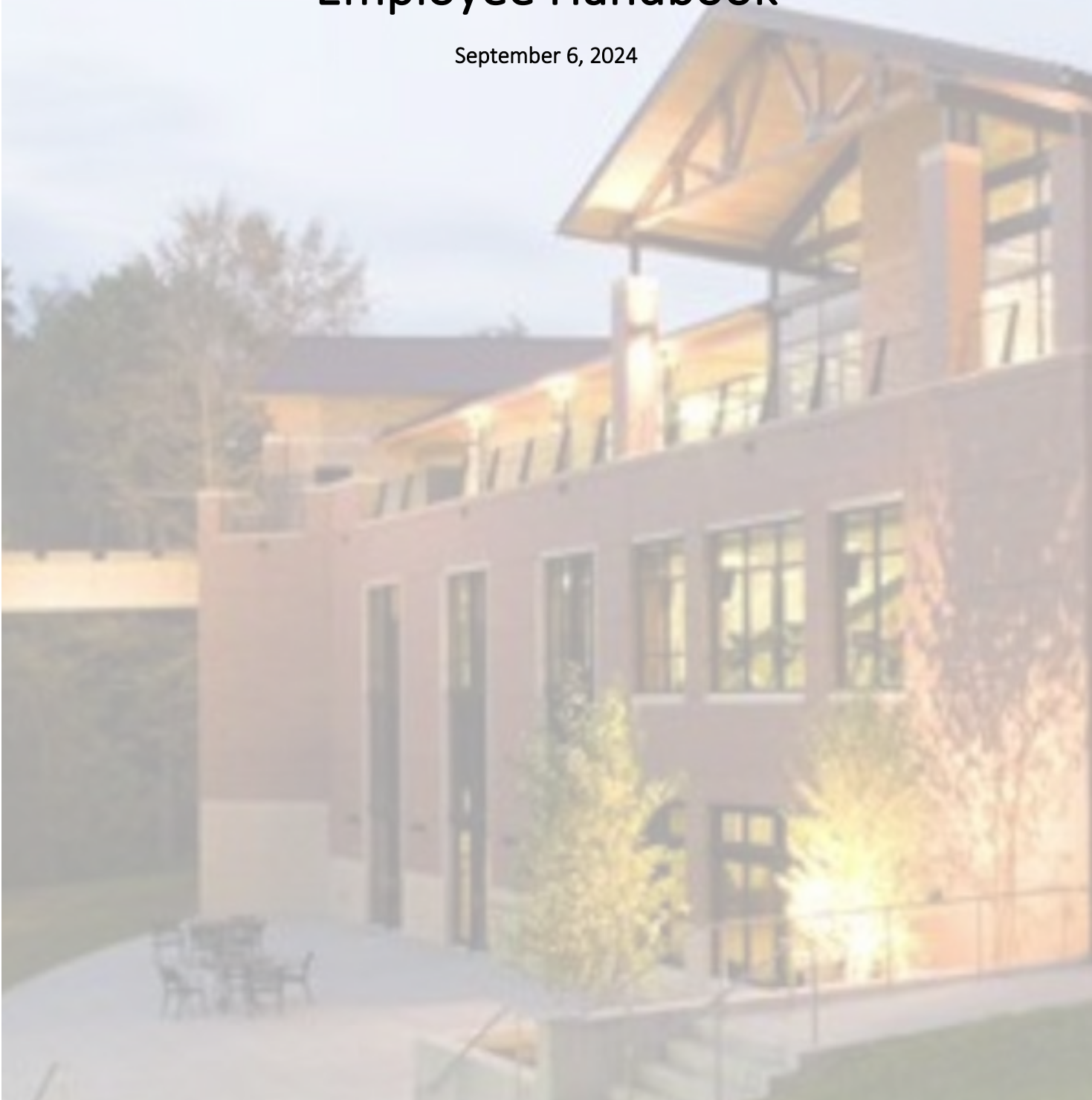


MUSKINGUM  
UNIVERSITY

# Employee Handbook

September 6, 2024



## ACKNOWLEDGMENT OF RECEIPT

My signature below acknowledges that I have received a copy of the Muskingum University Employee Handbook. I understand that it is my responsibility to read the Handbook, as it contains applicable University policies, rules, and guidelines.

I understand that, except for certain faculty members and administrators with written employment contracts, employment with the University is terminable "at-will." Therefore, I may terminate my employment at any time and for any reason. Likewise, the University has the right to terminate my employment at any time and for any lawful reason, at its sole discretion, with or without cause, and with or without prior notice. I further understand that no employee of the University, except its President, may vary an employee's at-will employment status by express or implicit statements, promises, a course of conduct, or otherwise, and that if the President varies an at-will employee's status, they may do so only through a signed writing.

Further, I understand that the policies and rules described in the Employee Handbook are subject to change from time to time. I understand the Handbook is not intended to be, nor should it be regarded as an employment contract or a commitment to employment for any particular duration. I recognize that the University may add to, delete from, or revise any policy in the Employee Handbook, and that it has the right to interpret policies as it deems appropriate. In a continuing effort to keep Muskingum University employees informed of the latest University policies, an up-to-date version of the Employee Handbook is listed at [www.muskingum.edu/human-resources/policies](http://www.muskingum.edu/human-resources/policies).

I understand the provisions of the Employee Handbook supersede any other written or unwritten policies, practices, or representations regarding at-will employees. By signing below, I authorize the University to deduct or withhold from my final paycheck any amounts owed to it by me for failure to return University property (i.e., tools, equipment, uniforms, keys, monetary advances, etc.) or any failure to satisfy any of my financial obligations to the University incurred prior to issuance of such final paycheck.

**Employee's Printed Name:** \_\_\_\_\_

**Employee's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

To be retained in the employee's personnel file.

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## **WELCOME TO MUSKINGUM UNIVERSITY...A MESSAGE FROM OUR PRESIDENT**



Welcome to employment at Muskingum. It is my hope you will find your employment here to be a pleasant experience as we work together to strengthen Muskingum's already fine reputation as an outstanding educational institution. The University mission statement appears below. It behooves each of us to bear in mind that the reason for the University's existence and, hence, our positions here it is to educate students; they are our "customers." The mission statement should serve all of us as a reminder of our mutual objective.

### **The University's Mission Statement**

The mission of the Muskingum University is to offer quality academic programs in the liberal arts and sciences in the setting of a residential, coeducational, church-related university and in the context of a caring community where individual fulfillment is encouraged and human dignity is respected. Its primary purpose is to develop--intellectually, spiritually, socially, and physically--whole persons, by fostering critical thinking, positive action, ethical sensitivity, and spiritual growth, so that they may lead vocationally productive, personally satisfying, and socially responsible lives.

As Muskingum's President, I look forward to working with you in making this University the best learning institution possible.

## INTRODUCTION

The University's community is composed of employees, students, alumni, visitors, and area residents. This Handbook addresses matters concerning the University's employees. Generally, the University's employees fall into four groups: Faculty, Administrators, Administrators with Faculty Status, and Support Staff. Within those broad categories, a number of other designations exist.

Some of the University's policies are designation-specific, while others are general. Unless otherwise noted, the general policies apply to all University employees. Faculty members have a number of classification-specific policies that are set forth in the University's Faculty Handbook. If a faculty-specific policy is inconsistent with the University's general policy on the same subject, the University will attempt to reconcile the policies. If the policies cannot be reconciled, the faculty-specific policy will supersede the inconsistent provisions of the general policy.

While the University provides this Employee Handbook as a reference to information and a guide for the conduct of its employees, no single document can cover every circumstance that might arise in the employment context. This Handbook is not to be construed as a contract of employment under any specific terms or for any specific duration. The University has the right to change its policies at any time without prior notice. Additionally, the University reserves the right to interpret its policies in accordance with current law and as may be appropriate to a given set of circumstances. While the University will try to keep employees aware of policy changes, the employee must assume the responsibility of keeping up to date by periodically reviewing the most recent version of the University's employment policies, as indicated on its website.

If an employee has a question about the University's policy on any subject, they should consult the [Employee Relations Specialist assigned to their division](#), the Senior Leadership Team member over the employee's position, or the Assistant Vice President for Human Relations & Risk Management.

### **Accreditation**

Muskingum has been continually accredited by the North Central Association of Colleges and Schools since 1919 and by numerous other accrediting bodies. We strive to maintain such accreditations through excellence in our programs, facilities, and services to students. When accrediting agency on-site reviews are pending, additional or re-prioritized work may be required. The employee's full cooperation is expected.

## **Section I. BASIC EMPLOYMENT INFORMATION**

### ***A. Performing Work for the University***

The relationship of any person who performs work for the University must be determined prior to the individual beginning any work. Based on the expectations and the terms of the work, the individual may be identified as (1) an employee by following the hiring processes in this Employee Handbook; (2) a volunteer who may need to be registered for volunteer service; or (3) an independent contractor who should be referred to the Business Office for



appropriate payment. Questions regarding an individual's relationship to the University should be directed to the Human Resources Office.

## **B. *Employment at Will***

Unless otherwise expressly provided in an appropriate writing signed by the President, every employee is an employee-at-will. Although the University contemplates that its employees will have a continuing opportunity for work, employment-at-will means that employment may be terminated at any time, with or without cause, and with or without prior notice by either the University or the employee.

Faculty should refer to the Faculty Handbook.

## **C. *Employment Designations***

This policy establishes the various designations by which employees will be identified. These designations are essential in determining which Human Resources policies apply to which personnel, to ensure compliance with federal, state, and local statutes and regulations, and to facilitate an efficient budgeting system.

As part of the position approval process, every position must contain one designation from each of the sections contained in this policy. *The appropriate designations will be indicated on each job description, as signed by the employee upon hire and upon subsequent modification.*

### **1. Classifications**

**Faculty** are individuals hired through the Provost's Office or the Office of Graduate and Continuing Studies and whose primary responsibilities are teaching, advising, scholarship, and service. Faculty ranks, rights, and responsibilities are explained in the Faculty Handbook.

- Faculty members who are assigned to perform administrative tasks are classified as "Faculty" for their primary position. These faculty members will maintain the rights and responsibilities associated with their faculty rank. In exchange for performing administrative responsibilities, Faculty may receive a reduction in teaching and/or a stipend at the discretion of the Provost or Associate Vice President for Graduate and Continuing Studies and with the approval of the President. At the conclusion of the appointment to perform administrative tasks, the faculty member will no longer receive a reduction in teaching and/or a stipend.

**Administrators** are individuals whose primary job responsibilities include implementing, coordinating, directing, or managing educational programs or operational units within the institution.

**Administrators with Faculty Status** are hired to perform administrative responsibilities primarily and may be awarded Faculty Status either by virtue of their position, as set forth in the Faculty Handbook, or in recognition of the employee's

corresponding professional credentials and experience, which will be determined on a case-by-case basis at the discretion of the Provost or Associate Vice President for Graduate and Continuing Studies and subject to the President's approval. An Administrator with Faculty Status holds a faculty rank, is entitled to attend Faculty Meetings, and may exercise voting rights as set forth in the Faculty Handbook. Otherwise, Administrators with Faculty Status will follow all general employee policies. Teaching and other faculty responsibilities may be included or added as the responsibility of an Administrator with Faculty Status.

**Support Staff** are individuals who provide clerical or support assistance, such as administrative assistants, University Police Officers, and personnel who perform technical work in a non-exempt position in the physical plant department, such as skilled trades, grounds crew, and custodial staff.

**Adjunct Lecturers** ("Adjuncts") are individuals who are hired through the Provost's Office or the Office of Graduate and Continuing Studies to teach on an as-needed basis during an established academic term.

## 2. FLSA Status

For each employment position, the University follows the Fair Labor Standards Act ("FLSA") in determining whether the primary job responsibilities render the position exempt or non-exempt from overtime pay requirements.

