Entry, Office Specialists, Secretary/Office Managers and Administrative Assistants.

At the discretion of the supervisors, compensatory time off may be approved instead of authorizing overtime pay provided it is taken in the same pay period in which the overtime hours are worked. Under no circumstances may compensatory time be accumulated past the following pay period.

Exempt employees are not covered by the Fair Labor Standards Act and shall not be entitled to overtime pay or compensatory time. Employees in the following job classifications are considered exempt: Technical Specialists, Technical Analysts, Senior Technical Analysts, Academic Support Specialists, Administrative Staff, Administrators, Managers and Senior Managers.

### ***COFFEE BREAK AND REST PERIODS***

Non-exempt employees may take 15-minute coffee breaks both in the morning and in the afternoon, scheduled at the discretion of the department head.

### ***PAY SCHEDULE***

Hourly employees are paid by check, biweekly, on the Friday following the pay period. If a pay Friday falls on a holiday, paychecks are distributed on the last working day before the pay Friday.

Salaried employees are paid by check the first day of the month. When the first of the month falls on a weekend or a holiday, the checks are issued on the last working day preceding the first of the month.

### ***DIRECT DEPOSITS***

You may authorize the College to directly deposit your paycheck in you personal checking or savings accounts at any bank. Authorization forms are available in the Payroll Office. If you authorize a direct deposit of your earnings, you will receive from the Payroll Department a statement of your earnings and deductions for your information only.

### ***PAY INCREASES***

Revised 1-25-99

Pay Increases are considered annually in the fall by the Board of Trustees. Newly hired employees must have at least six months of service by August 1, in order to be considered for that year's annual pay increments.

### ***GOVERNMENT BONDS***

In cooperation with the U.S. Savings Bond Program, Baldwin-Wallace College makes it possible for you to participate in this program on a payroll deduction basis. You may designate a bond for any standard denomination. A brochure giving details is available in the Payroll Office.

### ***TAXES***

Any question regarding payroll taxes may be directed to the Payroll Office.

### ***TERMINATION PROCEDURES***

If you wish to voluntarily terminate your employment with the College, you may do so by written notification to your supervisor. This notification is to be presented at least two weeks prior to the date of termination.

Upon terminating employment with the College the Payroll Department will withhold your final paycheck until you have turned in all college keys, ID cards and uniforms you may have in your possession to your immediate supervisor.

A termination form is necessary for terminating employment and may be obtained by the department head from the payroll supervisor in the Finance Office.

You will be paid for vacation time accrued up to the last day of work at the College.

### ***DISMISSAL***

Before discharging an employee, the department head will communicate dissatisfactions with the employee. Conferences with new employees are encouraged during the probationary period. If discharge is deemed necessary, the employee must be told the reason.

The following procedures must be followed by the department head prior to a dismissal:

1. The employee must be advised of the deficiencies in at least two conferences. The department head must keep on file written records of the deficiency interviews indicating the time and date such interviews take place.
2. The Vice President in whose area the employee works, must be notified.
3. The Human Resources Department must be advised of the supervisor's intention to discharge the employee.
4. Employees must be given a two-week notice of termination or two weeks pay in lieu of notice except as cited under 'Causes for Immediate Termination'.  
(See below)

Valid reasons for termination may include, but are not limited to:

1. Unsatisfactory job performance
2. Repeated absences without notification
3. Excessive tardiness

4. Failure by hourly paid employees to record their in and out times.
5. Leaving the job without the supervisor's permission
6. Failure to observe College regulations
7. Inability to pass a physical examination
8. Abuse of College sick leave and short-term disability program
9. Repeated use of obscene language
10. Abandonment of job or three consecutive unexcused or unauthorized absences.
11. Sexual Harassment (see Sexual Harassment Policy & Procedure)

Causes for immediate termination (two-week notice not required) include, but are not limited to:

1. Substance abuse or the use, possession, manufacture, or distribution of illegal drugs on College property.
2. Theft or malicious damage to College property or physical abuse to another employee
3. Illegal gambling on College property
4. Insubordination
5. Fighting on College property
6. Sexual harassment (see Sexual Harassment Policy & Procedure)
7. Falsification of employment record

In all cases, a written record of the termination must be made in the employee's human resource file.

## **GRIEVANCE PROCEDURES**

Revised 1-25-99

"Open Door" is defined as your right to discuss, in accordance with the established line of authority within your work organization, a problem, grievance, or action taken against you. Further explanation is given below:

If your problem is related to your work or your supervisor, you should discuss the matter with your immediate supervisor promptly. After the problem has been carefully and thoroughly discussed with your immediate supervisor, if a satisfactory solution has not been reached, you and your supervisor should review the matter with the next level of supervision in an effort to exhaust administrative channels within your department's chain of command.

Arrangements for a meeting with you and the next level of supervision will be made by your immediate supervisor within 2 working days after it has been determined the problem cannot be solved satisfactorily. The appointment with the next level will be held within one week, unless vacations or extreme emergencies interfere.

You should be told the date, time and the name of the person with whom the appointment has been arranged. If an equitable solution cannot be reached at the Vice President's level, you have recourse to the President. An appointment with the President will be made by the Vice President within a 48 hour period. This appointment will be arranged as soon as the schedule of the President will permit. All the facts are to be submitted to the President in writing prior to this meeting. The decision of the President is final in all cases.

Grievances related to Sexual Harassment will be handled by designated faculty and staff sexual harassment officers under the sexual harassment policy and procedures.

The Director of Human Resources may be consulted on any level of a grievance procedure for advice on the application and interpretation of human resource policies.

It is sincerely hoped you will take constructive advantage of this open door procedure.

### ***PERSONAL FILE INFORMATION***

Please notify your immediate supervisor and the Director of Human Resources when there is a change in any of the following:

1. Home Address
2. Telephone Number
3. Marital Status
4. Number of dependents
5. Legal change of name

### ***HEALTH CENTER POLICY FOR CARE OF STAFF AND FACULTY***

First aid and emergency services are available to any staff member for accidents which occur on the College campus during the hours the Health Center is open.

Other services provided by the Health Center include free blood pressure reading, throat cultures and tine test for tuberculosis at a nominal cost and flu vaccine and foreign travel immunizations at the cost of the vaccine.

Emergency care for work related illness care may be offered or referred where appropriate.

### ***ABSENCES FROM WORK BECAUSE OF ILLNESS***

If you are ill and cannot report for work, you should call your supervisor as soon as possible, but not later than one half hour after scheduled starting time. The same procedure is to be followed if you will be late for work. If the illness extends more than two days, your supervisor must be kept informed of your fitness to return to work.

## ***WEATHER CONDITIONS***

Baldwin-Wallace distinguishes between (1) canceling classes and (2) closing offices of the College. On most occasions when severe weather causes a change in our schedule, it requires us only to cancel classes, not to close offices of the College.

### 1.) Canceling Classes:

Since a large number of our students commute to the College, it may become necessary on occasion to cancel classes due to weather conditions. On such days persons who are employed in the administration and staff will continue their responsibilities. The service of some offices are needed more than ever on occasions when classes are canceled, because approximately 1,600 residential students are still on campus. This work, therefore, will continue on those days.

Faculty and students should assume that classes are normally held at the time in which they are regularly scheduled. However, the decision to cancel classes will be made at the earliest feasible time. In terms of weekend classes, whenever possible the decision will be made in the late afternoon or early evening of the preceding day. If cancellation is necessary, Hall Directors and the College telephone operator will be informed as well as the media.

To find out if classes are canceled due to weather conditions, phone the B-W information line at 440-826-2330. The following stations also carry our closings: WBWC-FM 88.3, WWWE-AM 1100, WGAR-FM 99.5, TV-5, and TV-8. Please remember – the public media information refers only to classes being canceled. Members of the administration and staff should still report to work.

If classes are not canceled, students commuting from long distances are urged not to take unnecessary risks at times when road conditions are hazardous. Students who are absent for this reason should inform their professors of the reason for the absence at the next class session.

A faculty member should not cancel classes unilaterally. Many students often make unusual efforts to reach their classes. Every effort, therefore, should be made by the faculty member to use the class time in an educational and valuable manner for the students who are present.

## 2) Closing offices of the College

On rare occasions, weather conditions are severe enough to require offices of the College to be closed. When this is the case, administrative and staff members are not expected to be at work except for those areas where work is required for the safety of individuals or the protection of properties. Your immediate supervisor will inform you by phone or in person when offices of the College are closed. Persons who are asked to work and who are able to work on those days will be given extra compensation or compensatory time.

Your department head may grant you a leave of absence without pay for not more than three months in any 12 month period. You must return to work at the end of the approved leave of absence or obtain approval for an extension from your department head; otherwise your absence may be interpreted that you have resigned your position. Your request for a leave of absence must follow this procedure:

1. Obtain leave of absence form from your supervisor. Fill in the form in its entirety, specifying length of leave.
2. Report to your supervisor every month during leave concerning status of leave.

The premium for fringe benefits during non-medical leave of absence will be paid by the employee, if desired.

### ***EXCUSE FROM WORK***

Permission to leave the job during the regular work day, for any reason, must be approved by your immediate supervisor. Hourly paid employees must record on their time report when they leave and when they return to work.

### ***VOTING***

Since voting hours extend both before and after the normal working hours at Baldwin-Wallace College, employees are not permitted additional time off for voting.

### ***MILITARY LEAVE***

Full-time employees with one or more years of continuous service with the College who are called for active duty in the military service will be paid for all vacation accrued on their last day of work. Upon termination of military duty a former employee is eligible for rehire at a position comparable to the one held prior to departure and at a comparable pay level. Entry into active military service does not constitute a break in service when applied to benefits, providing reemployment is made within 90 days after completion of military service; within 31 days after completion of initial active duty for training of not less than three months.

Employees required to perform two weeks of annual active duty in the armed forces are granted the time in addition to the normal vacation accrued with

reimbursement for any reduction of income suffered, i.e., full pay minus armed forces pay.

### ***BALDWIN-WALLACE IDENTIFICATION CARDS***

An I.D. must be obtained at the time of employment by the College from the Campus I.D. Office. It should be carried at all times and must be presented upon request.

Baldwin-Wallace College has an excellent cultural program, including nationally known speakers, concerts, drama productions, art exhibits and athletic events. Most of these are free to employees, or there is a reduced charge for many on presentation of your college I.D. card.

Employees may make purchases at the College Bookstore at a 10% discount using their I.D. card.

## ***SEXUAL HARASSMENT POLICY***

### **I. Introduction**

Baldwin-Wallace College is committed to providing a professional working and learning environment free from sexual harassment. The College reaffirms the principle that its students, faculty and staff have a right to be free from sexual harassment at Baldwin-Wallace. Sexual harassment is a form of sex discrimination, is illegal, and can result in a civil law suit. Sexual harassment most often exploits a relationship between individuals of unequal power and authority (for example, the relationship between an employee and a supervisor or between a student and a teacher), but may also occur between student peers or employees of similar rank. Sexual harassment may involve the behavior of a person of either gender against a person of the opposite or same gender. Sanctions for sexual harassment range from mandatory education about sexual harassment to dismissal, depending on the seriousness and frequency of the behavior.