**Exempt** positions are not eligible for and do not receive overtime compensation for any work performed in excess of 40 hours per week. Faculty and coaches are exempt under the FLSA. All other positions are evaluated on a case-by-case basis by the Human Resources Office to determine FLSA status.

**Non-exempt** positions are entitled to overtime compensation, calculated at one and one-half (1½) times the employee's regular hourly rate, for all hours worked beyond 40 in a work week.

## 3. Term of Service

The responsibilities of some positions may be completed in less than 12 months. Selecting an appropriate term of service and establishing the intended schedule for the position should be based on the operational needs of the hiring department.

Compensation will be determined based on the length of the term of service and will be disbursed over a 12-month period, unless designated as a paid-to-term position. Positions that are eligible for benefits do not lose eligibility or coverage if the term of service is at least 9 months.

- The term of service for Faculty is 9 months. Faculty should refer to the Faculty Handbook.

- The term of service for Adjuncts who teach undergraduate classes will be either fall or spring semester.
- For Administrators, Administrators with Faculty Status, and Support Staff, the hiring supervisor must request a 9, 10, 11, or 12-month term of service. Although 9, 10, and 11-month positions may follow the academic calendar, the weeks that an employee is not required to work should be established based on the operational needs of the department and the expectations of the position.

#### 4. Schedule

Each position will be designated as full-time or part-time.

##### Faculty positions

- **Full-time** Faculty teach or perform other responsibilities equivalent to at least 12 credit hours per semester.
- **Part-time** faculty members teach and perform other responsibilities equivalent to less than 12 credit hours per semester.

##### Administrators, Administrators with Faculty Status, and Support Staff

- **Full-time** Administrators, Administrators with Faculty Status, and Support Staff work at least 40 hours per week, excluding lunch and other breaks, during their designated term of service. An employee's appointment letter will include the expected number weekly work hours. Support staff who work more than 40 hours per week must be compensated in compliance with FLSA regulations.
- **Part-time** Administrators, Administrators with Faculty Status, and Support Staff are those who are regularly scheduled to work less than 40 hours per week, excluding lunch and other breaks, during their designated term of service.

The Human Resources Office will calculate the Full-Time Equivalency ("FTE") rate for each Administrator, Administrator with Faculty Status, and Support Staff position. The FTE rate is the percentage of work time a position requires each week. A position's FTE is calculated by dividing the expected work hours by 40. For example, a position that requires 40 hours of work per week is a 1.0 FTE, while a position requiring 30 hours per week is a .75 FTE.

#### 5. Benefit Eligibility

Full-time Faculty are eligible to participate in University-sponsored benefit programs.

Administrators, Administrators with Faculty Status, and Support Staff with a 9-, 10-, 11-, or 12-month term of service and who are scheduled to regularly work at least 30 hours per week are eligible to participate in the University-sponsored benefit programs.

#### 6. Permanency

Faculty positions may be designated as tenure (continuous), non-tenure (probationary), or limited period (temporary). These terms are defined in the Faculty Handbook.

#### Administrators, Administrators with Faculty Status, and Support Staff

- A **regular** position is one that has no established end date. Regular employment continues until there is a separation from employment. Designating a position as “regular” does not create a right to employment. Unless the University President has executed a contract for employment, all University employees are employed at-will.
- A **temporary** position may be used to accomplish a specific job or project or for a finite period of time as established in the letter of appointment. Most temporary positions last less than 1 year with no expectation that the position will continue after that time.
- An **interim** position may be used as a transition during a vacancy in a regular position. Typically, an interim position is expected to be filled on a regular basis at a future time.
- An **on-call** or **as-needed** position performs work only when notified by the University to do so, which may be as needed by day, week, month, or academic term, depending on the University’s needs. Adjuncts are considered on-call or as-needed employees.

### 7. Compensation

Employees who are paid a **salary** receive the same amount of base pay per pay period regardless of how many hours have been worked.

Employees who are paid **hourly** earn a wage at an established hourly rate only for the time that they work, and for any approved time off under the University’s leave policies.

### 8. Paid Leave

The University offers a paid leave program to employees. Faculty follow the academic calendar for purposes of paid leave. Leave time for Faculty is managed by the Provost’s Office and the Office of Graduate & Continuing Studies, as appropriate, in compliance with the Faculty Handbook.

Unless otherwise indicated in their job description, Administrators, Administrators with Faculty Status, and Support Staff will follow the leave policies in this Employee Handbook. Each leave policy will specify the position designations to which it applies, which means that employees and supervisors are responsible to know position designations to use or approve leave requests appropriately.

## **Section II. TIME MANAGEMENT AND COMPENSATION**

### **A. *Work Hours***

The University's normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Except for Physical Plant employees, non-exempt Administrators and Support Staff receive an unpaid lunch break during the above work hours. An employee's regular work week may vary, however, depending upon the staffing demands of their department.

Exempt employees are simply required to perform their expected duties and have no assigned lunch breaks. An employee may take a lunch break at their discretion during the University's working hours unless otherwise directed by their supervisor on a case-by-case basis depending on the University's needs.

Physical Plant employees' hours normally fall into 8 1/2-hour shifts, typically including a mid-shift, 30-minute unpaid lunch period. The time of a given employee's lunch period may be modified by their supervisor depending on the University's needs in a given instance. Faculty should refer to the Faculty Handbook.

### **B. *Work Week***

The University's work week begins at 12:00 a.m. each Sunday and ends at 11:59 p.m. the following Saturday.

### **C. *Terms of Service Less than 12-Months***

Typically, positions that are designated as 9-, 10-, or 11-month positions will be paid over a 12-month period, which is usually defined as August 1 through the following July 31. The University may pro-rate salaries for employees who do not start on August 1, and will adjust final paychecks, as appropriate, for employees who separate from employment prior to July 31.

### **D. *Time Management***

Electronic time sheets are used to document a non-exempt employee's time worked. These records are required by federal law for any employee who is classified as non-exempt by the University. The non-exempt employee is responsible for completing their own time sheet in the manner specified by the University. The employee's entry of time worked and leave taken will be the employee's verification of actual hours worked. Supervisors will review all time sheets submitted by their direct reports prior to payroll being processed. The University reserves the right to require time sheets for certain groups of exempt employees.

Any false information provided by an employee subjects the employee to discipline, up to termination.

Supervisors must complete their review of time sheets by 5:00 p.m. on the first working day following the close of the applicable payroll period.

## **E. Overtime Pay for Non-Exempt Employees**

The Fair Labor Standards Act requires that non-exempt employees who work more than 40 hours in a single work week be paid at the rate of one and one-half times their regular hourly rate for all hours worked in excess of 40 during that week.

Overtime pay is based on the number of hours **actually worked** within the stated work week. Therefore, working more than eight hours in one day or working on a Saturday or Sunday does not automatically result in the payment of overtime. Likewise, when an employee performs no work but is paid for a holiday observed by the University or is on paid leave, those paid days will not count toward the 40 work hours in calculating overtime.

Non-exempt employees must have prior approval from their supervisor before working overtime. Working unapproved overtime may result in employment discipline, up to termination.

## **F. Emergency Call-Ins**

This policy applies to employees in the Physical Plant Department only. Physical Plant employees may be called into work before or after their regularly scheduled shift and/or on weekends for emergency call-ins.

Employees who are called in from home will be paid for a minimum of 4 hours of work, provided they remain available for work upon request during the entire four-hour period. The employee will be paid for the four hours of work at their straight or overtime rate, as applicable.

If the employee completes the emergency work in less than four hours and returns home without being called back, they will be paid for 4 hours of work at their straight or overtime rate, as applicable.

If the employee requires more than 4 hours to complete the work on the original call, they will be paid for the actual time worked at their straight or overtime rate, as applicable.

If the employee completes the work, returns home, and is called in again and completes the additional work during the original four-hour period, no additional compensation is due.

If the employee completes the work, returns home, is called in again, and works past the end of the original 4-hour period, the employee shall be paid for all hours actually worked at the straight time or overtime rate, as applicable.

A subsequent emergency call-in that occurs after expiration of the original 4-hour period will begin a new 4-hour period, subject to the provisions above.

If a Physical Plant employee who is subject to emergency call-in is required to report for work prior to their normal scheduled start time or to remain at work beyond their normal scheduled quitting time, such additional working time is not considered a "call-in from

home” situation. While the employee will be credited with having worked the extra time for overtime compensation purposes, the time before or after the employee’s normal work hours is not considered emergency call-in time and is not subject to the four hours pay minimum.

### **G. *After-Hours Work by Non-Exempt Employees***

During their off hours, non-exempt employees may not perform work for their own or any other department without prior approval. Should a non-exempt employee be approved for additional work that results in more than 40 hours of work for the week, the employee must document the time worked, and the department that requested the additional work will be responsible for the overtime compensation paid to the employee. No other form of payment to the employee is permitted, and all payments must be processed via the University’s payroll system.

### **H. *Rest Breaks***

Employees whose positions are classified as Support Staff, may take a 15-minute paid work break in the morning and a 15-minute paid work break in the afternoon. Breaks are to be scheduled so that offices and work areas are not left unattended or closed. Rest breaks may not to be used to cover late arrivals, early departures, or to constitute make-up time for work time missed to attend classes. Exempt employees are expected to perform the responsibilities of their positions and have no assigned break times, unless otherwise specified by their supervisor.

### **I. *Unexcused Absences***

Employees must follow applicable leave policies if they intend to miss work. An unexcused absence is any unauthorized absence from scheduled work. Unexcused absences may lead to discipline, up to and including termination. Employees whose positions are classified as hourly and who incur unexcused absences will not be paid for the time missed due to the unexcused absence.

Employment will be immediately terminated for cause if an employee is considered “no-call, no-show” for 3 consecutive days. Employees who are considered “no-call, no-show” for less than 3 days may be subject to discipline, up to and including termination.

### **J. *Flexible Work Arrangements***

This Policy applies to Administrators, Administrators with Faculty Status, and Support Staff. It establishes guidelines and criteria for determining the availability of Flexible Work Arrangements and defines the protocols to ensure that University operations remain uninterrupted. This Policy is supplemental to the University’s Work Hours Policy and does not change the University’s normal business hours or the expectations of exempt employees. This Policy will be subject to regular review based on the University’s business needs, applicable federal and state laws and regulations, and other relevant factors.

This Policy is separate and apart from requests for accommodations due to an employee’s disability in accordance with the Americans with Disabilities Act and applicable Ohio law.

All requests for accommodation due to a disability must be submitted to the Human Resources Office by the employee or their supervisor. Those requests are reviewed under the University's Americans with Disabilities Act Statement and Requesting Accommodations policy.

## 1. Definitions

Campus Workplace: an employee's assigned workspace on the Muskingum University campus.

Alternate Workplace: a work location other than an employee's Campus Workplace; the most common Alternate Workplace is the home of an employee. Such a work location should provide the employee with an appropriate working environment, including sufficient working space, access to reliable and secure internet and telephone service, limited distractions, and should be located within a Commutable Distance of the University.

Commutable Distance: is any location which supports an employee's ability to travel to campus when required. Typically, a drive time of up to approximately 90 minutes will be deemed a reasonable commutable distance.

Compressed Schedule: a schedule that maintains the total number of hours worked within the workweek but modifies the number of hours worked per day. For example, a compressed schedule could result in working four, 10-hour days. Job duties performed under a Compressed Schedule may occur at an employee's Campus Workplace or Alternate Workplace.

Flextime Schedule: a schedule that maintains an 8-hour workday each day of the workweek but modifies the employee's hours of work. For example, the employee's regular scheduled work hours may be from 7:00 a.m. to 4:00 p.m. Job duties performed under a Flextime Schedule may occur at an employee's Campus Workplace or Alternate Workplace.

Fully Remote Schedule: in its discretion and based on its operational needs, the University may designate a position as fully remote.

Hybrid Schedule: a schedule that permits eligible employees to work from an Alternate Workplace one, two, or three days per week on a regular basis, while completing their work week at their Campus Workplace.