## II. Definition

Sexual harassment is unwelcome behavior of a sexual nature that substantially prevents or impairs the full enjoyment of educational or occupational benefits or opportunities. What is often at issue is not sexual attention *per se*, but intimidation, coercion, or abuse of power. Such behavior may be especially harmful in situations where the imposition of unwanted sexual attention is accompanied by the promise of academic or employment rewards or the threat of reprisal.

No matter how carefully worded a definition of sexual harassment might be, unforeseen situations might arise which cannot easily be included in any definition. Thus, sexual harassment is defined to include, but is not limited to, the following:

- Repeated behavior of a sexual nature which has the purpose or effect of substantially interfering with an individual's performance or which creates an hostile, offensive, or intimidating environment.
- Repeated behavior which is appropriate to the academic or employment setting; for example, repeated unwelcome or irrelevant comments, gestures or touching, which may reasonably be perceived as a sexual overture or denigration.

- A request for sexual favors when submission to, or rejection of, such a request might reasonably be viewed as a basis for evaluative decisions affecting an individual's career or educational experience.

It is important to note that Baldwin-Wallace values and protects academic freedom. The College recognizes that vigorous and open discussion of controversial issues can cause discomfort and that vital teaching and learning can itself be the occasion for students and professors to face difficult, awkward or painful matters. Therefore, this policy on sexual harassment is not intended to restrict serious discussions of controversial issues in academic situations.

### **III. Sexual Harassment Complaint Procedures**

The College has designated three types of individuals to be involved in sexual harassment procedures.

**Sexual Harassment Advisors** are faculty and staff who have received special training in responding to victims of sexual harassment. They are trained to act as advisors by providing support for any community member who feels sexually harassed. These persons are available to assist you in getting the appropriate care you need as well as to help you in understanding the reporting procedures. All members of the Counseling and Health Center staffs, area coordinators and hall directors have been trained as sexual harassment advisors. In addition, other faculty and staff persons will be selected and trained as sexual harassment advisors. Their names and numbers will be listed annually in the *Faculty, Administration & Staff Directory* and in the *Student Handbook*. (The first publication of the names and numbers of the Sexual Harassment Advisors will be in the Spring of 1999.)

The **Sexual Harassment Officers** investigate complaints of sexual harassment which have occurred within the Baldwin-Wallace Community.

The **Sexual Harassment Review Committee (SHRC)** are faculty, staff and students who have received training to serve in formal grievance procedures. In addition, the SHRC works with the Sexual Harassment Officers to review the college's policy and procedures related to sexual harassment in an attempt to keep them updated and to monitor their effectiveness.

### **IV. What to Do if You Feel You Are the Victim of Sexual Harassment**

If you feel you have been the victim of sexual harassment, you should report the offense immediately to a Sexual Harassment Officer. If you so desire, you may be accompanied by a member of the Baldwin-Wallace community or a Sexual

Harassment Advisor as a support person. Advisors will be selected and trained in Fall 1998, officially beginning duties in Spring 1999. Baldwin-Wallace has two Interim Sexual Harassment Officers. One Officer is located in Bonds Administration Building (Office 201) and can be reached by phone at (440) 826-2379. The other Officer is located in the Health Center (front desk) and can be reached by phone at (440) 826-2178.

## **V. Faculty and Staff to Report**

Faculty or staff members of Baldwin-Wallace College who feel they are victims of sexual harassment should report to a Sexual Harassment Officer. Additionally, if a student, employee, faculty or staff member complains of sexual harassment, the faculty or staff member to whom such a complaint is conveyed should report that information to a Sexual Harassment Officer. In addition, subject to the above stated definition of unlawful sexual harassment, if a faculty or staff member believes that he or she has observed sexual harassment of a student, employee, faculty or staff member, the faculty or staff member should report that information to a Sexual Harassment Officer. It is the responsibility of the Sexual Harassment Officer to investigate all complaints of sexual harassment.

## **VI. Policy Administration**

### **A. Administration**

In order to address the campus-wide needs for effective implementation of the sexual harassment policy and to provide on-going education for the campus community, the President will appoint two Sexual Harassment Officers who will report to the President. The Officers will coordinate and supervise all efforts related to the investigation and resolution of all sexual harassment cases, including engaging an investigative team if appropriate. If an Officer determines that sufficient evidence is found that sexual harassment has occurred and informal procedures have failed to bring resolution, the case will be brought to the attention of the Sexual Harassment Review Committee (SHRC), who will hear the formal complaint. Lack of consent by the complainant will not necessarily bar the hearing of the complaint. The Officers' duties include the following:

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1. The Officers, who are appointed by the President, will be responsible for campus-wide education regarding the sexual harassment policy; training of the Sexual Harassment Review Committee (SHRC) members, the Sexual Harassment Advisors, and the appellate bodies; and general education regarding sexual harassment issues on campus. This will include a periodic report on the incidence of sexual harassment cases (without names) and their resolutions to be reported to the school community.

2. The Officers will be assisted by a Sexual Harassment Review Committee (SHRC) which will give advice regarding on-going policy issues and consult regarding the execution of policies on sexual harassment as well as serve during formal complaint procedures.
3. The Officers will be responsible for coordinating both informal and formal procedures.
4. The Officers will seek to assure a confidential initial investigation. Should an officer reasonably believe that sexual harassment has occurred, he or she must either attempt to arrange a resolution through informal procedures, or if this attempt fails, ensure that formal procedures are initiated. Lack of consent from the complainant will not necessarily bar the hearing of the complaint.
5. The Officers shall compile a list of Sexual Harassment Advisors who will be trained to assist both the complainants and respondents in sexual harassment cases. The list of advisors shall be published in the *Student Handbook* annually and should reflect the diversity of the campus community.
6. The Officers shall be responsible for all record keeping related to sexual harassment complaints, investigations and outcomes of informal or formal procedures.

## **B. Education**

The sexual harassment policy will be published in the *Student Handbook*, the *Faculty Handbook*, and the *Employee Handbook*. The names of the two Officers will be printed in the *Faculty, Administration & Staff Directory* and the *Student Handbook*. For the purposes of prevention, the Officers will coordinate campus-wide efforts to educate the Baldwin-Wallace community regarding sexual harassment.

(See the Sexual Harassment Procedures Section of this document for additional information.)

## **VII. How to File a Sexual Harassment Complaint**

Any Baldwin-Wallace student, staff, or faculty member having a complaint of sexual harassment (hereafter, the complainant), is encouraged to contact an Officer. The complainant may have the assistance of a Sexual Harassment Advisor who will guide the complainant at all stages of the complaint process. Sexual Harassment Advisors are also available for any person accused of sexual harassment (hereafter, the respondent) to assist the respondent through all stages of the grievance process.

The College will investigate all complaints brought by means of the procedures described below. (Should the Officer be the respondent or the complainant, the college's E.E.O.C. Officer will assume procedural responsibility.)

Withdrawal of a complaint will not necessarily result in the termination of the college investigation into the allegations. Moreover, false, frivolous or malicious charges may result in the College imposing sanctions against the complainant or in charges filed against the complainant by the respondent.

### **A. Confidentiality**

Sexual Harassment complaints will be dealt with according to established procedures; thus, the institution will make every attempt within its control to protect the privacy of both the complainant and the respondent. Parties involved must not engage in public discussion of their cases or they may risk becoming subject to sanctions.

### **B. Initial Investigation**

On receiving a complaint, an Officer will complete a complaint form. The written complaint will be used as the starting point for an Officer or the investigative team, and thus it must provide sufficient information including the names of the complainant and respondent; the date or dates, time or times, duration and nature of the alleged sexual harassment; the place where the alleged sexual harassment occurred; a general outline of the facts and nature of the alleged harassment by the complainant; and names of any witnesses. The complaint must be signed and dated by both the complainant and an Officer. Any person believing to be a victim of sexual harassment is encouraged to file a complaint as soon as possible after the alleged incident(s). Normally, the written charges should be filed within one year of the alleged sexual harassment.

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An Officer will initiate the investigation or engage an investigative team to conduct the investigation promptly upon receiving the complaint. An Officer or the investigative team will conduct the investigation by completing the following procedures:

1. Meet with the complainant to gather additional information.
2. If the complainant is an employee of the institution, the employee's supervisor (unless the supervisor is the respondent) will be notified that an investigation is being conducted. If the complainant is a student, the Dean of Students will be notified.

3. If the respondent is an employee of the institution, the employee's supervisor will be notified prior to the notification of the respondent. If the respondent is a student, the Dean of Students will be notified.
4. Meet with the respondent to notify him or her of the accusation. A copy of the complaint will be given to the respondent. The respondent will be asked if the incident(s) occurred as described.
  - a. If the respondent agrees that the incident(s) occurred:  
The respondent will be asked to give a written statement of what occurred and why it occurred. The statement must be signed and dated. At this point, an Officer will proceed to attempt to resolve the case through informal procedures.
  - b. If the respondent denies that the incident(s) occurred:  
The respondent will be given the opportunity to share his or her explanation with the investigator(s) including why he or she believes the accusation was made. The respondent will be asked to give a signed and dated written statement of his or her version of what occurred. The respondent will be asked to give a list of witnesses to the alleged behavior and to provide any other documents or information that can substantiate his or her account of what occurred.
5. If the respondent denies that the incident occurred, the investigative team will continue the investigation by contacting witnesses, gathering other pertinent data and speaking with both the complainant and respondent as needed.
6. All persons involved in the investigation will be warned about the potentially negative consequences of any behavior that could be interpreted as an act of retaliation or coercion.

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7. Upon completing the investigation, an Officer or the investigative team will complete a written report. If evidence exists that harassment did occur, an Officer will then attempt to resolve the case using the informal procedures. If the investigation is inconclusive or shows that harassment did not occur, an Officer will meet with the complainant and respondent separately in an attempt to bring closure to the case.
8. At the conclusion of the investigation, the complainant and respondent will receive a final report regarding the findings of the investigation.

### **C. Investigation Time Line**

The investigation of all sexual harassment cases should occur in a timely fashion. The college will make every attempt to complete the investigation as promptly as possible. Circumstances may prohibit the investigation from being completed within that time frame. Should there be a delay in the investigation for any reason, all parties will be notified immediately. Minimal departures from the time line or other specified procedures which do not substantially prejudice the case will not be reason for dismissal of the case.

#### **D. Informal Procedure**

An Officer will be in charge of the informal procedure. If the evidence provided through the investigation supports that sexual harassment has occurred, an Officer will develop appropriate sanctions. Agreements made through this procedure will be considered binding, and breaking these agreements can result in the implementation of the formal procedures or in additional sanctioning. Both the complainant and respondent must sign a statement agreeing to the outcome of the informal procedure.

A letter outlining the sanctions of the respondent will be sent to the respondent and placed in his or her employee or student file. It will be the responsibility of an Officer to see that all sanctions are completed by the respondent. Failure to complete sanctions may result in further disciplinary action.

Failure by either party to agree to the outcome of the informal procedure may send the case through the formal procedures.

#### **E. Formal Procedures**

Should an Officer reasonably believe that sexual harassment has occurred, and informal procedures have failed to bring resolution, he or she must ensure that formal procedures are initiated. Formal procedures may be implemented with or without the complainant's consent. An Officer shall make every good faith effort to ensure that some appropriate resolution is reached. (See Appendix 3)

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1. As soon as possible following the completion of the informal procedures, an Officer will contact the Chair of SHRC to request the convening of the formal hearing.
2. The respondent will receive written notification to appear prior to the formal procedure. It is an Officer's responsibility to notify the complainant (if other than the college) and all witnesses five (5) days prior to the formal procedure if they are to appear.
3. An Officer, the appropriate vice-president, or dean shall reserve the right to recommend to the President the suspension of the respondent prior to or during the formal procedure.
4. All parties have the right to have a Sexual Harassment Advisor to accompany them through the formal procedure. Attorneys may observe the procedure

- but may not take part in the proceedings.
5. The formal procedure will be closed to the public.
  6. An Officer will present the case on behalf of the complainant. The SHRC will hear the witnesses and evidence of an Officer (complainant) and the respondent.
  7. An Officer (complainant) and the respondent all have the right to present witnesses to the claimed conduct and provide other forms of pertinent information with respect to the case. Witnesses are not required to be members of the College community. The SHRC reserves the right to limit witnesses who do not have direct knowledge related to the alleged incident(s).
  8. The Chair of the SHRC shall make and keep a record of the entire procedure, by means of audio tape or stenography, which will become part of the confidential record.
  9. The SHRC has the right to question any and all witnesses who appear before it. The SHRC has the right to request witnesses to appear other than those called by an Officer (complainant), or the respondent.
  10. The SHRC shall be responsible for determining whether a preponderance of the evidence supports the allegations against the respondent and, if so, whether such allegations constitute sexual harassment as defined by the B-W policy.
  11. In order to find that a respondent has committed sexual harassment, the decision of the SHRC will be a simple majority.
  12. If the SHRC finds a respondent responsible for sexual harassment, an officer will inform the SHRC prior to sanctioning if the respondent has previously been found responsible for sexual harassment through any other college proceeding.
  13. As soon as possible following the completion of the hearing, the SHRC will notify the respondent, complainant, an Officer and the appropriate vice-president or Dean in writing of its decision and recommendation for sanctioning, if any.

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14. It will be the responsibility of the appropriate vice-president or Dean to enforce the sanctions of the SHRC.

## **F. Sanctions**

When it has been determined that sexual harassment has occurred, appropriate sanctions will be taken. Sanctions may include, but are not limited to, a warning, a reprimand, a recommendation for suspension, or a recommendation for termination of employment or expulsion from Baldwin-Wallace. These sanctions may also include educational sanctions or counseling.

## **G. Protection from Retaliation**

If the complainant or the respondent, or a witness for either party experiences retaliation for bringing the case or for being a party or witness in the case, that person shall inform an Officer. If the initial charge and response have not been heard by the Sexual Harassment Review Committee, an Officer will add the retaliation charge or countercharge to the case already filed. If the initial charge and response have been heard by the Sexual Harassment Review Committee but the procedure has not been completed, an Officer will file the retaliation charge or countercharge as a new case.

## **H. Appeal Process**

1. Either party has the right to appeal the decision of the Sexual Harassment Review Committee on the basis of:
  - a) Significant procedural errors
  - b) Significant newly discovered evidence
  - c) Sanctioning which results in suspension, expulsion or termination of the respondent
2. All appeals shall be directed to the Office of the College E.E.O.C. Officer. An appeal shall be initiated by filing a written letter of appeal. The appeal must clearly state on what basis the appeal is being requested. All appeals must be filed within ten working days after the receipt of the written decision.
3. The E.E.O.C. Officer shall determine if there is a basis for an appeal. If no sufficient basis for appeal exists, the E.E.O.C. Officer will notify the appellant in writing that the appeal has been denied. If the E.E.O.C. Officer determines that a basis for appeal does exist he or she shall refer the case to the proper appellate body.
  - a) In the case of alleged procedural error, the alternate members of the SHRC shall make up the new hearing body.

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- b) In the case of newly discovered evidence, the SHRC will reconvene to review the case and hear the new evidence.
  - c) In the case of appeals related to the suspension, expulsion or termination of the respondent, the case shall be referred to the President for review.
4. If an appeal hearing is granted, the E.E.O.C. Officer shall notify the appellant of the new hearing date.
5. An appeal hearing will follow the same procedures as outlined for the informal hearing process in section VII-E of this document.

## **I. False Charges**

No member of the College community may knowingly falsify a charge or testimony under this policy. A member of the College community who believes that a false charge has been brought against him or her may request a hearing before an Officer or the SHRC. An Officer or the SHRC may levy sanctions should it determine that a false charge has, in fact, been made.

#### **J. Record Keeping**

1. Records of informal and formal procedures: A report of the actions of an Officer or the Sexual Harassment Review Committee on each case, including the action recommended, will be kept on file by an Officer and, in the case of a determination that sexual harassment has occurred, will be placed in the respondent's official personnel or student file.
2. Duties of the Officer regarding record keeping:
  - a) An Officer will be responsible for keeping records of the actions of the SHRC, a record of all incidents, and confidential files on complaints and charges of sexual harassment.
  - b) Records of complaints and charges will show the complaint and the disposition of the complaint, as well as the names of the complainant and respondent.
3. Special access to records and information:
  - a) In cases where charges are filed concurrently or subsequent to the case with outside government enforcement agencies, the Affirmative Action Officer or Title IX Compliance Officer shall be granted access to the applicable confidential files.
  - b) College counsel shall have access to the applicable confidential files in all cases involving litigation or the threat of litigation.

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- c) An Officer will make available to the Promotion and Tenure Committee any history of proven (through either the formal or informal hearing proceedings as described previously in this document) sexual harassment by candidates for promotion and tenure.

### **SEXUAL HARASSMENT APPENDICES**

#### **Appendix 1: Sexual Harassment Advisors**

- a) The role of the Advisor is to advise and assist the complainant or respondent throughout the grievance process. The names of potential advisors will be provided by the Officer at the time of the initial contact. Names will also be posted annually in The College Directory and in the Student Handbook.
- b) The Officers will provide training for the Advisors as appropriate.

### **Appendix 2: Composition of the Sexual Harassment Review Committee (SHRC)**

- a) The Sexual Harassment Review Committee will be composed of 12 persons. Those persons shall include four students, four administrators, four faculty members. Seven members of the SHRC will be selected to serve on each sexual harassment case brought through the formal procedure. Two students, two administrators, two faculty members, and an additional seventh member representing the community of the respondent, (i.e. either a student, administrator or faculty member) shall serve in the formal procedures. All other members of the SHRC will serve as alternates.
- b) Faculty members of the SHRC will be elected by the faculty; administrative members will be appointed by the President; student members will be appointed by the Student Senate. Each committee member will serve a two-year term with terms among members of the same constituency overlapping.
- c) Training of the SHRC will be coordinated by the Officers.
- d) The SHRC will undertake a periodic review of the Sexual Harassment Policy and recommend revisions to the B-W community as necessary.

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### **Appendix 3: Formal Hearing Procedures**

The following shall be the order of procedure for a formal process:

1. SHRC Chair introduces members of the committee and explains the process to all present;
2. Opening statement by an Officer (complainant) and presentation of written complaint;
3. Opening statement of respondent;
4. Witnesses and evidence submitted by an Officer (complainant);
5. Witnesses and evidence submitted by the respondent;
6. Witnesses and evidence requested by the hearing panel;
7. Rebuttal witnesses and evidence submitted by an Officer (complainant);

8. Rebuttal witnesses and evidence submitted by the respondent;
9. Closing statement submitted by an Officer (complainant);
10. Closing statement submitted by the respondent;
11. SHRC meets to review evidence and make a decision and recommended sanction;
12. Recommendations for sanctioning forwarded in writing to appropriate vice-president or Dean;
13. Appropriate vice-president or Dean communicates decision and sanction to respondent, Officer and original complainant(s).

Minimal departures from this procedural outline or other specified procedures which do not substantially prejudice the case will not be reason for dismissal of the case.

Revised 2-9-01

### Amorous and Sexual Relations with Students or Subordinates

#### Faculty

Faculty members exercise power over students or employees, whether in giving them praise or criticism, evaluating them, writing recommendations for their further studies or their future employment, or supervising their work. Because of this imbalance of power, the College will view it as professionally unethical if faculty members (full-time or adjunct) engage in amorous and/or sexual relations with students or employees enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship. Such relationships cannot be condoned at Baldwin-Wallace College.

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#### Administrators and Staff

Revised 2-9-01

Implicit in the idea of professionalism is the recognition by those in positions of authority with others that the issue of power is present. Those with authority must understand that the power entrusted to them can not be abused nor seem to be abused. Therefore, amorous relationships which might be appropriate in other circumstances are contrary to professional conduct when they occur between an administrative or staff member and any student or employee for whom he or she has a professional responsibility. Such relationships undermine the trust that needs to be present in such a working environment.

Therefore, Baldwin-Wallace College requires that administrators and staff refrain from initiating or conducting a consensual amorous relationship with any person over whom they have an evaluative position (i.e., any responsibility to advise, supervise or counsel.)

Any pre-existing relationships that involves any subordinate and administrator or staff person must be revealed by the College employee to his or her supervisor so that he/she will not be placed in direct involvement with an evaluative relationship of any kind with the subordinate.

***TRAVEL AND ENTERTAINMENT POLICY***

Revised 6/5/93

It is College policy to reimburse employees for all necessary traveling and other expenses incurred while engaged in conducting College business.

In applying this policy, it is intended that the accommodations and services used shall be of standard quality that will adequately meet the needs of employees from both the standpoint of comfort and of appropriateness for the effective conduct of business.

The College will not pay unreasonable or excessive charges. It is expected from each individual incurring traveling or entertainment expenses use the same degree of prudence and judgment as would be exercised with reference to any other expenditure of money, whether for College or personal purposes.

Traveling expenses such as meals, taxis and tips should be supported by receipts whenever possible. Receipts for hotels or motels, airline tickets (if not charged), car rentals, and their expenses must be submitted with the Travel And Expense Report. The Purchasing Department requires that an Air Travel Reservation Form be completed prior to the trip giving information on airline tickets and car rentals ordered, approved travel agencies used and the account to be charged when travel invoices are paid. Reservations for all travel, both domestic and foreign, must be made through the Purchasing Department.

Travel advances must be requested a minimum of three days prior to departure. Travel advances are due to the College by the individual until the expense report is submitted after the trip and settlement is made for any differences. Employees will be advised of outstanding delinquent travel advances.

Travel And Expense Reports must be submitted within ten days after returning from a trip. Approval by a Vice President or someone appointed by the Vice President must be acquired before the Travel And Expense Report can be accepted by the Finance Office for settlement.

Air fare will be reimbursed only at the rate for coach travel (not first class) where possible.

When a spouse travels with an employee, the amount reimbursed will be the expenses normally incurred by the employee. Example: single room rates.

The purpose of the business trip must be explained and the place where the individual traveled must be indicated on the Travel and Expense Report.

Entertainment expenses must be fully described as explained below. Any meals for a group which exceed \$25.00 must be supported by a receipt.

The College does not allow flight insurance as a traveling expense since all employees traveling by car or plane for the College are insured for \$50,000. In addition, the credit card carrier and the travel agencies also provide insurance on air travelers who use the College account.

The College will not reimburse any expenditure for alcoholic beverage.

The College policy is not to sponsor credit cards for its employees. The only exceptions are gasoline cards for those using College-owned vehicles for travel, airline credit cards for the President and Vice Presidents, and rental car credit cards for individuals using rented cars frequently.