Flexible Work Agreement: a document that memorializes the terms of a Flexible Work Arrangement as agreed to by the employee, supervisor, area vice president, and human resources.

Supervisor: for purposes of this policy, a supervisor means the employee's direct supervisor, unless the employee's direct supervisor reports to a program or office director. When the direct supervisor reports to a program or office director, the director is responsible for all "supervisor" responsibilities under this policy. The director should consult with the direct supervisor as appropriate.

## 2. Program Guidelines



Flexible Work Arrangements provide an alternative for some employees and some positions but are not practical for all employees or all positions. Requests for Flexible Work Arrangements may be initiated by the employee or may be implemented by the University based on its operational needs. No University employee is entitled to or guaranteed the opportunity to participate in a Flexible Work Arrangement.

Supervisors may approve the occasional use of Flexible Work Arrangements based on an employee's limited request. Supervisors should document and monitor an employee's use of occasional Flexible Work Arrangements to discourage abuse of this policy in connection with leave time and other policies. For extended use of Flexible Work Arrangements, employees interested in requesting a regular Flexible Work Arrangement must follow the process established under this Policy. Approval of Flexible Work Arrangements will not change an employee's classification, compensation, and/or benefits.

Frequent, open communication between the supervisor and the employee is integral to the success of all working arrangements. Supervisors should clearly communicate expectations of both performance and availability while working under traditional or flexible work arrangements. Employees should keep their supervisors informed of the status of their work, including any challenges or opportunities they may experience. The success of a Flexible Work Arrangement will be contingent on effective communication, accountability, and trust, for which both the supervisor and the employee are responsible.

The University will use its best efforts to provide a dedicated Campus Workplace to employees; however, employees approved for a Flexible Work Arrangement may be assigned to a shared workspace based on the University's facilities and operational needs.

### **3. Requests for Flexible Work Arrangements**

An employee interested in working under a Flexible Work Arrangement must submit and sign a Flexible Work Arrangements Request Form and Agreement obtained from the Human Resources Office. Any flexible work arrangement existing as of this Policy's effective date, whether approved in writing or verbally, will be terminated by August 31, 2024. Affected employees may request Flexible Work Arrangements under the terms of this policy.

All requests for Flexible Work Arrangements will be evaluated on an individual basis. The process for evaluating eligible positions and employees should be fair and equitable. In all cases, decisions must be consistent with the goals, objectives, and operational needs of the University and the specific unit.

In reviewing a Flexible Work Arrangement Request Form, the supervisor, the area vice president, and Human Resources Office shall consider the following factors, as applicable:

- Whether essential tasks of the position can be completed under the terms of the requested Flexible Work Arrangement.

- Whether the employee has and needs access to personal private information or other high-security information to perform their work.
- Whether the employee has an Alternate Workplace appropriate for conducting regular business, including appropriate dependent care arrangements.
- Whether the employee has or can obtain appropriate technology resources, and whether appropriate data security measures are in place or can be put into place to allow the employee to perform their essential responsibilities.
- Whether approval of the Flexible Work Arrangement will have a negative impact on students, other University employees, and/or University operations.

Whether the employee can be successful using a Flexible Work Arrangement. Any employee who is on an active Performance Improvement Plan will not be eligible for Flexible Work Arrangements.

#### **4. General Flexible Work Arrangements Expectations**

For the duration of a Flexible Work Agreement, supervisors will provide clear expectations for performance. The employee is responsible for completing the job duties specified in their job description, including other duties as assigned.

All leave policies remain in effect when employees are approved for Flexible Work Arrangements. Employees must report leave time accurately, including any unexpected inability to work due to illness, power, internet, or other service outage.

Employees must adhere to all University technology use policies whether working at their Campus Workplace or at an Alternate Workplace. Adherence to IT, data security, and financial control policies are of particular importance while working at an Alternate Workplace.

All non-exempt employees using Flexible Work Arrangements must comply with the University's payroll practices, including prior supervisor approval to work overtime, and must accurately record all working time.

#### **5. Hybrid and Fully Remote Schedules**

Based solely on the University's needs, the University may establish a hybrid work schedule or a fully remote work schedule for a specific position. In such cases, this requirement should be included when a vacant position is advertised and must be included in the letter of appointment and job description. The University reserves the right to modify or rescind any Flexible Work Arrangement associated with a specific position, including a fully remote position.

There may be times when an employee assigned to a Fully Remote Schedule may be required to be physically present to perform work on campus.

Employees must ensure they are accessible and must communicate how to contact them, whether they are at a Campus or Alternate Workplace. Employees with an assigned extension on campus must ensure that their office phone is forwarded to the

Alternate Workplace or that they otherwise can access voicemail left on their office phones.

Employees should be prepared to participate in virtual meetings with their camera on. When requested, camera use will be mandatory. Employees are expected to dress professionally and observe other University policies regarding attire and office environment while working remotely and participating in virtual meetings.

The employee is responsible for ensuring their Alternate Workplace provides sufficient working space with sufficient privacy to ensure confidentiality of University records and business. The employee must provide reliable and secure access to internet and telephone service. Questions about cyber security will be resolved in consultation with the Director of Computer and Network Services.

During University work hours, employees must be able to report to campus if directed by their supervisor, with reasonable notice. In such instances, when an employee must work on campus on a day that would otherwise be a remote working day, substitute remote working days are not guaranteed and are at the discretion of the supervisor.

The University will withhold New Concord local taxes from all employees' wages. The employee is responsible for contacting their insurance agent, tax consultant, or other advisor, and consulting local ordinances, for information regarding Alternate Workplaces.

Employees who have been provided with a University laptop are permitted to use it at an Alternate Workplace. To ensure the security and confidentiality of University records, any computer equipment provided by the University shall be used only by the authorized employee.

Employees are expected to provide any furniture and equipment they may need or prefer such as office furniture, phones, supplemental monitors, printers, scanners, and internet service.

University equipment used at an Alternate Workplace must be listed in the Flexible Work Arrangements Request Form and Agreement. Where use of personal devices is permitted, employees are expected to install software or other technology that may be required by the University to ensure security, accountability, and productive delivery of work.

Employees may use office supplies purchased by the University. Any equipment or office supplies provided by the University to support a Hybrid or Fully Remote Schedule must be returned to campus upon termination of the Flexible Work Arrangement or separation from employment.

The University shall not assume responsibility for any cost incurred by an employee using an Alternate Workplace as part of a Hybrid Schedule, including but not limited to: operating costs, rent or mortgage payments, homeowners or other insurance, maintenance, equipment, materials, Internet or telecommunications connections, renovation of space, or any other costs incurred by the employee.

The University assumes no liability for damages to an employee's real or personal property resulting from participation in a Hybrid Schedule.

Any injury the employee may incur while performing work at an Alternate Workplace must be reported immediately to the Human Resources Office; however, compensation and benefits are subject to applicable Ohio law. Likewise, the University shall not assume or be responsible for any injury to the employees' family, visitors, or others who may be in the employee's Alternate Workplace.

The employee shall not permit in-person meetings at the Alternate Workplace, particularly if the Alternate Workplace is the employee's residence. Any meetings shall be virtual if conducted from the Alternate Workplace.

## **6. Review and Modification**

All Flexible Work Arrangements must be reviewed formally at least every six months, and more frequently on an informal basis between the supervisor and the employee. The supervisor and employee should discuss the status of the Flexible Work Arrangement in order to evaluate whether performance expectations and deliverables are clear and understood by both parties, to ensure that project standards are delineated, and to assess whether the Flexible Work Arrangement should be modified or rescinded.

Approved Flexible Work Agreements may be modified or rescinded at any time at the sole discretion of the University due to changed circumstances or for other University purposes. The University will attempt to provide employees with at least two weeks' notice if a Flexible Work Agreement is modified or rescinded.

## **K. *Direct Deposit***

Muskingum deposits an employee's pay directly into the bank account designated by the employee. An authorization form designating the employee's bank and account of choice must be filed with the Human Resources Office and may be changed as needed by the filing a new form. On each pay date, a "pay advice" will be issued to the employee containing information about pay and withholdings.

## **L. *Pay Days***

The University pays all non-student employees on a bi-weekly basis. Employees' regular payroll earnings are paid on a "paid to-date" basis. Most adjustments, such as overtime, are paid on the following pay date.

Part-time, temporary, and on-call employees are usually paid in arrears, meaning they are paid on the bi-weekly pay date following completion of their work and receipt of their time sheet.

All pay days are published on the University website at <https://www.muskingum.edu/payroll-dates-and-forms>.

## **M. *Salary Adjustments***

[RESERVED]

## **N. *Administrator's Pay for Teaching***

Any exempt Administrator may be asked by faculty and adjunct lecturers to share their expertise and knowledge in the classroom on an occasional basis. These occasional opportunities support the University's educational mission, and the employee will not be paid additional compensation.

Contracted teaching by an exempt Administrator is at the discretion of the Provost or Vice President of Graduate and Continuing Studies. Prior to completion of any agreements, both the employee and their supervisor should be consulted regarding availability, appropriateness, workload, and time out of the office. Exempt Administrators who receive an Adjunct Appointment letter will be paid as indicated on that form for contracted teaching that is in addition their regular responsibilities.

Administrators with Faculty Status will not receive additional compensation if their assigned class(es) are within the teaching load assigned to their position. Administrators with Faculty Status who teach more than the course load assigned to their position will be paid additional compensation as indicated in an Overload Appointment letter.

Members of the Senior Leadership Team will not be compensated for any teaching.

## **O. *Payroll Deductions***

Deductions made through the payroll process are either mandatory or optional.

### **1. *Mandatory Deductions***

- The Federal Insurance Contributions Act (F.I.C.A.) requires employees to pay Social Security and Medicare taxes. As an employer, the University matches employee tax rates and forwards the combined amount to the appropriate governmental agency in the employee's name.
- Federal Income Tax is deducted on a regular basis from all non-exempt earnings. The amount withheld and forwarded to the Internal Revenue Service is based on the each employee's completed W-4 form and the employee's participation in various tax exemption programs established by the University. An employee may update their W-4 at any time by sending a completed copy to the Human Resources Office.
- State withholding tax ~~is a graduated tax~~ and is deducted on all non-exempt earnings in accordance with the taxing rate established by the State of Ohio.
- The Village of New Concord payroll tax is automatically deducted from the pay received by employees who perform services for the University. An employee who resides elsewhere is responsible for identifying and paying their local income tax, subject to state and local ordinances.
- The Ohio School District Income Tax requires the University to withhold the school district income tax on all wages subject to Ohio and federal withholding taxes, and to submit these amounts to the school district in which the employee resides, if the school district has adopted this tax.
- Garnishment or child support deductions if mandated by a court order.

- Mandatory Retirement Plan contributions in accordance with the Summary Plan Description as available from the Human Resources Office.

## **2. Optional Deductions**

Optional deductions are those the employee chooses to have withheld from their periodic pay, including voluntary contributions to the employee's retirement account and benefit premiums.

# **Section III: BENEFITS/PRIVILEGES OF UNIVERSITY EMPLOYMENT**

## **A. General Provisions**

Muskingum University, through its Board of Trustees, offers a competitive benefits program. In addition to federally mandated employer contributions to Social Security and Workers' Compensation, the benefits described in this section of the Employee Handbook are available to eligible employees. Eligibility is determined based on employment designations, which are indicated on each job description, as signed by the employee upon hire and signed upon subsequent modification.

The University reserves the right to alter, amend, or rescind all benefit programs, and to change, alter, or rescind contributions to its benefit plans at any time, with or without notice, though it will use reasonable efforts to consult the Compensation and Benefits Council as stated herein.

The Human Resources' website will be updated to reflect current information regarding access to benefits. For benefits that use external providers, the information contained in these benefits policies, and on the Human Resources' webpage, is for information only and does not create a contract or a reasonable expectation of a contract. In the event of a conflict between the University's summary of a benefit program and the plan document, the specific terms of the plan document will govern. For benefits provided directly by Muskingum University, the Employee Handbook will govern in the event of a conflict between the policy and the summary on the Human Resources website.