Each entertainment expense must be itemized on the Travel and Expense Report. Names and titles of persons entertained must be included on the report. An explanation of the business purpose derived by the expenditure must be submitted.

Entertainment expenses not fully supported will not be reimbursed.

College facilities must be used for entertaining guests or group meetings in the Cleveland area. Exceptions to this policy may be made only upon prior approval of the appropriate Vice President.

## ***POLICY FOR USE OF COLLEGE VEHICLES***

Revised 9/93

### **I. WHO MAY DRIVE COLLEGE VEHICLES**

- A. Only designated persons may drive College vehicles.
- B. Supervisors of departments operating College vehicles have the responsibility to select and clear designated drivers. All drivers must be current full-time or part-time employees or full-time students. They must be 18 years-of-age or older and possess a valid driver's license.

All designated drivers and alternate drivers must have a good driving record. Therefore, prospective drivers (including applicants for employment which requires driving a college vehicle) must sign a consent form permitting the college to review their driver's license record.

The supervisor of the department responsible for administering the vehicle must arrange for driving record checks on all prospective drivers. Copies of the current consent form are available in the Purchasing Department. Completed forms should be sent to the Director of Purchasing, who, after the Insurance Company review, will notify the department head of any person(s) who should not be allowed to drive college vehicles. The Purchasing Department will maintain a list of approved drivers, which is sent to the Insurance Company and to those department heads responsible for scheduling College vehicles. The list of drivers should be verified by the department heads, updated with current information (e.g., new driver's license expiration date, deleted drivers, etc.) and if necessary, returned with the corrections.

## II. ALCOHOLIC BEVERAGE CONSUMPTION

- A. Drinking or possession of alcoholic beverages in college vehicles is prohibited.
- B. All designated and alternate drivers are prohibited from driving a college vehicle while under the influence of drugs or alcohol.

## III. SAFETY PROCEDURES

- A. All drivers should review the National Safety Council's defensive driving pamphlet before driving the vehicle. These pamphlets can be found in the glove compartment of each vehicle.
- B. For College motor vehicles other than passenger cars, the College department responsible for the vehicle should ensure that all drivers have prior experience in driving the particular type vehicle. If not, they should be asked to demonstrate proficiency in driving the vehicle before being allowed to take it onto the open road.
- C. All College vehicles used to travel off campus contain a safety kit which includes a fire extinguisher, emergency reflective triangles and flares. Those College vehicles limited to on-campus usage contain fire extinguishers.

#### IV. ACCIDENT PROCEDURES

- A. When a driver is involved in an accident he/she should utilize the orange accident procedure envelope found in the glove compartment of all college vehicles. In the event that the envelope is missing, they should do the following:
1. If any passengers are injured, see that they receive prompt medical attention.
  2. Obtain names and addresses of all involved, including witnesses.
  3. Briefly describe in writing, how, when and where the accident occurred and names of persons involved. Also draw a diagram.
  4. If the accident occurs on campus and/or local emergency forces and/or medical facilities are involved, notify the Campus Safety and Security Office which will investigate and also file a report.
  5. Discuss the accident only with College persons responsible for the vehicle, with the police, Campus Safety and Security and their department head (if other than the one responsible for the vehicle).
  6. Immediately report the accident to the College department head responsible for the vehicle. The department head should then advise the Director of Purchasing (440-826-2444) who will notify the Insurance Company. Copies of all available reports should be promptly forwarded to the Purchasing Department (Room 211, Bonds Administration Building).

#### V. DISCIPLINARY PROCEDURES FOR DRIVERS WITH POOR DRIVING RECORDS

- A. After one incident which the College determines was preventable, the appropriate supervisor will issue a written warning to the driver stating That any future incidents will result in the suspension of College vehicle Driving privileges.
- B. The supervisor will notify and send a copy to the Director of Purchasing of Any resulting suspension of driving privileges.
- C. The Director of Purchasing will then remove the suspended driver from the List of approved drivers and make necessary notification(s).

#### VI. MAINTENANCE AND REPAIR

- A. It is the responsibility of the College department head or primary driver of BWC owned or leased vehicles to contact Buildings and Grounds Department Stockroom Manager (X2236) to arrange any necessary repairs, pre-registration inspections, emissions system inspections and to request and coordinate scheduled appointments for preventive maintenance. Preventive maintenance requirements are:

Fall: Change oil and filter, lubricate, winterize, tune-up and a Safety Check (including tire inspection and rotation).

Spring: Change filter, fine tune-up and a Safety Check

- B. The Stockroom Manger will select vendors to do pre-registration inspections, preventive maintenance and required repairs.
- C. The Stockroom Manager will contact the department head responsible for the vehicles and coordinate the scheduling of pre-registration emission system inspections at the appropriate times.

It is the policy of Baldwin-Wallace College to seek the most qualified persons to fill its teaching, administrative and staff positions. However, effective from the date of this policy, members of the same family may not be appointed to faculty and staff positions in the same department. In addition, no family member may have direct or indirect supervision over the progress, performance, pay or welfare of another and together they may not be involved with matters of financial controls and physical inventories of college properties.

For the purpose of this policy members of the same family include spouses, domestic partners, children, step-children, wards, grandchildren, parents, grandparents, siblings, in-laws, uncles, aunts, nieces, nephews and cousins. When two employees in the same department or in a supervisory relationship get married or become domestic partners, the one with the shorter length of service will be required to transfer, resign or be terminated within thirty (30) days unless the other does so voluntarily.

The Officers Council may grant exceptions to this policy only for temporary appointments up to one year to meet a significant college need.

The TIAA/CREF definition of domestic partner applies to this section. "Domestic partners are adult individuals who are not related by blood; have resided together continuously for at least six months and intend to reside together on a permanent basis; are mutually responsible for their common welfare; and maintain no other domestic partnership or marriage."

There is no charge for parking in any of the College's parking lots. All employees are required to have a parking permit which is issued annually by the Business Office in the Administration Building. Any unregistered vehicles will be ticketed.

1. All faculty members, staff members, and students who operate automobiles on campus must register their vehicles annually, and the vehicle must be identified by a hang-tag issued by the Business Office. Tags must be obtained when one becomes affiliated with the College, when any change of vehicle or license occurs, and whenever a tag becomes illegible.
2. Almost all College parking lots have areas designated for faculty and staff members.
3. There is to be no double parking, parking in driveways, at entrances, on crosswalks or curb lawns.
4. Motorcycles are to be parked only in the parking lots. Fire regulations prohibit their being parked near buildings (on sidewalks, under porticos, etc.)
5. All vehicles illegally parked will be towed at the owner's expense.
6. Parking penalties will be levied on violators.
7. Parking fines are payable at the Cashier's Office in the Administration Building within one week.

I. The policies of Baldwin-Wallace College concerning Acquired Immune Deficiency Syndrome (AIDS) are designed to be sensitive to the privacy, to the opportunity to be employed and to acquire an education. They also must accommodate the right of others to be free from unwarranted risk of exposure to a potentially fatal disease. The overriding consideration will be the protection of all members of the College community.

II. These policies are based on three assumptions:

A. We assume that the information about AIDS published by the Center for Disease Control reflects the best and most accurate of current medical knowledge. If that is so, then the establishment of policies and guidelines based on that information is reasonable.

(According to the Centers for Disease Control, the virus that causes AIDS can be transmitted through sexual contact, the invasion of the contaminated blood or blood products into body tissue, or from mother to unborn child. While the virus has been isolated from bodily fluids including blood, semen, saliva, urine and breast milk, current epidemiologic evidence has implicated only blood and semen in the transmission of the disease. No evidence supports a case for AIDS being transmitted by casual contact, by objects handled by people with AIDS, through the air, or from contaminated environmental surfaces.)

B. We consider individuals infected with the AIDS virus to include those people diagnosed by a physician as having AIDS, those people diagnosed by a physician as having other illnesses due to infection with the AIDS virus or who test positive for the antibody.

C. We assume that these policies will be reviewed and revised periodically to reflect current medical information concerning the disease.

III. With these assumptions in mind, the College ad hoc committee on AIDS recommends that the following policies apply to decisions relating to AIDS that will be made at Baldwin-Wallace College.

- A. Testing for AIDS antibody will not be a precursor to admission or employment at Baldwin-Wallace College.
- B. At this time, there is no reason for mandatory testing of students or employees for the AIDS antibody.
- C. AIDS will be treated like any other serious communicable disease. It is the position of the College that there presently is no known reason to exclude AIDS victims from academic, social, cultural, housing, or employment activities on campus as long as that individual behaves in a responsible manner in light of his or her medical condition. (Broadly speaking, "responsible behavior" means that the individual must demonstrate that he/she has received medical and psychological counseling about the disease and how to prevent its transmission to others. The individual also must learn how to manage the condition and must take appropriate precautions for the protection of others). As with other serious communicable diseases, each case will be monitored and evaluated on an individual basis. If the appropriate authorities believe that an individual with AIDS is not practicing responsible behavior, the authorities reserve the right to remove the individual from College environment in order to protect all members of the College community.
- D. Medical records of students and employees are confidential. Under normal circumstances and in the absence of legislation to the contrary, no specific information concerning complaints or diagnosis will be provided without the expressed written permission of the patient. Exceptions may be made in three instances:
  - 1. The College recognizes its obligation to report diagnosed and verified cases of AIDS to the appropriate disease control centers and will do so.
  - 2. If a person with AIDS is not exercising responsible behavior (as described in #3) that individual's condition should be reported to the appropriate College authorities. Such reporting is necessary in order to fulfill the goal of protecting all members of the College community.

3. College authorities reserve the right to share the information concerning a patient's diagnosis of AIDS with involved people who need to know, such as a potential roommate or a lab instructor.
- E. Safety recommendations by the Center for Disease Control and Ohio Department of Health should be adopted as appropriate precautions in laboratory, food service and cleaning situations.
- F. The best response of a College to this epidemic is education. Baldwin-Wallace will actively share information on this disease, the resources available to deal with it, and related issues with members of the faculty, administration, staff and student body. Such a program should help prevent the spread of AIDS and lessen anxiety concerning it within the campus community. This program will be ongoing.
- G. Due to the fact that medical information regarding AIDS is continually changing and being amended, it should be understood that it is the intention of Baldwin-Wallace College to adhere to guidelines as periodically issued by the U.S. Public Health Service.
- H. This policy is subject to change at any time.

### ***POLICY STATEMENT ON A DRUG-FREE WORK PLACE***

Baldwin-Wallace College is committed to maintaining a drug-free work place in compliance with applicable laws. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in an on College owned or controlled property. The use of alcohol while on College

owned or controlled premises is prohibited except when and where specifically authorized by the College. Employees are expected not to be under the influence of alcohol or illegal drugs when they report to work. Violation of this policy may result in the imposition of employment discipline as defined for specific employee categories by existing College policies, statutes, rules, regulations and employment contracts or mandatory evaluation/treatment for substance use disorders.

In compliance with federal law, an employee of the College is expected to notify his/her supervisor if he or she is convicted of a criminal drug offense involving the work place within 5 days of conviction. In the event any such conviction involves an employee working on a federal contract or grant, the College will notify the contracting or granting federal agency within 10 days of receiving notice of a conviction.

The illegal use of controlled substances can seriously injure the health of employees, adversely impair the performance of their responsibilities, and endanger the safety and well-being of fellow employees, students and members of the general public. Therefore, the College urges employees engaged in the illegal use of controlled substances to seek professional advice and treatment.

Baldwin-Wallace will continue its efforts to maintain a drug-free environment by adhering to the above policy and by providing ongoing drug awareness programs.

***FRINGE BENEFITS***

Revised 4/1/02

Full-time employees (those hired on a full-time basis and working continuously a minimum of 1,500 hours during a calendar year or teaching a minimum of 21-24 Semester credit hours (depending on the number of preparations) during a calendar year (including summer months) are eligible for full fringe benefits. Employees who are hired on a part-time basis and work a minimum of 1,500

hours during a calendar year or teach a minimum of 21-24 Semester credit hours (depending on the number of preparations) during a calendar year including summer months may apply for health, life or disability insurance after one year of service provided they are not covered for such benefits by other employers. Fringe benefits granted to such qualified part-time employees are subject to annual review. They will be terminated for those who are not actively on the payroll and for those who do not maintain the required workload from year to year.

Part-time employees have special eligibility requirements for retirement and tuition remission benefits which are more fully explained under their specific headings.

***Fringe benefits available for Baldwin-Wallace employees include:***

- Health Insurance
  - SuperMed Plus
  - Kaiser Added Choice
  - COBRA benefits
- Retirement Plan
  - Tax deferred annuity plan
  - Supplemental retirement annuity plan
- Life & Accidental Death and Dismemberment Insurance
- Paid Sick Leave
- Pregnancy Leave
- Parental Leave
- Adoption Leave
- Disability Insurance
- Tuition Benefits
- Educational Assistance
- Paid Holidays
- Paid Vacation
- Faculty/Staff Housing
- Courtesy Fund

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- Leave for Death in Family
- Jury Duty
- FICA (Social Security)
- Mortgage Loan Fund
- Workers Compensation
- Other Benefits

All full-time employees are eligible to participate in either SuperMed Plus, or Kaiser Added Choice Plan carried by the College. Both single and family coverage are available. Each individual is required to contribute a share of premium costs based on job category, the level of coverage and the premium share schedule for the current year. An employee who elects the Kaiser Plan pays the premium cost difference between the SuperMed Plus and the Kaiser plans, if any, in addition to the related premium share.

Effective July 1, 1998, eligibility for health coverage extends to employees' qualified domestic partners and dependent children of domestic partners. A written status declaration for this coverage is required. See definition of Domestic Partner on Page 32.

Employees are eligible to enroll in either one of the health insurance plans effective on the date of hire.

Details on the health insurance plans carried by the College are available at the Office of Human Resources and may be picked up when applying for these benefits at the time of employment.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees who lose health coverage because of termination or a reduction in the number of hours of employment or employee dependents who lose coverage because of death of the employee, divorce, legal separation or because of the 23 year age limitation for dependent children, to continue their coverage ranging from 18 to 36 months provided:

1. They exercise their option for continual coverage within 60 days after the date of loss coverage;
2. They pay the applicable monthly premium plus a 2% administrative charge on a timely basis;
3. The employee or dependent does not qualify for coverage under another group health plan or Medicare; and
4. The College continues to offer the health plan in which the employee or dependent was enrolled.

It is your responsibility to inform your spouse and children of their COBRA rights under the law and to inform the College in writing when a member of your family becomes eligible for COBRA benefits.

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### ***UNINSURED MEDICAL REIMBURSEMENT ACCOUNT***

Full-time employees may participate in a Medical Reimbursement Account Plan sponsored by the College. This benefit program allows you to pay for health care expenses not covered by the College's medical plans, using pre-tax dollars. You can set up this "account" with "pre-tax" dollars through payroll reductions and use the money you set aside to reimburse yourself for expenses not covered by the College medical plans such as:

Deductibles

Co-payments  
Vision care  
Routine physical examinations

This account cannot be used for non-prescription drugs and supplies.

You will save the federal and state income taxes and Social Security tax on the amount of your reimbursement.

Full-time employees are eligible to participate as of the first of January following their date of employment. December is the enrollment period. Annual enrollment is required. You may deposit up to \$5,000 per calendar or plan year in your Medical Reimbursement Account.

The Internal Revenue Service has set certain rules and regulations which must be carefully considered before enrolling in a Medical Reimbursement Plan.

1. You cannot change your deposit amount during the plan year, unless justified by a change in your family status.
2. Medical expenses reimbursed through your Medical Reimbursement Account cannot be taken as federal income tax deductions.
3. Any amount left over in your account after all QUALIFIED claims have been processed at the end of the plan year will be FORFEITED.

### ***DEPENDENT CARE REIMBURSEMENT ACCOUNT***

The College operates a Dependent Care Reimbursement Plan to provide its full-time employees the option of electing to reduce their taxable earnings by the amount of their payments in qualified dependent care expenses.

You may set up a “dependent care reimbursement account” with “pre-tax” dollars through payroll reductions and use the money you set aside to reimburse yourself for dependent care expenses.

Full-time employees are eligible to participate as of the first of January following their date of employment. December is the enrollment period. Annual enrollment is required. You may deposit up to \$5,000 per calendar or plan year in your Dependent Care Reimbursement Account.

They must be for children under 13 or for dependent adults living with you. The day care must be necessary to enable you (and your spouse, if applicable) to work. Reimbursements can include amounts paid to day care centers, nursery schools, or sitters who are not your own dependents.

The Internal Revenue Service has set certain rules and regulations which must be carefully considered before enrolling in a dependent care reimbursement plan:

1. You cannot change your deposit amount during the plan year unless justified by a change in your family status.
2. Expenses reimbursed through your dependent care reimbursement account cannot be taken as federal income tax credits.
3. Any amount left over in your account after all QUALIFIED expenses have been claimed at the end of the plan year will be FORFEITED.

### ***LEAVE FOR DEATH IN FAMILY***

A maximum three days leave of absence with pay may be granted in the case of death in the immediate family (father, mother, sister, brother, grandparents, wife, husband, children, in-laws) of full-time employees. Part-time employees are not paid for days off because of death in the family.

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### ***TIAA/CREF RETIREMENT***

Revised 11/12/99

The TIAA/CREF retirement plan is available to all eligible employees. Both the College and the individual employee contribute to this plan. Contributions by participants are either deducted from the employee's monthly or bi-weekly salary after taxes or, if elected by the participant, may be made on a tax-deferred basis which is explained under the heading Tax Deferred Annuity.

Effective March 1, 1996 all eligible employees may begin participation on a voluntary basis on or after the first day of the month after the completion of one year of service at the College.

Contributions to the plan for all eligible employees are as follows:

	<u>Percent of Regular Salary*</u>		
	<u>By Participant</u>	<u>By B-W</u>	<u>Total</u>
On salary within Social Security earnings base	3%	7%	10%
On Salary above Social Security base	5%	10%	15%

\*Regular salary is defined as only contract or base salary for full-time employees. Regular salary for part-time faculty members means only 18 teaching Semester credits multiplied by the individual's lecture rate; and regular salary for part-time administrative and staff members means only 1,000 hours multiplied by the hourly rate of pay.

### **Eligibility**

A Part-time faculty member who has taught a minimum total of eighteen (18) semester credit hours during a calendar year including summer months is eligible for the TIAA/CREF retirement plan. An administrative or staff member who has worked a minimum total of 1,000 hours during a calendar year is eligible for the TIAA/CREF retirement plan. If an employee does not complete the required hours of service by the first anniversary date of employment, the hours completed do not count towards establishing a year of service.

## **Hours of Service**

For purposes of this plan, an 'hour of service' is defined as each hour (1) for which an eligible employee is paid or entitled to payment by the College, provided that no additional hours of service shall be credited as a result of an award of back pay, if the employee has already received credit for those hours; and (2) for which an eligible employee is paid or entitled to payment for reasons other than for the performance of duties during the applicable period, due to vacation, holiday, illness, incapacity (including disability), jury duty, military duty or leave of absence, and excluding any such hours for which payment is made or due under a plan maintained solely for the purpose of complying with workers' compensation, unemployment compensation or disability insurance laws.

In no event, however, will an 'hour of service' include hours for which an eligible employee is paid or entitled to payment for reasons other than the performance of duties in excess of 501 of such hours in a continuous period of such hours or in excess of the regularly scheduled hours for the performance of duties for such a period of time. Hours of service other than those credited for performance of duties, shall be determined on the basis below:

- A) If the payment for a period of time not involving performance of duties is made for a specific unit of time, the number of hours regularly scheduled for performance of duties for such unit of time. If a specific number of hours is not regularly scheduled for specific units of time for an employee, the determination will be based on 40 hours per week as applied to such unit of time; or,
- B) If the payment for a period of time not involving performance of duties is determined on a basis other than a specific unit of time, by dividing the payment by the eligible employee's most recent hourly rate of compensation.

## **Break in Service**

An employee may experience a 'break in service' if, after participation in the plan begins, the hours of service required for eligibility are not maintained on a continuous year by year basis. A 'break in service' will result in a suspension of participation in the plan. The suspension of participation will begin in the calendar year immediately following the year in which the 'break in service' occurs and will continue until a new eligibility has been established over at least a twelve (12) month period.

## **Tax-Deferred Annuity**

As an employee of Baldwin-Wallace College, a non-profit organization tax exempt under Section 501(C) (3) of the Internal Revenue Code, you may arrange with the College to divert a portion of your salary before taxes to purchase retirement annuity benefits in accordance with tax-deferral provisions in Sections 403(b) and 415 of the Code and related Treasury Regulations. This “salary reduction option” is the method used by many educators for payment of regular employee contributions to the institution’s retirement plan. It can also be an advantageous way to set aside extra funds for the future, over and above those accumulating under a retirement plan.

To invest in a tax-deferred or (“tax sheltered”) annuity, you and your employer enter a written agreement under which you authorize a reduction in salary in order to release funds for your employer to pay as premiums on an annuity contract that is fully vested in you. Within the limits prescribed by law, such premiums are not taxed to you currently; rather, they and their earnings will be taxed when you receive them as benefits. When you receive the benefits in the form of annuity income during your retirement years, you are likely to be in a lower tax bracket. But the tax advantage of the salary reduction method as a means of saving for the future does not depend on a lower tax bracket during the retirement years.

In contrast to after-tax savings methods, the money you do not pay out in current taxes goes into your annuity contract and accumulates with investment earnings.

For example:

Assume you are in a 28% tax bracket and can get along with \$1,000 of take home pay, after taxes. You can either pay your tax currently on this \$1,400 of salary, which leaves \$1,000 for savings, or you can take a salary reduction of \$1,400 and channel the full \$1,400 into a tax-deferred annuity. Either way, you have \$1,000 less to spend currently, but the salary reduction method puts about \$400 more each year into your retirement savings. Because of the earnings on money you do not pay to the government and the resulting build-up of funds you would not otherwise have, the salary reduction approach is likely to work to your advantage even if you are not in a lower tax bracket when benefits are received.

## **Non-Discrimination Rules**

Baldwin-Wallace reserves the right to protect the tax exempt status of this retirement plan. Therefore, any amount of excessive contributions made by the College to persons classified as "highly compensated" which jeopardize the tax exempt status of this plan under the nondiscrimination rules of federal laws, maybe withdrawn from the individual contracts of such "highly compensated" persons and distributed to them as taxable income.