## **B. Compensation and Benefits Council**

Compensation and benefits are viewed by the University as important aspects of maintaining a quality faculty and staff to carry out the University's mission. Therefore, in the University's allocation of resources, much consideration is given to providing competitive salaries and benefits.

### **1. Membership**

To ensure that the University's benefit program remains competitive and equitable, the President has appointed a cross-university advisory council, which will be known as the Compensation and Benefits Council. The President will appoint 15 individuals to the Compensation and Benefits Council as follows:

- President

- Vice President for Finance and Operations
- Provost
- Faculty Executive Secretary
- Academic Division Chairs
- Faculty members of the Professional Relations Committee
- Assistant Vice President for Human Relations & Risk Management
- Employee Relations Specialist
- 1 member of Staff Council, who is appointed by the President each August

## **2. Meetings**

The VPFO will convene meetings of the Compensation and Benefits Council on an as-needed basis.

## **3. Changes to Benefit Programs**

When the University is considering a change that reduces, eliminates, or significantly alters any of its benefits programs or contributions thereto, the VPFO may convene the Compensation and Benefits Council to discuss the proposed change. The VPFO will make a good faith effort to convene the meeting at a time that is mutually convenient to at least 2/3 of the Council members. Members of the Council will make a good faith effort to be available for Council meetings.

In the event that the terms of a benefit program or contribution thereto would jeopardize the University's financial interests, the President will attempt to consult with Compensation and Benefits Council but may make appropriate decisions to protect the University's finances. In such circumstances, the President will consider options that secure the University's financial interests with the least amount of impact on employees. The University's Board of Trustees maintains final decision-making authority as to the University's compensation and benefit plan.

## **C. *Wellness Benefits***

### **1. Medical Insurance**

Muskingum is self-insured and offers a choice between one of two preferred provider (PPO) medical plans or a high deductible health plan with a health savings account (HSA).

Under each of the insurance plans, employees may select their healthcare provider, but will receive larger cost-coverage benefits if the provider is in-network. Prescription and mail-order prescription service is included.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service have the option to participate in the University's medical insurance program. Eligibility for coverage begins on the

first day of the full month following the day that the employee reports for employment. The employee must complete a benefits application within 30 days from the time they report for employment. After that time, the employee may apply should a qualifying life event occur, or during the annual open enrollment period, which occurs each November. If enrolled based on the occurrence of a qualifying life event, coverage will be effective on the date on which the qualifying life event occurred. If enrolled during open enrollment, coverage will begin on the following January 1.

### Cost

The University offers different medical insurance plans with coverage to the employee, the employee plus spouse, the employee plus children, or the employee's family, and will share the cost of coverage. The price of each plan will be posted to the Human Resources website each November prior to open enrollment. The employee's share will be paid through payroll deduction according to the current schedule; or, upon the employee's choice, can be tax-sheltered under the limits of a wage reduction option.

### Health Savings Account (HSA)

Muskingum offers a self-funded HSA option to employees. Employees who participate in the high deductible health care plan and contribute to an HSA may not participate in the University's medical Flexible Spending Account; however, unlike the FSA, the HSA funds are not forfeited at the end of the plan year. Employees who are 65 years of age or older may not contribute to an HSA based on IRS regulation. For employees who do contribute to the HSA, contributions are in addition to the premium for the high deductible health plan. The money accrued in an HSA is allocated to pay for eligible medical expenses and will remain with the employee throughout their employment and after they separate from employment. Employees should review their personal medical needs, as well as financial and tax needs, when determining whether an HSA or one of the University's traditional PPO plans is the best option for them.

### Retirement

An employee who is eligible to participate in the medical insurance program, has worked on a full-time basis for a minimum of 5 years, is at least 58 years old at the time of retirement, and whose age and years of service total 70 at retirement may, along with their spouse at the time of retirement, remain on the then-current group medical insurance plan by paying the cost of all premiums for such plan. If the employee and/or spouse is 65 or older, or when they turn 65, the medical insurance plan will be transitioned to the University's Medicare supplemental plan.

If hired prior to September 1, 1995, eligible faculty and administrators may follow the Post-Retirement Health Insurance Benefit Policy.

## **2. Dental Insurance**



Muskingum offers group dental insurance to eligible employees on either a single employee or family plan.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service have the option to participate in the University's dental insurance plan. Eligibility for coverage begins on the first day of the full month following the employee's reporting for employment. The employee must complete an application within 30 days from the time they report for employment. After that time, the employee may apply upon the occurrence of a qualifying life event or during the annual open enrollment period, which occurs each November. If enrolled based on the occurrence of a qualifying life event, coverage will begin on the date on which the qualifying life event occurred. If enrolled during open enrollment, coverage will begin on the following January 1.

#### Cost

The University will offer coverage to the employee or the employee's family. The price of each plan will be posted to the Human Resources website each November prior to open enrollment. The employee's share will be paid through payroll deduction according to the current schedule or, upon the employee's choice, can be tax sheltered under the limits of a wage reduction option.

### **3. Vision Insurance**

Muskingum offers group vision insurance to eligible employees on either a single employee or family plan.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service have the option to participate in the University's vision insurance plan. Eligibility for coverage begins on the first day of the full month following the employee's reporting for employment. The employee must complete an application within 30 days from the time they report for employment. After that time, the employee may apply upon the occurrence of a qualifying life event or during the annual open enrollment period, which occurs each November. If enrolled based on the occurrence of a qualifying life event, coverage will begin on the date on which the qualifying life event occurred. If enrolled during open enrollment, coverage will begin on the following January 1.

#### Cost

The University will offer several vision plans with coverage available for the employee or the employee's family. The price of each plan will be posted to the Human Resources website each November prior to open enrollment. The employee's share will be paid through payroll deduction according to the current

schedule or, upon the employee's choice, can be tax sheltered under the limits of a wage reduction option.

#### **4. COBRA**

An employee who is actively enrolled in the medical, dental, and/or vision insurance plan has the right to choose continuation coverage ("COBRA") if the employee loses their group insurance due to reduction in hours or separation from employment (except gross misconduct). Dependents who are on a family plan also have the right to COBRA due to loss of insurance caused by divorce, death of the employee, or the dependent reaching a disqualifying age. The employee is responsible to notify the Human Resources Office of any family change.

COBRA is a time-limited benefit according to law. Muskingum's COBRA coverage for its health and dental plans is administered through the health insurance carrier, and COBRA coverage for its vision plan is administered by the Human Resources Office.

#### **5. Employee Assistance Program (EAP)**

Muskingum provides an Employee Assistance Program (EAP) to eligible employees. EAP services are rendered on a confidential basis, available online, or by phone 24-hours per day and provided at no cost to the employee. Services includes limited assistance with a broad range of personal needs, such as legal consultation, mental health counseling, and financial services. Current information about the EAP service offerings is available on the Human Resources webpage.

##### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are enrolled in the EAP. The University pays the premium for this coverage. Enrollment is automatic upon hire.

#### **6. Virtual Counseling**

Eligible employees are enrolled in virtual counseling upon hire and at no cost. In addition, eligible employees may purchase, via payroll deduction, services for their spouse and/or dependents, as defined by the IRS. Virtual counseling is provided separately from EAP services and is available 24 hours per day, 7 days per week, 365 days per year. Information to access virtual counseling services is available on the Human Resources website.

##### Eligibility and Enrollment

Full-time and part-time employees, except adjunct instructors, who work on a 9-, 10-, 11-, or 12-month term of service but are paid over 12 months are automatically enrolled in virtual counseling services and may choose to enroll their spouse and/or dependents. Enrollment forms for spouses and/or dependents may be completed at any time throughout the year, but unenrollment may only occur due to a qualifying life event or during open enrollment each November.

## **D. Financial Benefits**

### **1. 125 Flexible Spending Plan**

In compliance with Section 125 of the Internal Revenue Code, Muskingum has designed a flexible spending benefits plan, which allows eligible employees to use pre-tax dollars to pay their contributions to selected benefit programs. This plan may reduce federal, state, and Social Security taxes, and may result in increased net pay. This type of plan may also be referred to as a "cafeteria plan."

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to participate in the 125 Flexible Spending Plan. Upon employment, eligible employees must complete the appropriate form to select or waive participation in the 125 flexible spending plan. The employee's selection will be renewed automatically each year unless an employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event or during open enrollment each November.

### **1. Flexible Spending Accounts (FSAs)**

Muskingum offers a health care FSA and a dependent care FSA, which allow the employee to use a designated amount of tax-exempt money to enroll in either or both FSAs. When enrolling in an FSA, employees should estimate their anticipated expenses and designate an appropriate amount to be placed in the FSA, as the Internal Revenue Service regulations follow a "use-it-or-lose-it" rule. The University pays all service charges and fees for employee participation.

#### Health Care FSA

Employees may participate in the Health Care FSA even if they do not participate in the University's health, dental, or vision insurance plans. The maximum amount an employee may withhold from their base salary to fund their Health Care FSA is established annually by the federal government. Current information will be provided on the Human Resources webpage. Some of the expenses able to be paid using the Health Care FSA may include deductibles, insurance co-payments, and over-the-counter and prescription medications. At the end of the plan year, up to \$500 will be rolled over to the new plan year and may be used in addition to the full maximum allowed contribution in the new plan year.

#### Dependent Care FSA

Employees may designate up to \$5,000 of base salary to pay for dependent childcare or eligible parental care costs.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to participate in an FSA. Employees must select or waive initial enrollment upon hire or during open enrollment each November. Employees may change their FSA selections due to a qualifying life event or during open enrollment. The employee's selection must be renewed by the employee each year during open enrollment – FSA renewal is not automatic.

Employees may review the Human Resources website for information about which expenses are eligible for reimbursement. Participating employees are responsible for filing their own claims in a timely manner, as unused funds will be forfeited.

## **2. Tuition Remission Program**

Muskingum offers a Tuition Remission Program to eligible employees, their spouses, and their dependents. "Tuition remission" means the waiver of tuition charges normally assessed for enrollment in certain academic courses. Tuition remission is available to eligible individuals who do not have a bachelor's degree and applies only to traditional, undergraduate coursework. The tuition remission program does not apply to room and board, PLUS program or other fees, independent or directed study, auditing of courses, MAP, summer school, or graduate level coursework.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to participate in or use the Tuition Remission Program. Before the start of each academic year, the employee must complete an application form available from the Human Resources Office in order to use the Tuition Remission Program and to complete a FAFSA form.

### Employees

Employees who do not hold a bachelor's degree are eligible to take courses toward their bachelor's degree at Muskingum University. They are not eligible to participate in the Tuition Exchange Program. Employees taking courses under the Tuition Remission Program must enroll in traditional, undergraduate classes and must use designated break or leave time to attend class.

### Dependents

Dependents of eligible employees who attend Muskingum University are granted tuition remission for either 8 semesters or for a number of attempted credit hours up to the number of credit hours required for graduation. The University utilizes the IRS definition of "dependent," and the Human Resources Office may request appropriate documentation to determine the student's status as a dependent of the eligible employee.

### Spouses

If the spouse of an eligible employee does not hold a bachelor's degree, they may participate in the Tuition Remission Program if they attend Muskingum University. However, they are not eligible for the Tuition Exchange Program. Tuition remission is available without regard to calendar time or course load.

If the spouse of an eligible employee does hold a bachelor's degree, they may participate in the Tuition Remission Program to take one course per semester, provided that space is available after all full-time students have completed registration for that semester.

Spouses must go through the admissions and registration procedures for all courses, including auditing of courses. A spouse's enrollment does not count toward meeting a minimum class enrollment.

#### Separation from Employment

If an eligible employee with at least four full years of service dies, retires (and is eligible for retiree health insurance coverage), or suffers total disability (as defined by the Muskingum University disability program), tuition remission at Muskingum University will be extended to the employees' dependents. If the eligible employee had less than four years of full-time service, the dependent(s) will be credited with tuition remission at the rate of one year of eligibility per child for each full year of service. The dependent(s) are not eligible to participate in the Tuition Exchange Program.

If the employee separates from employment for any reason other than death, retirement, or total disability, the employee's spouse and/or dependent(s) may complete the academic semester in which they are enrolled under the Tuition Remission Program at the time of the employee's separation. The spouse and/or dependent(s) will not be eligible to enroll in subsequent terms under the Tuition Remission Program.

#### Scholarships or Other Financial Aid

Any scholarships and awards issued by Muskingum University will be honorary. Students using the Tuition Remission benefit are eligible to be recognized for academic scholarships, performance awards, or awards of circumstance for which they are eligible. However, those awards are considered honorary in nature and do not carry any monetary benefit, as the value of tuition, excluding overload charges, is fully covered by the Tuition Remission benefit.

If a student eligible for tuition remission is entitled to a tuition scholarship or other tuition financial aid from other sources, it is expected that these other resources will be used prior to application of the Tuition Remission Benefit. State tuition dependent financial aid is subject to restrictions of the outside source.

### **3. Tuition Exchange Program**

Muskingum offers a Tuition Exchange Program to the dependents of eligible employees. Tuition exchange is offered under three separate programs, and a list of participating institutions is available on the websites of the Human Resources Office

and the Student Financial Services Office. Dependents must apply for admission at the host institution and must meet the host institution's admission criteria. The host institution may require students to apply state tuition dependent financial aid or other outside financial aid before using the tuition exchange benefit. Each tuition exchange program may change its guidelines and requirements at any time and at the discretion of the program.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to utilize the Tuition Exchange Program for their dependent(s). Before the start of each academic year, the employee must complete an application form available from the Human Resources Office in order to use the Tuition Exchange Program, and eligibility at the host institution must be recertified each year.

#### Council of Independent Colleges (CIC)

To participate in the CIC tuition exchange program, students must apply for admission at the host school and also apply separately for tuition exchange. The Student Financial Services Office will assist with applying for the tuition exchange program. Students may receive two separate acceptance notifications: one for admission and one for the tuition exchange program.

Students who are admitted and approved for tuition exchange by the host institution will enroll tuition free. Tuition remission is renewable for up to three additional years. Students are responsible for all non-tuition charges, such as room, board, and fees.

#### Tuition Exchange (TE) Scholarship Program

Muskingum is a member of the TE Program. Interested students should apply for admission to TE member schools at least 9 months before the projected date of matriculation.

#### Association of Presbyterian Colleges & Universities (APCU) Tuition Exchange Program

Tuition exchange at APCU institutions is subject to the terms and conditions of each host school. If interested in attending an APCU institution, the employee and their dependent(s) should consult Student Financial Services for pertinent program guidelines.

## **E. Retirement Benefits**

### **1. Employee Retirement and Income Security Act (ERISA)**

Muskingum University complies with the regulations set forth by the Employee Retirement and Income Security Act of 1974, commonly referred to by its initials -- ERISA. The law was enacted to protect the interests of employees in pension and

welfare benefit plans connected with employment. ERISA rights and statements are included in each benefit summary plan description.

## **2. 403(b) Defined Contribution and Deferred Annuity Plan**

Muskingum University is a member of the AICUO Multiple Employer Plan (“MEP” or “Plan”). Membership in the MEP allows participating schools to pool administrative resources, which may result in lower administrative fees to the institution, while increasing the number of participants, which may reduce fees for individual retirement plan participants. Under the terms of the MEP, Muskingum retains control of its own plan design.

The Plan is serviced by TIAA (formerly known as TIAA-CREF) as the plan’s recordkeeping provider. Additional service providers support the Plan, including Financial Design of Ohio providing participant education, advice and financial planning services. Under the Plan, eligible employees are required to contribute 5% of their compensation into the Plan, and Muskingum may also make discretionary non-elective contributions. These amounts are contributed to the employee’s account on a pre-tax basis and may appreciate, or accumulate interest, on a tax-free basis until the funds are withdrawn.

### Eligibility and Enrollment

To be eligible to receive the University’s contribution, the employee must be at least 18 years of age, worked at Muskingum for at least 12 months, and worked at least 1,000 hours during that initial 12-month period. The initial 12-month waiting period will be reduced or eliminated for employees with other creditable service under the Plan.

Once all eligibility criteria are satisfied, and as a condition of continuing employment, the employee must contribute a mandatory 5% of their base compensation to the Plan through a payroll deduction. The Human Resources Office will provide all enrollment instructions and documentation to the employee. When the employee is eligible to begin their mandatory contributions, the University will also begin to contribute an amount equal to a percentage of the employee’s base compensation, and all contributions are 100% vested to the employee immediately upon enrollment. The current University contribution is 7%; however, the Board of Trustees approves the amount of the mandatory employee and nonelective employer contributions as part of the overall budget in its discretion.

To avoid a break in eligible service, the employee must work 500 hours in each subsequent plan year. If an employee takes a leave of absence or a reduction in hours due to pregnancy, birth or adoption of a child, service in the military, or providing service during a national emergency, that reduced time will not count against the employee if their employment is protected under federal or state law and the employee returns to Muskingum’s employment within the time required by law. While on an authorized, paid leave of absence, Muskingum will continue to make contributions to the Plan, provided the employee also contributes their mandatory share. Contributions will be based on the employee’s income for the current year.

Former employees who had satisfied the service requirement before termination and are re-employed by Muskingum are eligible for participation immediately upon re-

employment and completing the minimum hours worked requirement.

### Investments

Under the Plan, employees may choose from a select number of investment options, which may be viewed on the TIAA website. Periodically, the Human Resources Office will update participating employees on any new or revised list of available vendors and investment options.

### Retirement

Under ERISA, there is no mandatory retirement age; however, the Plan defines “normal retirement age” at 65 years of age. The employee’s Plan retirement income depends on their fund balance at the time of retirement, as well as the distribution option chosen.

### Employee Access

By logging into their account on the TIAA website, participants may obtain current information about the Plan and the participant’s investment performance. Newly participating employees will receive a summary plan description within 90 days after they become participants. Similarly, beneficiaries are to receive a copy of the summary plan description within 90 days after becoming a beneficiary. Please notify the Human Resources Office if you do not receive your copy within that time. In the event of significant modification to the Plan, an updated summary plan description will be distributed to all participants.

## **3. Supplemental Retirement Contributions**

Muskingum offers the opportunity to make voluntary, supplemental retirement contributions, subject to IRS limits. Employees are eligible to participate in the plan and contribute on either a pre-tax or Roth (after-tax) basis to a TIAA Retirement Choice Plus (RCP) contract, unless they work less than 20 hours per week or are student employees.

If an eligible employee elects to make retirement contributions during the 12-month waiting period for the Defined Contribution Plan or wishes to contribute more than the mandatory 5% once they are participating the Defined Contribution Plan, those voluntary and/or excess contributions are paid into the RCP Contract. The University does not match any contributions to the RCP Contract.

### Loans and Withdrawals

A loan provision of up to 50% of the RCP account is available, permitting a maximum of 3 loans outstanding and a maximum aggregate loan balance of \$50,000. In addition, participants may withdraw funds from their RCP account in certain circumstances. Certain conditions apply on withdrawals made by participants who are less than 59½ years of age. In addition to tax penalties, withdrawals and distributions are fully taxable as current income for the calendar year in which they are received. Participants who separate from employment may begin to draw annuity payments without tax penalty.



#### **4. Cash Withdrawal of Retirement Accumulation Upon Separating from Employment**

For employees who separate from employment for any reason, TIAA limits the distribution of TIAA Traditional funds invested in certain contracts to either a ten-year or 84-month payout period, depending on the contract type. Any cash withdrawals from the program may have serious tax implications, and the University recommends that the employee consult with a tax advisor.

#### **5. Social Security**

Social Security (FICA) provides for a federal system of old age, survivors, and disability insurance (OASDI) and health insurance (Medicare). The University is required to withhold and submit the following: (1) Social Security taxes up to an annually announced wage base, matched by the University and (2) Medicare taxes with no wage base limit, matched by the University.

### ***F. Insurance Benefits***

#### **1. Life and Accidental Death & Dismemberment (AD&D) Insurance**

Muskingum provides life insurance coverage equal to eligible employees' annual earnings up to \$150,000. Benefits will be the amount of the employee's base salary, rounded up to the nearest \$1,000, up to \$150,000. Coverage is reduced for employees at ages 65, 70, and 75. Muskingum also provides accidental death and dismemberment (AD&D) coverage to eligible employees. Death benefit coverage and reduction of coverage is the same as stated for the life insurance coverage. The policy contains a schedule of benefits in the event that the employee suffers permanent dismemberment. There are a number of significant provisions and conditions of both coverages, so employees should consult the Human Resources Office if they need additional information regarding their particular circumstances.

##### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are enrolled in life and AD&D insurance. The University pays the premium for this coverage. Enrollment is automatic upon hire, with employees only being required to provide a beneficiary designation form upon hire and as needed thereafter.

#### **2. Voluntary Life and AD&D Insurance**

Eligible employees may purchase, at the University's group rates, additional life insurance for themselves, their spouse, and/or their children. This benefit allows employees to purchase coverage in a guaranteed amount up to \$130,000 for themselves, up to \$25,000 for their spouse, and up to \$10,000 per child without proof of health. Higher coverage limits may be available.

Eligible employees may also purchase additional AD&D insurance at the amount of their base annual compensation, up to \$500,000, and up to the guaranteed amounts for both their spouse (\$25,000) and/or children (\$10,000).

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary life and/or AD&D insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. After that time, the carrier will require completion of a medical questionnaire. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

### **3. Long-Term Disability Insurance**

Muskingum provides group long-term disability (LTD) insurance to eligible employees. In the event LTD insurance is needed, it provides monthly income benefits of up to 60% of the employee's base monthly salary, with a cap of \$6,000 per month, if the employee becomes disabled on a long-term basis. The cap is determined based on base salary and any income benefits received from Social Security, the Workers' Compensation Bureau, or from other group benefit plans. This plan has a 180-day elimination period, and the benefit is reduced periodically, starting at age 62.

For employees participating in the University's retirement plan, an additional monthly benefit, equal to both the University's and the employee's mandatory contributions (of last base salary), is payable by the LTD plan for contribution to the TIAA retirement plan. Voluntary employee contributions to the Supplemental Retirement Annuity cease being due during the employee's disability.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible for long-term disability coverage on the first day of the month following the day they report for full-time service. For any eligible employee who may need to enroll in the LTD insurance plan, the Human Resources Office will assist in that process.

### **4. Travel Accident Insurance**

Muskingum provides travel accident insurance, which provides a benefit of up to \$100,000 in the event of death or accidental dismemberment while an eligible employee is traveling off campus for University-related business. This benefit is offered in addition to the Life and AD&D policies referenced above.

#### Eligibility and Enrollment

Employees between the ages of 18 and 70 who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are

enrolled in the travel accident insurance plan. The University pays the premium for this coverage. Enrollment is automatic upon hire, with employees only being required to provide a beneficiary designation form upon hire and as needed thereafter.

## **5. Critical Illness Insurance**

Critical Illness Insurance provides a lump sum payment in the event that an insured suffers a critical illness, such as heart attack, stroke, cancer, or other covered illness. Employees may choose from between two benefit amounts, which may be used to pay medical bills that are not covered by medical insurance or the insured's daily living expenses. No medical exams or health questions are needed to enroll, and the policy is portable in the event that the insured separates from employment.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary critical illness insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

## **6. Accident Insurance**

Accident Insurance provides a lump sum benefit amount that results from a covered accident or illness and depends on the type of injuries suffered, such as fractures, burns, and concussions. No medical exams or health questions are needed to enroll, and the policy is portable in the event that the insured separates from employment.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary accident insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

## **7. Hospital Indemnity Insurance**

Hospital Indemnity Insurance provides a lump sum payment in the event an insured is admitted to the hospital. Benefit amounts include a flat fee for the day of admission and a per diem for each day thereafter. No medical exams or health questions are needed to enroll, and the policy is portable in the event that the insured separates from employment.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary hospital indemnity insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

## **8. International Travel Insurance**

Muskingum University provides international travel insurance, which is available to eligible employees who become injured or ill while traveling internationally and within the coverage territory on University-related business. Services available include medical, personal, travel, and security assistance. When planning international travel, the employee should consult with the Human Resources Office or the Director of Cultural Engagement and Inclusion.