***LIFE INSURANCE PLAN***

Revised 7/1/98

All full-time employees up through age 69 are eligible for \$50,000 of group term life and \$50,000 of Accidental Death and Dismemberment (AD&D) insurance benefits. The amount of life insurance is reduced after age 69. The College pays the cost of this insurance program.

Employees are eligible to enroll in the life and AD&D insurance plan on the first of the month after the date of employment or promotion as a full-time employee.

Details of the insurance coverage may be found in the pamphlet entitled "Your Group Life and Accidental Death & Dismemberment Plan" which is distributed at the Office of Human Resources at the time of employment.

A. All full-time and part-time faculty and staff (including Hall Directors, Graduate and Residence Assistants), their spouses or domestic partners and their legally dependent children through age 25 are eligible for 95 percent of tuition remission benefits for academic courses taken at Baldwin-Wallace College under certain limitations and conditions.

B. Limitations and Conditions

1. The benefit for full-time employees shall begin from the first day of employment.
2. Part-time employees shall receive during any current academic year a prorated benefit earned after completing at least six months of service through December 31<sup>st</sup> of the previous calendar year based on the number of credit hours taught or the number of hours worked through the end of the previous calendar year. The proration shall be one credit hour of tuition benefit for each credit hour taught or a calculated number of benefit credit hours based on the number of hours worked through the end of the previous calendar year divided by 2080 and multiplied by 30. Part-time employees using graduate course tuition benefits or tuition benefits for a domestic partner or children of a domestic partner must be receiving pay from the College when the benefit is used, as these benefits are taxable income and subject to withholding tax.
3. Unused benefit credits earned by active part-time employees may be accumulated for a maximum of two years.
4. The employee and spouse or domestic partner are eligible for both undergraduate and graduate courses; legally dependent children through age 25 are eligible for undergraduate courses only.
5. Under current federal law, tuition benefits used for graduate courses and tuition benefits used by domestic partners or the children of the domestic partner are taxable to the employee.
6. A maximum of two individuals in a family will be allowed to receive tuition benefits at the same time.
7. Employees are required to schedule their courses so as not to conflict with their work schedule.

8. The legally dependent children through age 25 of retired employees who die while working full-time for the College will receive the same tuition benefit as the dependents of full-time employees provided the same is done within 10 years after the date of separation.
9. Full-time employees who are hired on or before the dated change of this policy and leave the College IN GOOD STANDING (at an age below 55) with 20 or more years of continuous service are GRANDFATHERED to use this benefit for undergraduate courses for their legally dependent children under age 25 under the same limitations and conditions as full-time employees provided the same is done within 10 years after the date of separation.
10. These tuition benefits are not available for non-credit special programs offered by the College such as private piano lessons and seminars on training and development. For credit programs which require additional cost from the College for student participation, such as Study Abroad Opportunities and The Exploration Series, students using tuition remission to participate in such programs must pay the additional cost from their own resources.
11. Unless separated by death, retirement or separated in Good Standing after 20 or more years of service as a GRANDFATHERED full-time employee, tuition benefits terminate on the date of termination or at the end of the current term for any student actually enrolled.
12. This Tuition Remission Program is a fringe benefit for the regular employees of Baldwin-Wallace College, their spouses or domestic partners and dependent children. Student employees, whether on work study or otherwise employed do not earn tuition benefits because of their hours of work as student employees.
13. Admission to Baldwin-Wallace College is a condition for use of tuition benefits.
14. The President's Council may make exceptions to this policy based on circumstances unforeseen.

1. Employees who wish to apply for this benefit must complete an

electronic application available at [www.bw.edu/finaid](http://www.bw.edu/finaid). Click on the “Forms” link and follow the instructions.

2. Once the employee has submitted the form, it is electronically transmitted to the Office of Human Resources for confirmation of eligibility.
3. The approved application will then be forwarded to the Office of Financial Aid for credit to recipient’s account.
4. After December 31, each year, the Department of Human Resources will receive year-end information on total hours taught or worked by part-time employees as follows:
  - a. Adjunct Faculty from the Dean’s Office
  - b. Part-time Staff from the Payroll Office
  - c. Part-time Coaches from the Athletic Director
5. Questions of admissibility to the College should be directed to Dean of Admissions and Financial Aid.
6. Questions of eligibility for this benefit should be directed to the Director of Human Resources.

### **Definition**

The College will use the TIAA/CREF definition of domestic partner as follows: “Domestic partners are adult individuals who are not related by blood; have resided together continuously for at least six months and intend to reside together on a permanent basis; are mutually responsible for their common welfare; and maintain no other domestic partnership or marriage.”

***PAID VACATION***

Revised 3/8/01

Only full-time non-academic employees (minimum 1,500 hours per year) are eligible for paid vacation.

Vacation is earned each pay period from date of hire. Full credit is given to individuals who work at least half of the pay period. Vacation time does not accrue while an individual is on sick leave, parental leave, or short-term disability.

The anniversary date of full-time service is the point at which you begin to earn a new level of vacation days.

The following is a schedule of the maximum vacation time granted for General Workers, Service Workers, Service Specialists, Craft Persons, Craft Supervisors, Nurses, Technicians, Receptionists/Clerks/Data Entry, Office Specialists, Secretary/Office Managers and Administrative Assistants.

<u>Years of Service</u>	<u>Maximum Vacation Days</u>
1-5	10
6	11
7	12
8	13
9	14
10	15
11	16
12	17
13	18
14	19
15 and over	20

Technical Specialists, Academic Support Specialists, Administrative Staff, Administrators, Managers and Senior Managers earn 2 days for each month actually worked up to a maximum of 20 working days beginning from their first year of service.

Earned vacation may be taken at anytime with the approval of the Supervisor. Unused vacation time may be accumulated from year to year until the annual maximum has been reached based on years of service or category.

The employee is paid for vacation days at normal or average week's pay. For example, a paid vacation day for an employee whose normal work day is six hours will be for six hours.

Employees may NOT receive pay in lieu of vacation.

Individual supervisors are responsible for arranging vacation schedules for their departments and will honor the employee's request when possible.

Unused vacation days may accumulate only to the employee's annual maximum.

***PAID HOLIDAYS***

New Year's Day  
Dr. Martin Luther King, Jr. Memorial Holiday  
Good Friday  
Memorial Day  
Fourth of July  
Labor Day

Thanksgiving Day and also the following day  
Christmas Day  
Other days off granted by the officers of the College

An employee must work on his/her regularly scheduled day of work before and after a holiday in order to be paid for the holiday unless a doctor's excuse is presented showing that the individual was ill.

### ***PAID SICK LEAVE***

Full-time employees earn one day of sick leave for each calendar month worked. Full credit for a partial month worked is given to individuals who actually work at least half of the month. Sick time does not accrue during sick leave or short term disability; except that sick time is accrued during vacation. Sick time may be accumulated up to a maximum total of 60 days.

Sick time may be used for any illness and may also be used during times of pregnancy which require time off from work. The length of time off due to pregnancy is determined by the employee's physician. Payment during this time will be covered by the Paid Sick Leave Policy and then by the Short Term Disability Policy.

Sick time may also be used to care for the illness of the employee's spouse, child, parent, or significant other for whom the employee has primary care responsibility.

The College, through your supervisor, reserves the right to request proof of illness from a physician in case where you are personally absent due to illness or where you request to use your sick time because of the illness of your spouse, child, parent or significant other.

## **SHORT TERM DISABILITY INSURANCE**

Revised 3/1/02

Full-time employees with a minimum of six (6) months of continuous service who get ill after they have used up their accumulated sick time or get ill before accumulating any sick time, may file a claim for short-term disability at 80% of pay. Short-term disability coverage will start on the sixth scheduled work day of continuous absence due to illness, or on the day after accumulated sick leave is used up, whichever is later.

The claim form for short-term disability must be approved by the department supervisor, attached to a physician statement (on physician's letterhead) indicating the physician's recommended number of days off work and submitted to the Payroll Department. Each claim for short-term disability is limited to the number of days off recommended by the physician. Short-term disability may be allowed up to a maximum of six months of continuous illness, including sick time paid for the same illness. For payment of loss time due to on-the-job injury, see WORKERS' COMPENSATION.

### NOTE:

In order to ensure a safe working environment for any employee the College may, under special circumstances, require the employee to obtain a physician's statement certifying whether or not the demands of the employee's job function and work environment would endanger the health and safety of the employee during the period of illness.

### Parental Leave

Parental leave is herein defined as optional time off work that may be taken after a physician has determined that a mother is medically able to return to work (end of Sick Leave or Short Term Disability); or in the case of a father, optional time off work taken to attend to a member of his immediate family for pregnancy related causes. Parental Leave time may be taken up to 3 months. During this time, the College will pay 50% of the employee's salary through the first 6 weeks of use. After that time, an additional 6 weeks of time off work may be added without pay or the employee, with supervisor approval, may work part-time receiving part-time payment for hours worked.

### Adoption Leave

Adoption leave is herein defined as optional time that may be taken by an adoptive parent to welcome a new child into the home. The leave applies in the case of adoptive children who are not yet old enough to attend first grade in school. The first 6 weeks of adoption leave are paid at the same rate (50%) as Parental Leave. An additional 6 weeks may also be taken without pay or at part-time pay for part-time hours worked.

#### **Eligibility**

Eligibility for both parental and adoption leave requires at least two years of full-time service. An employee may not assume any other employment while taking parental or adoption leave.

The College will guarantee continued employment in an equivalent position for absence due to sick leave, short term disability, parental or adoption leave up to a maximum of six (6) months.

#### ***FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)***

In accordance with the Family and Medical Leave act of 1993 (FMLA), effective August 5, 1993 all employees who have worked at least 1,250 hours in the previous 12 months will be granted up to a combined total of 12 weeks of unpaid FMLA leave in a calendar year for one or more of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. The care for the employee's spouse, child, parent, or significant other for whom the employee has primary care responsibility, with a serious health condition.
3. For a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or college's option, certain kinds of paid leave may be substituted for unpaid leave. A "serious health condition" is defined in the FMLA legislation as a health condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

In determining the time available to an individual for Family and Medical Leave, within a calendar year, time already used under the following existing policies will be automatically deducted from the 12 week period:

1. Sick time
2. Short-term disability
3. Parental or Adoption Leave
4. Time-off due to work-related injuries

Any accumulated vacation and remaining sick time must then be applied to Family and Medical Leave. The remainder of the 12 weeks will be granted on an unpaid basis.

The employee ordinarily must provide 30 days advance notice when the leave is foreseeable.

The College may require medical certification to support a request for leave because of serious health condition and may require second or third opinions (at the College expense) and a fitness for duty report to return to work.

Any employee eligible for health insurance will not lose coverage because of Family and Medical Leave; employees not eligible for health insurance will also not gain coverage because of Family and Medical Leave. As a condition of coverage, employees with health insurance must continue to make their matching contributions while on Family and Medical Leave, the same as other active employees. Non-contributory life insurance and long-term disability insurance will be continued by the College. If active employees are required to contribute to the cost of any benefit programs, employees on Family and Medical Leave will also be required to make their contributions during Family and Medical Leave. No retirement contributions to TIAA/CREF will be made where the employee does not have sufficient earnings on payroll to make the required matching contribution.

After a Family and Medical Leave, an employee returning to work is guaranteed an equivalent job but not necessarily the same position held prior to the leave.

Application for Family and Medical Leave must originate through the immediate supervisor. The Human Resources Office will supply the appropriate form.

### ***LONG TERM DISABILITY INSURANCE***

Available for all full-time employees, this plan insures payment of 60% of earnings prior to disability up to a maximum of \$4,500 per month and also pays the base monthly retirement premiums for the length of the disability, up to retirement age. The College pays the cost of this insurance program.

Coverage begins on the first of the month after the date of employment or promotion as a full-time employee. Benefits which become effective after six (6) months of total disability are determined by medical reports and are intended to supplement Social Security disability income.

### ***JURY DUTY***

A full-time employee called for jury duty or subpoenaed as a witness is paid at the regular wage rate for his/her normal work schedule. Attendance in court for jury duty or as a witness is not charged against vacation or sick leave.

### ***FACULTY/STAFF HOUSING***

Revised 7/30/93

Baldwin-Wallace College owns a limited number of residential properties which provide rental housing for faculty and staff members. Some of these are single homes and others are apartments. The rental housing is maintained for the primary purpose of providing transitional housing for persons who are new to the B-W faculty or administration. College rental housing is not intended for long term residence.

Rental Applicant Categories in order of priority are:

- I. New full-time members of the faculty and administration moving to Berea from other locales. NOTE: All applicants remaining in this category on April 1<sup>st</sup> of the year following employment will be placed in Priority II.
- II. Current full-time members of the faculty and administration
- III. Other full-time staff

Within each priority group, applications will be considered in the order received. Rental property that becomes available on and after April 1<sup>st</sup> is held until September 1<sup>st</sup> for Priority I applicants. Apply in writing to the Director of Purchasing.

Initial leases may be up to three years. Renewal is not encouraged. One year renewals are possible only if the College does not expect to need the unit for new members of the faculty and administration. All leases terminate if the individual leaves College employment, at the end of the month in which employment terminates.

Rent is paid through automatic payroll deduction.

Make requests for repairs, including emergencies, to the Director of Buildings and Grounds.

### ***COURTESY FUND POLICY***

The College maintains a courtesy fund, which is administered through the Chaplain's Office, for the purpose of providing flowers from the College faculty and staff for employees or members of their immediate families, i.e. spouse or child, in the event of hospitalization (including births) or of a death in the family.

In the event that a family requests charitable contributions in lieu of flowers for a death, contributions of \$20.00 will be made to a Baldwin-Wallace College fund, such as scholarships or library.

Please call the Chaplain's Office, X2175, concerning illness or a death of a fellow employee or family member.

### ***FICA (SOCIAL SECURITY)***

The College participates in the Federal Social Security retirement, Medicare and Disability programs (FICA) for all employees. The cost is shared equally by the College and the employee based on the prevailing contribution rate established by law.

### ***WORKERS' COMPENSATION***

Revised 6/5/93

The College is self-insured within the guidelines established and maintained by the Bureau of Workers' Compensation covering medical costs, lost time and disability resulting from injuries received while on the job. All reports of on-the-job injuries and related workers' compensation claims are to be filed for payment through the Director of Human Resources, Baldwin-Wallace College, 275 Eastland Road, Room 213, Bonds Administration Building, Berea, Ohio 44017.

### ***EDUCATIONAL ASSISTANCE***

The College will pay 50% of the tuition involved in all graduate work being undertaken by full-time administrative staff leading to an approved degree beyond the Master's degree up to a maximum of \$1,000 per program.

### ***OTHER BENEFITS***

Food Service employees are provided meals, specified at time of employment. Required uniforms will be furnished.

## **SMOKING POLICY**

Effective 1/1/90

### Background and Purpose

The U.S. Surgeon General has named smoking "Public Health Enemy #1" in light of its role as the leading cause of premature death and disability in our country. Research has shown that non-smokers with chronic heart or lung disease can experience severe distress when exposed to sufficient concentrations of second hand smoke. Many allergic individuals and even the majority of healthy non-smokers report discomfort when exposed to second hand smoke on the job. Furthermore, recent medical studies indicate that long-term exposure to involuntary smoking may increase non-smokers' risks of developing severe lung disease.

In response to these hazards, governmental units as well as public and private institutions have initiated ordinances or guidelines that regulate smoking. As an institution of higher learning, Baldwin-Wallace College perceives that it has special obligations to be a leader in this area.

Baldwin-Wallace College is dedicated to providing a healthy, comfortable and productive environment in which to study and work. This goal can be achieved only through ongoing efforts of all members of the campus community. As a follow-up to an all-campus survey, the College has adopted the following policy: Effective January 1, 1990, smoking is prohibited throughout campus buildings except in designated smoking areas identified by "Smoking Permitted" signs.

While the College is sensitive to the needs of its community members who smoke, it also is aware of the rights of non-smokers. The underlying assumption is that the College intends to move as deliberately as possible toward a smoke-free environment. For instance, if the faculty and staff members in any building unanimously vote that building "smoke-free", it will thereafter remain smoke-free.

### Designation of "Smoking Permitted" Areas

In the meantime, "Smoking Permitted" areas will be designated only on request. Locations which may be considered for designation as "Smoking Permitted" include areas which are not used by non-smokers as well as up to one-fourth of the seating in the dining areas. Individual residence hall rooms and private offices may be designated "Smoking Permitted" or "No Smoking" by the occupant(s). However, the occupant should refrain from smoking in his or her office when a non-smoker visitor is present.

Smoking will not be permitted in the following locations:

- Any area in which a fire or safety hazard exists, including college-owned vehicles.
- Common areas, including elevators, stairwells, lobbies, gymnasiums, waiting rooms, copier rooms, computer rooms, mail rooms, auditoriums, reception areas and rest rooms.
- Areas in which smokers and non-smokers work together.
- Classrooms, laboratories and conference rooms.
- Buildings with shared air ventilation systems.

All requests for an area to be designated as a "Smoking Permitted" area will be made to the Vice President having major responsibility for the area. These requests will then be forwarded to the Smoking Policy Task Force for their decision. Any appeal of a decision made by the Task Force may be taken to the Office of the President.

### Enforcement

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All students and employees share in the responsibility of adhering to and enforcing the policy. Any conflicts should be brought to the attention of the appropriate supervisory personnel and, if necessary referred to the Office of the President for a final decision. In all cases the right of a non-smoker to protect his or her health and comfort will take precedence over a smoker's desire to smoke.

### Assistance for Smokers

If you are a smoker and would like to receive assistance to quit smoking, please call 440-826-2178 for information concerning available programs and materials.

The new smoking policy, which takes effect January 1, 1990, will substantially limit smoking on our campus. Smoking will be permitted in areas identified by "Smoking Permitted" signs and in individual offices in non-shared air ventilation systems.

For employees hired before January 1, 1990, smoking also will be permitted in individual offices in shared air ventilation buildings if the person in that office

purchases at his/her expense an air filtration system that meets the following specifications:

- The purifier must have HEPA (high-efficiency particulate-arresting) filters made of densely packed fibers and pleated to increase their surface area.
- The purifier must filter at least 325 cubic feet of air per minute
- The purifier must be in close proximity to the source of smoke.

We realize that this is not an inexpensive system, but we do believe that it provides an option for some of our staff members. The requirements are the result of meetings with a consulting engineer. The intent of the policy remains to provide a healthy environment for our students and employees as well as to place Baldwin-Wallace on the path to becoming eventually a smoke-free campus.

Our Purchasing Office is willing to help individuals obtain the best possible price on a system that meets these specifications.

### Statement of Policy

The health and safety of the employees of Baldwin-Wallace College are of the utmost importance and concern. It is, therefore, the policy of the College to strive constantly for the highest possible level of safety in all activities and operations, and to carry out our commitment of compliance with all health and safety laws applicable to our operations enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The College will make every effort to provide working conditions that are as healthy and safe as feasible, and employees are expected to be equally conscientious about work-place safety, including proper work methods, reporting potential hazards and abating known hazards. Unsafe work conditions in any work area that might result in an accident should be reported immediately to a supervisor. The College's safety rules or regulations will be strictly enforced against employees found to be willfully negligent in the safe performance of their jobs in accordance with disciplinary procedures found on page 8 of the Employee Handbook.

### Reporting Injuries

When an employee is injured in connection with employment, regardless of severity of the injury, the employee must immediately notify the supervisor. The supervisor will promptly assist the employee in getting the necessary medical attention and complete the required reports giving full details of the injury and witnesses thereto. The originals of all injury reports must be promptly forwarded to the Human Resources Department. The Human Resources Department will initiate the proper claims with the Bureau of Workers' Compensation for payment of medical and other benefits provided by law and based on the severity of the injury.

Reports of all non-work related injuries of students and visitors must be promptly forwarded by the supervisor of the area involved to the Director of Purchasing for the proper notice to the College insurance carriers.

### General Safety Rules

The following general safety rules will apply in all College work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- A. No employee will be assigned to work under known unsafe conditions or with tools or equipment known to be unsafe. In the event that such a condition develops, it will be immediately reported to the supervisor, who will determine and initiate corrective action if necessary.
- B. Employees will pay strict attention to their work. Inappropriate or unsafe conduct on the job will not be tolerated. The wearing of sound producing equipment which interfere with proper hearing while working in traffic areas will not be permitted.
- C. Warning signs and signals posted to point out dangerous conditions are to be obeyed by employees.
- D. Employees will not take shortcuts in or through dangerous places.
- E. Extreme caution will be exercised by employees operating any type of power equipment.
- F. Employees will not jump from truck beds, platforms, fences, or other elevated places unless absolutely necessary to the performance of duty.
- G. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards and hard hats, if required or appropriate to the work performed.
- H. Employees will avoid wearing inappropriate clothing and jewelry that will create unsafe conditions while working on or near equipment and machines.
- I. Operators and passengers in college vehicles equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles will observe all local traffic laws.

### General Safety Precautions

Listed below are some common accidents and their causes. Each employee, supervisor, or other involved persons should survey the work area and work procedures frequently to eliminate these and any other unsafe conditions:

- A. Falls: slippery surfaces, uneven walkways, broken or missing railing on steps or landings.
- B. Strains: improper lifting techniques
- C. Falling or Moving Objects: improper storage of equipment.
- D. Bumping Into Dangerous Objects: drawers left open, and improper disposal or storage of equipment.
- E. Electrical Shock: worn out equipment, plugs, cords, or ungrounded equipment.
- F. Vehicles: seat belts not used, excessive speed, backing, brakes, signals, not driving according to adverse road and weather condition, etc.
- G. Chemical Injury: improper knowledge of safety procedures, or personal protective equipment not used.

### Policy Administration

The Human Resources Department will coordinate and administer these policies. All questions concerning the procedure for the payment of Workers' Compensation benefits are to be directed to the Office of Human Resources.

Baldwin-Wallace College seeks to comply with the regulations of the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) concerning bloodborne pathogens.

Due to the risk of occupational exposure to blood or other potentially infectious material, any new employee or employee transferring into a job area considered "at risk" for exposure to bloodborne pathogens, is offered vaccination with Hepatitis B vaccine at no charge. Other employees whose job might place them "at risk" will be offered the Hepatitis B vaccine, at no charge, after an exposure incident has occurred. Education is provided concerning Occupational Exposure to Hepatitis B and HIV on an initial and on-going basis to all employees and student workers considered "at risk". "At risk" employees includes but may not be limited to: Athletic trainers, Health Center staff, Custodial staff, Residence Life staff, Safety & Security, Lifeguards and Intramural facilitators.