## **9. Workers' Compensation**

Muskingum participates in a self-funded Workers' Compensation Plan, which covers employees. Eligible medical expenses under a managed care system, as well as certain benefits for loss of salary or wages, will be paid by the University.

All injuries occurring on campus and/or while performing work must be reported to the employee's supervisor immediately. The employee will be sent to WorkPro or the Urgent Care or Emergency Department at Genesis Healthcare Systems, as appropriate, though they may seek treatment from an alternate provider. The supervisor will complete required documentation in the Self-Insured Injury Reporting Packet and return it to the Human Resources Office promptly, but no later than 24 hours after the injury. In the event of a life-threatening injury, for which 911 will be called, the direct supervisor or any employee who witnesses or discovers the injured employee must report the injury to the Human Resources Office immediately.

Upon notification of an injury during the University's normal business hours, a contracted nurse will review the accident report and notice of injury. Communication will continue between the injured employee, the treating physician, and the University.

### Eligibility and Enrollment

Eligibility for benefits is automatic and effective on date of hire.

## **10. Unemployment Compensation**

Muskingum is a reimbursable participant in the State of Ohio unemployment insurance program. Any employee whose position is scheduled on a 9-, 10-, or 11-month term of

service and who has a reasonable expectation of employment at the beginning of the next term or academic year is ineligible for unemployment.

## **F. Campus Amenities**

### **1. Identification Cards**

Employees who are regularly scheduled to work 20 or more hours per week are issued picture identification cards through the Student Life Office for themselves, their spouses, and dependents.

The University may require display or production of identification cards to access or use certain facilities or services or to attend certain events. The picture used to produce the employee's identification card will be included on the internal, electronic directory, which is available to employees and students while on campus.

### **2. Campus Dining**

Employees have the option to use the University's dining services.

#### BAIT Shop

Located on the first floor of the Quad Center, the BAIT Shop is open to all faculty, staff, and their immediate family members for breakfast, lunch, and snacks during the academic year. In addition to its own menu, the BAIT Shop proudly serves Starbucks coffee and pastries.

#### Patton Dining Hall

Located on the first floor of Patton Hall, the D-Hall, as it is known to students, is open to all faculty, staff, and their immediate family members.

Vending machines for soft drinks and snacks are located in several academic buildings.

Cash, credit card, and Muskie Bucks are accepted at the BAIT Shop and Patton Dining Hall. Starbucks gift cards may not be redeemed at the BAIT Shop. Muskie Bucks may be purchased through the Business Office.

### **3. Campus Events**

#### Athletic Events

The cost of admission to most home athletic events is waived for employees, their spouses, and dependents who have a valid campus ID card.

#### Cultural Events

The University offers a rich blend of cultural events throughout the year, including concerts, plays, art exhibitions, and lectures. The cost of admission to most events is

waived for employees, their spouses, and dependents who have a valid campus ID card; however, a nominal admission fee may be required to attend certain events.

#### **4. Library Access**

All library services are available at no cost to all employees and their immediate family members with their Muskingum ID card.

#### **5. Recreation Facilities**

During designated hours of operation and if not otherwise reserved, University employees and retirees may use designated athletic and recreation facilities free of charge.

Available facilities include the gymnasium in John Glenn Gym, all athletic and recreational facilities located in the Chess Center, all athletic and recreational facilities located in the Bullock Health & Wellness Complex ("BHC"), the Johnson Family Track, and Sherman Field. The weight room located in John Glenn Gym is reserved for use by varsity and University-sponsored athletic teams. Availability of these facilities and hours for use may be modified by the Director of Athletics, in consultation with the Vice President for Finance & Operations, based on the University's needs at any time and without prior notice.

Unless otherwise reserved for University or John Glenn High School track practices or events or for other University events, the Johnson Family Track is open to the community. Closures of the track and other applicable restrictions will be posted at the entrance gate to the track and may include other times when the track may be closed to the community.

Employees' spouses and dependents who wish to use the designated athletic and recreation facilities must be registered with the Human Resources Office and must have a valid University identification card. In addition, the employee and/or spouse must complete and sign the Assumption of Risk, Waiver, and Release form provided on the Human Resources' website. Children under the age of 18 must be accompanied by the employee or the employee's spouse and must be supervised at all times.

Use of facilities will be on a first-come, first-served basis, and any user of the facility must provide their identification card to any University employee who requests to see it. Refusal to produce an identification card for inspection when requested, lack of a completed and signed Assumption of Risk, Waiver, and Release form, and/or failure to follow University rules of use, will result in immediate removal from the facility and could result in permanent access restrictions, as determined by the Director of Athletics and Vice President for Finance & Operations. In its discretion, University Police may remove individuals from University facilities, issue a no-trespassing order, and/or file appropriate criminal charges based on an individual's unauthorized or inappropriate use of University facilities.

## **6. Parking**

Free on-campus parking is available to all employees with the display of a University-issued parking tag on the rearview mirror of the registered vehicle. New employees may obtain their initial parking tag through the Human Resources Office. To replace a parking tag or update your vehicle information, please visit the University Police Department.

A parking tag does not guarantee that parking will be available in the immediate vicinity of the employee's work site; however, ample parking exists on campus.

## **7. Check Cashing**

Employees may cash personal checks of up to \$25 by visiting the cashier, located in the Student Financial Services Office.

## **8. Notary Public**

Notary services are available by visiting the Business Office.

## **9. Uniforms**

The University provides uniforms, as needed, to University Police Officers and an annual clothing allowance to custodial, grounds, and maintenance personnel.

# **Section IV: LEAVE AND INCOME PROTECTION**

## **A. HOLIDAYS**

This policy applies to all employees. The following holidays are observed by the University:

- New Year's Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Thanksgiving
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- Day after Christmas

The University President has discretion to close the institution between the Day after Christmas and New Year's Day. In the event of closing during that time, any essential personnel who are required to work during that time will be paid at their regular, hourly rate.

Generally, when a holiday falls on a Saturday, the University will observe the holiday on the preceding Friday. When a holiday falls on a Sunday, the University will observe it on the following Monday. Hourly employees who are regularly scheduled to work on a Saturday or Sunday that is an actual holiday will be paid 2 ½ times their hourly pay rate for working on that holiday.

The University reserves the right to modify, at its convenience, the holidays it observes and/or the date on which it observes any identified holiday. Each fall, the Human Resources Office will post the specific dates of holiday observations for the following calendar year.

Employees who follow the academic calendar should refer to the applicable [academic calendar](#) to determine appropriate holiday observations.

## **B. PERSONAL DAYS**

Full-time and part-time Administrators, Administrators with Faculty Status, and Support Staff are allotted 2 personal days per fiscal year.

Personal days are allotted on July 1 of each year and may be used with the supervisor's approval, which should be requested at least 3 days in advance of the requested personal day. Any personal day that is not used by the following June 30 will be forfeited, and unused personal days will not be paid out upon separation from employment.

## **C. VACATION LEAVE**

This vacation leave policy applies to Administrators, Administrators with Faculty Status, and Support Staff who are scheduled regularly to work 30 hours per week or more. Faculty, those employees who are regularly scheduled to work 29 hours per week or less, or employees whose job descriptions indicate that they follow the academic calendar of leave are not entitled to vacation leave under this policy.

### **1. Vacation leave credit**

Each July 1, beginning July 1, 2024, the University will credit each eligible employee with the number of vacation hours to which the employee is entitled, consistent with the following chart:

<b>Vacation Leave for Employees as of July 1 of the Current Fiscal Year</b>
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<i>Regularly Scheduled Hours (FTE)</i>	<i>12-month Term of Service</i>	<i>11-Month Term of Service</i>	<i>10-Month Term of Service</i>
40 hours per week (1.0 FTE)	160 hours	144 hours	136 hours
35-39 hours per week (.875 FTE)	144 hours	128 hours	120 hours
30-34 hours per week (.75 FTE)	120 hours	112 hours	104 hours
29 hours or less per week	Not eligible	Not eligible	Not eligible

For employees hired on or after July 1, 2024, the Human Resources Office will credit the number of vacation hours to which the new employee is entitled based on the employee's hire date and consistent with the following chart:

<b>Pro-Rated Vacation Leave for New Employees</b> (number of hours below multiplied by the number of payroll periods between the hire date and June 30 of the current fiscal year)			
<i>Regularly Scheduled Hours (FTE)</i>	<i>12-month Term of Service</i>	<i>11-Month Term of Service</i>	<i>10-Month Term of Service</i>
40 hours per week (1.0 FTE)	6.154 hours	5.538 hours	5.231 hours
35-39 hours per week (.875 FTE)	5.538 hours	4.923 hours	4.616 hours
30-34 hours per week (.75 FTE)	4.616 hours	4.308 hours	4.000 hours
29 hours or less per week	Not eligible	Not eligible	Not eligible

## **2. Use of vacation time**

Vacation leave may be used in increments of 1 hour.

Use of vacation time must be requested in advance by the employee and approved by the employee's supervisor. Supervisors should grant vacation leave when possible; however, the supervisor may deny the requested vacation time if the employee's absence will have a substantially negative impact on University or department operations. In extraordinary circumstances, the supervisor may revoke approval of vacation time.

An employee will not be charged vacation leave for a paid holiday that falls within the approved vacation period.

New employees may not use vacation leave within the first 60 days of employment, unless the vacation leave was scheduled and approved by the supervisor prior to hire.

If, by June 30 of each year, beginning June 30, 2025, an employee has unused vacation time remaining, they may carry forward up to 40 hours (5 days) of vacation time into the next fiscal year. Any unused vacation time in excess of 40 hours will be forfeited.

## **3. Changes to employment classifications**

If a full-time employee transitions to a part-time position, the employee may use, within that same fiscal year, any vacation time that had been credited to them during their full-time employment. Any unused vacation time that is not used by June 30 of that same fiscal year will be forfeited.

If a part-time employee transitions to a full-time position, the Human Resources Office will calculate the vacation leave to which the employee is entitled as if the employee were newly hired and consistent with the Pro-Rated Vacation Leave for New Employees chart in section 1 of this Vacation Leave Policy.

#### 4. Separation from employment

Unused vacation leave may not be used to complete an employee’s service; employees are required to work on their last day of employment.

When an employee separates from employment, unused vacation leave will be paid subject to the following formula. The Human Resources Office will calculate the amount of vacation leave the employee would have accrued between July 1 and the employee’s date of separation, using the chart below. The employee will be paid for the calculated vacation leave, plus any unused carryover time from the prior fiscal year, minus time used since July 1.

<b>Pro-Rated Vacation Leave Payout Schedule</b> (# of hours below x # of payroll periods between July 1 and date of separation)			
<i>Regularly Scheduled Hours (FTE)</i>	<i>12-month Term of Service</i>	<i>11-Month Term of Service</i>	<i>10-Month Term of Service</i>
40 hours per week (1.0 FTE)	6.154 hours	5.538 hours	5.231 hours
35-39 hours per week (.875 FTE)	5.538 hours	4.923 hours	4.616 hours
30-34 hours per week (.75 FTE)	4.616 hours	4.308 hours	4.000 hours
29 hours or less per week	Not eligible	Not eligible	Not eligible

## D. SICK LEAVE

This sick leave policy applies to full-time Administrators, Administrators with Faculty Status, and Support Staff who are scheduled regularly to work 30 hours per week or more. Faculty, those employees who are regularly scheduled to work 29 hours per week or less, or employees whose job descriptions indicate that they follow the academic calendar of leave are not entitled to sick leave under this policy.

### 1. Sick leave credit

Each July 1, beginning July 1, 2024, the University will credit each eligible employee with the number of sick leave hours to which the employee is entitled, consistent with the following chart:

<b>Sick Leave for Employees as of July 1 of the Current Fiscal Year</b>			
<i>Regularly Scheduled Hours (FTE)</i>	<i>12-month Term of Service</i>	<i>11-Month Term of Service</i>	<i>10-Month Term of Service</i>
40 hours per week (1.0 FTE)	104 hours	96 hours	88 hours
35-39 hours per week (.875 FTE)	88 hours	80 hours	72 hours
30-34 hours per week (.75 FTE)	80 hours	72 hours	64 hours
29 hours or less per week	Not eligible	Not eligible	Not eligible

For employees hired on or after July 1, 2024, the Human Resources Office will credit the number of sick leave hours to which the new employee is entitled, consistent with the following chart and the new employee's date of hire:

<b>Pro-Rated Sick Leave for New Employees</b> (number of hours below multiplied by the number of payroll periods between the hire date and June 30 of the current fiscal year)			
<i>Regularly Scheduled Hours (FTE)</i>	<i>12-month Term of Service</i>	<i>11-Month Term of Service</i>	<i>10-Month Term of Service</i>
40 hours per week (1.0 FTE)	4.000 hours	3.692 hours	3.385 hours
35-39 hours per week (.875 FTE)	3.385 hours	3.077 hours	2.769 hours
30-34 hours per week (.75 FTE)	3.077 hours	2.769 hours	2.462 hours
29 hours or less per week	Not eligible	Not eligible	Not eligible

## 2. Use of sick time

Sick leave may be used for the following reasons:

- Illness, injury, or medical condition of the employee;
- Illness, injury, or medical condition of the employee's spouse or dependent child;
- medical, dental, or vision appointments unable to be scheduled during non-work hours for the employee and/or dependents; or
- the employee's need to provide care for a critically ill member of the employee's immediate family (parent, spouse, child, or sibling) as granted on a case-by-case basis by the Assistant Vice President for Human Relations and Risk Management in consultation with the employee's area Vice President.

Sick leave may be used in increments of 1 hour.

The employee will give notice to their immediate supervisor as far in advance as possible of any planned use of sick leave. The employee shall notify the supervisor of any unplanned use of sick leave no later than 30 minutes after the start of their scheduled start time. Failure to give appropriate notice may be considered an unexcused absence.

Employees eligible for sick leave who miss more than 3 days of work due to illness will be required to produce a physician's statement to support the use of sick time. The University may require an examination by a physician selected by the University, at its expense, to support the employee's taking of or continuation on paid sick leave.

Eligible employees with long-term illness or medical condition or who experience long-term effects of an injury may be eligible for leave under the Family Medical Leave Act (FMLA) and/or long-term disability and should contact the Human Resources Office.

### **3. Changes to employment classifications**

If a full-time employee transitions to a part-time position, the employee may use, within that same fiscal year, any sick time that had been credited to them during their full-time employment. Any unused sick time that is not used by June 30 of that same fiscal year will be forfeited.

If a part-time employee transitions to a full-time position, the Human Resources Office will calculate the sick leave to which the employee is entitled as if the employee were newly hired and consistent with the Pro-Rated Sick Leave for New Employees chart in section 1 of this Sick Leave Policy.

### **4. Separation from employment**

The University does not compensate employees for unused sick leave upon separation from employment.

## **E. Reserve Sick Leave Bank**

As of June 30 of each year, any unused sick leave hours will be put into the employee's reserve sick leave bank, which will be capped at a maximum of 240 hours. Should the employee qualify for leave under the Family Medical Leave Act or coverage under the University's Long-Term Disability insurance plan, the University would use the employee's Reserve Sick Leave Bank under its Extended Leave Payroll Policy.

This paragraph applies only to those employees who were classified as support staff on June 30, 2024. Any accrued but unused sick leave hours as of June 30, 2024, are placed into the employee's reserve sick leave bank pursuant to the terms of this policy. If an employee's reserve sick leave bank exceeded 240 hours on June 30, 2024, the employee will not bank any additional sick leave hours until their reserve sick leave balance goes below 240 hours. From that point forward, the maximum number of hours they can keep in their reserve sick leave bank will be 240 hours in accordance with this Reserve Sick Leave Bank Policy.

## **F. Extended Leave Payroll Policy**

Employees who qualify for leave under the Family Medical Leave Act or coverage under the University's Long-Term Disability insurance plan will exhaust their leave balances, paid at 100% of their base compensation, in the following order: (1) current sick leave; (2) current vacation leave; (3) reserve sick leave bank. Should the employee exhaust all

leave banks as stated above, they will be paid at the rate of 75% of their base compensation until the end of their approved FMLA leave or until they are transitioned to the long-term disability insurance plan.

## **G. *Bereavement Leave***

Faculty, administrators, administrators with faculty status, and support staff may take up to three scheduled days off work, with pay, to make funeral arrangements or attend the funeral of a member of the employee's immediate family. For purposes of bereavement leave, "immediate family" includes the employee's spouse, child, mother, father, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

Faculty, administrators, administrators with faculty status, and support staff may take one scheduled day off work, with pay, to make funeral arrangements or attend the funeral of a grandparent, a step-parent, step-child, aunt, uncle, niece, nephew, or a spouse's grandparent, step-parent, niece, or nephew.

If additional time off is needed, an employee may request to use personal days and vacation leave, if applicable, or a reasonable period of unpaid leave. The employee's supervisor should consult with the Human Resources Office regarding the request, and faculty should consult the Faculty Handbook.

## **H. *Voting***

The University encourages its employees to fulfil their civil responsibilities by voting in elections. Voting leave applies to administrators, administrators with faculty status, and support staff. On election day, polling locations are typically open both before and after the University's normal business hours. In addition, alternative methods of voting, such as early voting or mail-in voting, may be available outside of normal business hours. As such, employees should vote on their own personal time. However, a reasonable amount of unpaid leave may be used so the employee can vote.

## **I. *Jury Duty***

If summoned for jury duty, any faculty, administrator, administrator with faculty status, or support staff should notify their immediate supervisor. If the employee is required to attend jury duty, they will be required to submit the official summons to the Human Resources Office, and they will not lose compensation or benefits during such service. The employee is not required to remit any compensation earned for their service on a jury, including travel expenses or meals.

Support staff will continue to accrue sick leave while on jury duty, as long as the employee performs some work for the University during the work week(s) and earns compensation from the University.

If the employee is dismissed from jury duty more than 2 hours before the end of their normally scheduled work hours, the employee must return to work.

## **J. *Witness Duty***

Paid leave will be granted for any faculty, administrator, administrator with faculty status, or support staff to testify as a witness when subpoenaed to testify in the prosecution of a criminal case, when ordered by a court or governmental agency to testify in a civil matter, or at the request of the University.

In a civil case, a subpoena is not deemed a court order that would require the University to supply the employee with paid time off in order to testify. Any employee who receives a civil subpoena should consult with their supervisor and the Human Resources Office to determine whether any interest of the University would be served by granting paid time off or whether vacation or unpaid leave should be used for such purpose.

Paid time off does not apply if the employee is a plaintiff in civil litigation. An employee who must appear in court to advance their own personal interests may request use of vacation leave, personal leave, or leave without pay. Such leave is dependent upon supervisor approval.

## **K. *Military Leave***

The University complies with all requirements of the [Uniformed Services Employment and Reemployment Rights Act](#) (USERRA).

To preserve their rights under the USERRA, any faculty or non-faculty employee who enlists in, is inducted into, or is ordered to active duty in one of the uniformed services must give the University reasonable, advance notice of the need for such leave. In certain circumstances, such as military security considerations, it may be impossible or unreasonable to provide such notice.

During the employee's leave, benefits will be discontinued. However, the employee may choose to continue group health, dental, and/or vision insurance under the provisions of the relevant policy's COBRA options. Vacation and sick leave will not accrue or be credited to any eligible employee while the employee is on military leave.

An employee will be eligible for reinstatement to employment following a military leave if the employee's cumulative period of service in the uniformed services is 5 years or less while they were employed by the University. To seek reinstatement, the employee must file a written request with the Human Resources Office. The written request must be made in a timely manner after conclusion of service, and the employee must show that they have not been separated from the military with a disqualifying discharge or under other than honorable conditions.

Upon reinstatement, the employee will be restored to the position and benefits the employee would have attained had the employee not been on military leave. In some situations, the employee may be restored to a comparable position. An employee who is a participant in the University's retirement plan may receive make-up University contributions if the employee makes up their contribution. The employee may make up their unpaid retirement plan contributions through payroll deductions over a period of 5

years or a period equal to 3 times the employee's period of service, whichever is less. The employee's time on military leave will count toward years of service, seniority, and benefits eligibility.

#### **L. *Faculty Academic Leave, Annual Leave, and Sabbatical Leave***

Faculty should refer to the Faculty Handbook.

#### **M. *Unpaid Leave of Absence***

Any faculty, administrator, administrator with faculty status, or support staff, including part-time employees, may request an unpaid leave of absence.

The Provost and the Human Resources Office will consider faculty requests, and the area Vice President and the Human Resources Office will consider requests made by administrators, administrators with faculty status, and support staff. The employee's stated reason for the request, as well as the University's operational needs in the absence of the employee, will be considered. In all cases, final approval will rest with the President.

If an unpaid leave of absence is granted, all vacation, personal, and/or sick leave will be used before converting to unpaid leave. During the unpaid leave of absence, and if applicable, the employee will not be eligible for benefit coverage. Upon return to work, the employee should consult with the Human Resources Office to reinstate applicable benefits.

#### **N. *Maternity Leave***

Leave for pregnancy or childbirth will not affect professional advancement, longevity, or seniority benefits or benefit eligibility and rights to benefits for any person in any classification.

Per the Pregnancy Discrimination Act, Muskingum:

- Prohibits refusing to hire or promote a woman solely because she is pregnant
- Prohibits termination based on pregnancy
- Prohibits mandatory pregnancy leave based on a pre-set period of time before or after childbirth
- Mandates the same rights to women on pregnancy leave as are available to other employees on disability leave.

The University also complies with Ohio law regarding available maternity leave duration and with the Family and Medical Leave Act's provisions pertaining to pregnancy and child birth.

#### **P. *Family Medical Leave Act***

The below University policies generally apply to all employees. Because of the different nature of full-time Faculty work, however, it is impractical (and in some instances impossible) to apply some of the policies to full-time Faculty. For example, it may not be in the students' best interests to have the faculty member teach for only a limited portion of the semester. If, for example, a faculty member takes an FMLA leave which ends five weeks before the conclusion of the semester, by policy the University has the option of providing the faculty member additional paid leave in order to allow the instructors covering the faculty member's classes to complete the semester where such would be the students' best interest. Therefore, the policies set forth for faculty maternity leave and sick leave endeavor to be as faithful as possible to the University's regular policies and, at the same time, recognize the limitations imposed by working with an academic calendar.

## **1. General Provisions**

Under the FMLA, the University, upon request, will provide up to 12 weeks of job protected leave to eligible male or female employees during a period of 12 consecutive months measured forward from the date of the employee's first use of FMLA leave. Employees are eligible if they have worked for the University for a total of 12 months, not necessarily consecutively, and have worked at least 1,250 hours during the 12 consecutive month period preceding the date of the requested FMLA leave.

## **2. Exhaustion of Paid Leaves**

Employees are required to exhaust any available paid leaves, except personal days, as part of the FMLA leave and must use it before the University's Extended Leave Payroll Policy goes into effect for the remainder of the FMLA leave. Individuals meeting the eligibility standards and working on a part-time schedule would be eligible for pro-rated FMLA leave.

## **3. Unused FMLA Leave**

Unused FMLA leave cannot be carried over from one period of 12 consecutive months to the next such period.