Procedure:

1. The Department Head, Manager or Supervisor is responsible for:
  - a. Notifying the employee of the Occupational Exposure to Hepatitis B and HIV policy and procedure.
  - b. Scheduling an appointment at the Health Center for any new employee to view a film on Occupational Exposure to Hepatitis B and HIV. (After education has been provided, the employee will be given the opportunity to ask questions and must then sign the appropriate Consent/Refusal form).
2. The Health Center Staff is responsible for:
  - a. Scheduling the employee for education concerning Occupational Exposure to Hepatitis B and HIV, as soon as possible/feasible.
  - b. Answering questions, as necessary, concerning occupational exposure.
  - c. Witnessing the Consent/Refusal form.
  - d. Administering the Hepatitis B Vaccine according to established protocols.

- e. Record keeping concerning education provided and vaccine status for all employees.
- f. Providing on-going, annual education for all employees and student workers considered “at risk”.

### ***RETIREES AND SURVIVORS GROUP HEALTH INSURANCE***

The College maintains Retirees Group under its Blue Cross/Blue Shield Comprehensive Major Medical and Kaiser Programs. A retiree and dependents may enroll in Retiree Group provided the college is reimbursed for the full cost of premiums paid. The College remits directly to Blue Cross or Kaiser the premiums required to maintain the groups’ coverage and seeks reimbursement from each subscriber through convenient monthly or quarterly billings. A retiree group enjoys the same level of benefits as the related group for active employees; it is also subject to the same changes in coverage and rate increases.

Surviving enrolled dependents of a retiree or of an active employee may continue their enrollment by paying the premiums, for as long as they meet the eligibility requirements specified in the plan’s handbook. Those requirements presently contain an age limit for children.

If retirees or dependents are eligible for Medicare, their coverage under the retirees groups will be supplemental to Medicare or Medifil. Retirees previously covered under the Super Blue Select, Option II may enroll in Blue Cross Comprehensive Major Medical Retiree Group. There is no retiree group under the Super Blue Select Program.

The definition of a retiree under the Health Care Retiree Group Program is one who is at least 55 years old with at least 5 years of continuous service at the time of separation from the College and whose stated reason for leaving is retirement.

### ***AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)***

Baldwin~Wallace College does not discriminate in the interview, hiring or promotion of individuals on the basis of disability. The College is committed to

compliance with the American With Disabilities Act of 1990 and its related Section 504 of the Rehabilitation Act of 1973. It shall endeavor to provide reasonable accommodations requested by all employees with documented disabilities who are otherwise able to perform the essential functions of their jobs.

The Office of Disability Services For Employees in the Bonds Administration Building shall work with all employees and their supervisors in determining the most effective accommodations that can be reasonably provided on an individual basis. It shall maintain records of such requests and accommodations in a confidential manner.

***POLICY ON THE USE OF INFORMATION TECHNOLOGIES*** Effective 02/06/01

***STATEMENTS OF GENERAL POLICY***

Baldwin-Wallace College provides access to information technologies for the private, non-commercial educational, research, cultural, and recreational uses of its students, faculty, and staff. These same facilities are also used by the College in support of its business functions. Limited access to some of these facilities is also extended, through the World-Wide Web, to people outside the college community to the extent that they can exchange e-mail with and view Web pages posted by members of the B-W community.

When a conflict arises between these multiple uses, it must be realized that supporting the continued operation of the college in its primary mission, education, must come first. Thus, for a general-use facility, course-related work is first priority, followed by research and general productivity work, and then by cultural or recreational use. Therefore, for example, recreational users of the Internet may be required to relinquish computer stations in a lab to students needing those facilities for assignments or research.

Baldwin-Wallace College also believes that it is a primary function of colleges and universities to foster the free investigation and discussion of ideas. Electronic media are rapidly assuming an important role in this endeavor, along with the traditional print and broadcast media. The same policies and protections that have governed these established media should be extended as naturally as possible to their new companions.

In meeting these goals, Baldwin-Wallace will restrict, control, and edit the content of electronic media as little as is consistent with all state and local laws and college policies.

Opinions expressed by members of the B-W community in electronic form shall not be assumed to be those of the institution, and responsibility for them lies with the originator.

### ***PRIVACY OF ELECTRONIC COMMUNICATIONS AND DATA***

Person-to-person communications, such as e-mail, are considered to be as private as phone conversations. Upload and download of information shall be given the same level of privacy. Neither the college nor its employees will attempt to monitor, read, or distribute the contents of such communications except when required to do so by law or a legal process served upon the college, or in extraordinary circumstances to protect the health and well-being of members of the community or the property of the College.

The contents of an individual's computer files are to be accorded the same confidentiality as the corresponding non-electronic material in college-owned storage facilities. Thus, a student's computer files should be considered the same as a resident student's papers in the student's dorm room. A faculty member's electronic gradebooks are to be considered as confidential as traditional paper gradebooks stored in the faculty member's office desk.

However, users of Information Technology must realize that the College's employees may occasionally see the contents of e-mail or stored files in the process of maintaining the computer system. For example, a technician may be required to look at the contents of damaged files in the process of recovering data.

Users should also realize that data stored on the drives of public machines or in public areas of shared network drives or servers cannot be protected.

### ***ACCESS TO OFF-CAMPUS INFORMATION***

The College believes that the scholarly examination of ideas requires access to a very broad body of information and ideas. Any attempt to limit the availability of information to members of the B-W community must be undertaken only with good reason and the widest possible support. Therefore, unless there is a compelling financial reason or community feeling against doing so, the College

will provide complete access to the facilities of the Internet, the World-Wide Web, electronic newsgroups, and other electronic media.

It is realized that one aspect of the nature of these new media is that they are largely uncontrolled. The information found on the Web, for example, is not usually refereed, checked, or censored. The members of the B-W community will need to practice their evaluation skills to choose what is good from the information found there. Developing these skills has always been an important part of the educational process.

Members of the B-W community must also realize the nature of some electronic media (a Web site, for instance) is essentially public and that the audience for their electronic communications may well extend beyond the academic community, and they must keep this in mind when regulating the content of their communications.

### ***CONTENT OF PUBLICLY-AVAILABLE MATERIAL (I.E. WEB PAGES)***

Baldwin-Wallace will monitor the official B-W Home Pages and not the pages of individual students, faculty, or staff. The content of materials posted on electronic facilities at B-W is, therefore, the responsibility of the person posting them, not of the College.

It should be remembered that some speech (e.g. obscenity, libel) is NOT protected by the First Amendment and that some uses of information (e.g. plagiarism) and some Web activities (e.g. spamming, posting extremely high-activity pages) degrade the performance of the entire system, thus conflicting with the purpose of the facilities. Infractions of the law will be reported to the appropriate authorities, and activities that interfere with the mission of the school may result in reduced access to the facilities.

At the end of each faculty, staff, and student home page will appear the following disclaimer:

*“The contents of this page are the responsibility of the author and do not necessarily reflect the policies of Baldwin-Wallace College.”*

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### ***COMMERCIAL USE OF THE FACILITIES***

The facilities of the College are not to be used for the direct benefit of non-college organizations or businesses without the express written permission of an officer of the college. This includes the outside business interests of students, staff, and faculty. The Web pages of community members may not offer items or services for sale, nor may a community member send e-mail from B-W doing so, unless all profits from the sale go to a College-sponsored organization.

## ***MISUSE OF THE FACILITIES***

Members of the B-W community are expected to refrain from activities which will unduly reduce the ability of other members to make use of the shared electronic facilities. Such activities include, for example:

- Attempting to crash the computers and/or local or public electronic networks
- Using the facilities to break the law, including (for example):
  - violating intellectual property rights or violating the terms of contracts or licenses between B-W and the providers of our IT systems
  - harassing or threatening other people
  - disseminating obscene material
- Attempting to and/or gaining access to the e-mail or other private information of others
- Destruction, damage, or theft of equipment, software, or data belonging to the College
- Sending large amounts of repetitive or unsolicited e-mail (spamming)
- Attempting to break into facilities or files which the member is not authorized to use
- Giving unauthorized persons access to B-W facilities by divulging passwords

Such misuse can be expected to lead to restriction of the user's access to the facilities.

## ***DISCIPLINARY PROCEDURES***

Suspected misuse of the facilities should be reported to the office of the Director of Information Technology, who will make a preliminary inquiry to determine if there seems to be a violation of policy or law. Except in extraordinary circumstances, the situation will be discussed with the person suspected to have caused the violation, to see if a resolution can be made. If not, the matter will be turned over to the appropriate college or public authority.

If the misuse seems to involve violations of local, state, or federal law, the appropriate authorities will be informed. If the problem is a violation of college policy or if misuse of the system is reducing the effectiveness of the facilities, the problem will be handled by the appropriate college entity, as determined by the nature of the violation and whether the alleged violator is a student, faculty member, or staff member. For specific details of the judicial review and grievance procedures applicable in their cases, students should refer to the Student Handbook, faculty members should refer to the Faculty Handbook, and staff to the Employee Handbook.

If, through this process, it is determined that an actual infraction occurred and that the offender's access to one or more services is to be curtailed, arrangements will be made for limited, monitored access if it can be shown that such access is needed for a required course or to accomplish an employee's job functions.

Access to electronic facilities may be restricted or denied pending the outcome of the inquiry if, in unusual circumstances, it is believed to be vital to the well being of the institution or the B-W community. In such cases, limited, monitored access will be provided to those facilities needed for college-related activities such as classes or B-W employment.

### ***E-MAIL POLICY***

Effective 2/6/01

All students, faculty, and staff of Baldwin-Wallace, both full and part time, have the right to obtain an account for e-mail and accessing the campus network and the Internet.

All students, both graduate and undergraduate, will be given an account at the start of their attendance at B-W. A student account will remain active until the student graduates or does not enroll for two consecutive semesters (not including

summers). A student account will be terminated after the 10<sup>th</sup> day of the second consecutive semester during which the student does not attend Baldwin-Wallace.

Staff and faculty may have e-mail and network accounts while employed at Baldwin-Wallace. Accounts will be created upon request of the employee and will be closed within 30 days after termination or retirement unless a request was submitted to and approved by the Director of Information Technology to change the status of the account to a Guest Account.

Guests of B-W including faculty, staff, or students from other universities may have permission to use the Internet, campus network, or be given a B-W e-mail account. This account is obtained by completing a Guest Account Request Form (available on the web at <http://www.bw.edu/forms/it/emailrequest.html>) and having it approved and signed by a department head and the Director of Information Technology. All requests must include a start and end date and can be granted for a period of up to one year. Guest Accounts may be extended by request of the department head and approval of the Director of Information Technology.

The responsibilities of network access reflect both the College culture and legal obligations of the College as a service provider in the Internet community. The Acceptable Use Policy (available at [www.bw.edu/policies/it/acceptableuse.html](http://www.bw.edu/policies/it/acceptableuse.html)) describes the responsibilities of e-mail and network account holders. Acceptance of the Acceptable Use Policy is required for activation of such accounts and takes place during the initial login session.

**Note:** E-mail files are backed up as part of the normal backup procedure of the Information Technology Department. .

Baldwin-Wallace College  
Employee Handbook