## **4. Events That Entitle an Employee to FMLA Leave**

- the birth of a child or to care for such newborn infant.
- a child's placement with the employee for adoption or foster care.
- the employee's own serious health condition which makes it impossible to perform essential job functions.
- the employee's need to care for their child, spouse, or parent with a serious health condition.

## **5. Advance Notice**

When the employee's need for FMLA leave is foreseeable, prompt advance notice to the Human Resources Office is required.

## **6. Medical Certification**



The University requires that an employee's request for FMLA leave to care for a sick child, spouse or parent, or due to the employee's own serious health condition, be supported by a medical certification issued by the treating health care provider within 15 days after the employees' FMLA leave request, unless procuring such is not practical despite good faith and diligent efforts. The certification should include details of the illness or injury, the treatment required, an estimate of duration of the condition, and where the employee seeks leave to care for a child, spouse or parent, the need for and type of care the employee intends to provide. Certification forms are available in the Human Resources Office.

Upon receipt of the Medical Certification Form, the University may require a second verification from the qualified health care provider of its choice, at University expense. In the event the two certifications present conflicting information regarding leave necessity, the University may require a third opinion at University expense, using a health care provider jointly designated or approved by the University and the employee. Such third health care provider's opinion will be considered final.

## **7. Re-Certifications**

Except in the instance of pregnancy, the University requires an employee to report their status via medical certification every 30 days during the FMLA leave and to document their intention to return to work. The University also requires any usually requested "fitness for duty" certification or release to return to work from the attending health care provider prior to the employee's return.

## **8. Intermittent Leave and Reduced Load**

The maximum 12 weeks of FMLA leave during the 12 consecutive month period can be taken continuously or, under certain circumstances, intermittently (e.g. several days a week) or as a reduced load (e.g. half work days). If intermittent leave is taken, the University may transfer the individual to an alternate position of equivalent compensation and benefits, if doing so would reduce the otherwise applicable disruption of University operations.

## **9. FMLA Leave When Both Parents are Muskingum Employees**

If both parents are employed by Muskingum and are otherwise eligible for FMLA leave, they are entitled to a combined total of 12 weeks of leave for the birth, adoption or foster placement of a child, or for caring for one of their own parents (but not a parent-in-law) with a serious health condition. Both, however, are entitled to up to the full 12 weeks for their own serious health condition or for caring for a child or spouse with a serious health condition.

## **10. Job Restoration at the End of FMLA Leave**

"Job protection" means that, upon timely return from FMLA leave, the employee is entitled to be restored to the same position which the employee held when the leave began or to an equivalent position with equivalent pay, benefits, status and other employment terms and conditions. Any equivalent position will require substantially equivalent skill, effort, responsibility and authority, and present equivalent opportunities as well as being on the same shift or on an equivalent work schedule.

## **11. Health Insurance Benefits Available During FMLA Leave**

While on FMLA leave, the University will continue health care insurance (medical insurance and participation in the flexible spending account) on the same basis as if the individual is actively at work. That is, the University will continue its contribution and the employee will continue their contribution. For paid leave, the employee's contribution will be deducted from the employee's paycheck. For unpaid leave, employees must arrange to either pre-pay, or to pre-deduct from pay due them prior to the leave, or they may arrange to send their contribution by the 15th of each month for the next month's coverage. Failure of the employee to pay their share of the applicable insurance premium within 30 days of its due date, upon 15 days' written notice from the University, will excuse Muskingum from further payments for the employee's insurance and may result in a lack of coverage for the employee. Additionally, the University has no obligation to continue group health insurance for an employee who does not intend to return to work after the FMLA leave expires.

If an employee fails to return from FMLA leave for any reason other than the onset or continuation of a serious health condition or other causes beyond the employee's control, the University may recover from the employee its share of the applicable group health insurance premiums paid during the employee's FMLA leave. This may be done through any available process, up to and including legal action.

## **12. Other Benefits Continued During FMLA**

The University will continue to pay for disability insurance and life insurance for participants in such plans who are on FMLA leave and intend to return to work at the conclusion of such leave. Employee and University contributions to the retirement plan will continue during paid FMLA leave but cease during unpaid leave. No employee fringe benefit ceases by virtue of the fact that a formerly full-time employee goes to a part-time schedule while on FMLA "intermittent leave" or "reduced work schedule" if the employee was participating in such benefit prior to the leave.

## **13. Circumstances Under Which Muskingum May Deny Job Restoration**

- If the employee would not otherwise have been employed at the time reinstatement is requested.
- If the employee fails to provide a required fitness for duty certificate to return to work.
- If the employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc. as a result of the leave. The employee, however, will be given a reasonable opportunity to fulfill those conditions upon gaining the ability to return to work.
- If the employee, even with reasonable job accommodation, is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition.
- If the employee is a key employee (a salaried employee whose earnings are among the highest paid 10% of all salaried and non-salaried employees) and job restoration (not the absence) would cause "substantial and grievous" economic

injury to the University. The University must notify an on-leave key employee promptly of an intent to deny restoration and the employee has the right to return immediately. A non-returning key employee would still be entitled to a full 12 weeks of leave and continuation of health insurance as explained in this policy.

#### **14. Arrangements When 12 Week Period is Close to End of a Semester**

Depending on the timing and reason for leave, a Faculty member may wish to extend their unpaid leave and thus not return until the beginning of the next semester in order to provide continuity in the classroom as a benefit to students. FMLA leaves expected to continue past the beginning of the last five weeks of a semester may be extended upon such request until the end of the semester with the approval of the Provost. Additionally, if the University deems such to be in the best interest of the affected students, it may mandate that the Faculty member remain on leave until the end of the semester, but in such event the remaining leave shall be paid.

#### **15. The Intended Scope of the University's FMLA Policy**

The Human Resources Office should be consulted should additional information be needed or to obtain a copy of the University's FMLA Policy in its entirety.

### **Section V. PERFORMANCE MANAGEMENT AND DISCIPLINE**

#### **A. *Performance Appraisals***

An annual performance review program for Administrators, Administrators with Faculty Status, and Support Staff is viewed as the culmination of an on-going feedback process. The annual performance review program offers a formal opportunity for both the employee and supervisor to focus on the employee's strengths and developmental needs. All supervisors are required to complete the Staff Performance Review Form for each subordinate employee supervised. Assessment of an employee's performance may be an integral part of the University's compensation process. The supervisor's timely and accurate completion of such reviews is considered in the University's evaluation of the supervisor. Faculty refer to the Faculty Handbook.

#### **B. *Policy Violations***

The University may discipline employees for policy violations or other misconduct including that involving alleged criminal activity. In doing so, the University employs the standard of a reasonable, good faith belief that the employee in fact engaged in the alleged misconduct or policy violation.

If any employee has knowledge of a potential policy violation or information indicating that dishonest, discriminatory, illegal or fraudulent activity has occurred, the employee should immediately report the matter to their supervisor, the Human Resources Office, or another University official.

#### **C. *Progressive Discipline Process***

This policy applies to employees who are classified as Support Staff and encourages them to modify unacceptable behavior or performance within a reasonable time. *Nothing about the Progressive Discipline Process changes the Support Staff employee's status as an at-will employee; the University may dismiss an at-will employee at any time and for any reason, with or without notice.* After assessing the totality of the circumstances, the University will determine how this process applies. Generally, the University should begin with the lowest level of correction available; however, the University may discipline at advanced levels of such process, up to and including discharge, particularly where the conduct involved is not susceptible to correction. The initial disciplinary action may vary, any step may be repeated, and steps (up to and including all steps prior to discharge) may be skipped, depending on the University's assessment of the behavior or misconduct.

Typically, the following steps will be involved in Support Staff progressive discipline:

- The supervisor will deliver a verbal warning, describing the performance deficiency or policy violation and advising the employee that more severe discipline may result if the misconduct is not remedied. The supervisor will promptly generate a signed memorandum verifying the date on which the oral warning was given and the purpose of such warning.
- If a verbal warning does not resolve the problem, the employee will receive a written warning defining the standard of performance expected and generally a time frame for improvement. The written warning will notify the employee of the consequences for failure to improve performance or behavior, up to and including termination. A copy will be placed in the personnel file pertaining to the employee. The employee may respond to this statement in writing and such response will also be placed in the personnel file.
- If the conduct or behavior is not corrected or occurs again, the employee may be placed on time-limited probationary status or on unpaid administrative leave of a specified duration.
- If the conduct or behavior is not corrected or occurs again, the employee may be terminated.

Faculty refer to Faculty Handbook.

## **Section VI. CONDUCT & ETHICS**

### **A. *Anti-Hazing Policy***

The University complies with Ohio Revised Code Section 2903.31, et seq., which prohibits hazing at Ohio's colleges and universities, promotes education to eliminate hazing incidents, and establishes procedures and consequences should hazing incidents occur. Employees must act in compliance with Ohio law and the University's Anti-Hazing Policy, which is incorporated by reference into this Employee Handbook and located on the University's website at:

[https://www.muskingum.edu/sites/default/files/media/Student%20Affairs/Student%20Handbook/Anti-Hazing%20Policy\\_1-2022.pdf](https://www.muskingum.edu/sites/default/files/media/Student%20Affairs/Student%20Handbook/Anti-Hazing%20Policy_1-2022.pdf)

### **B. *Policy on Alcohol and Illicit Drugs***

## 1. Statement in Compliance with the Drug-Free Schools and Communities Act and Drug-Free Workplace Act

The University prohibits the unlawful possession, sale, use, or distribution of alcohol and/or illicit drugs, as defined herein, by students, employees, and other members of the University community in or on University property or as part of any activity sponsored or sanctioned by the University.

As an institution of higher education within the State of Ohio, Muskingum is committed to compliance with all applicable federal, state and local laws.

## 2. Definitions

The following terms, as defined, apply to this Policy:

- **Permitted Drug** – A prescribed drug or over the counter drug that has been legally obtained and is being used for the purposes and in the manner for which it was prescribed or manufactured, including prescribed controlled substances.
- **Illicit Drug** –
  - Any drug that may not be legally obtained or possessed under federal or Ohio law. Examples include, but are not limited to, marijuana, opiates, barbiturates, amphetamines, narcotics, and hallucinogens; or
  - Any permitted drug that has been illegally obtained or prescribed; is a drug not being used for prescribed purposes; or is not being used in accordance with the prescribed use; or
  - Any drug that is obtained without prescription that alone, or in conjunction with other prescription and non-prescription medications, results in impairment; or
  - Commonly used chemicals or substances that may cause impairment after prolonged exposure or ingestion. Examples include, but are not limited to adhesives and cleaning supplies.
- **Marijuana** – “Marijuana” means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin.
- **Medical Marijuana** refers to cannabis or marijuana, including constituents of cannabis, THC, and other cannabinoids, which is used as a physician-recommended form of medicine or herbal therapy. Medical Marijuana for certified medical use is limited to the following forms (i) oils, (ii) tinctures, (iii) plant material, (iv) edibles, (v) patches, and (vi) any other form approved by the Ohio State Board of Pharmacy pursuant to the Ohio Medical Marijuana Control Program (the “Program”).

- **Over the Counter Drugs** – Any drug that may be legally obtained without prescription.
- **University Property** - For the purpose of this Policy only, University Property includes all property owned, leased, or rented by the University, including motor vehicles and equipment.
- **Reasonable Cause** – Defined as, but not limited to, evidence that an employee is or was using alcohol, an illicit drug or marijuana drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:
  - Observable phenomena, which may include: direct observation of (i) use, possession, or distribution of alcohol, an illicit drug, or marijuana; or (ii) the physical symptoms of being under the influence of alcohol, an illicit drug, or marijuana. Such symptoms include, but are not limited to: slurred speech, dilated pupils, odor of alcohol, odor of an illicit drug or marijuana, changes in affect, or dynamic mood swings;
  - Abnormal conduct, erratic or aberrant behavior, or deteriorating work performance that appear to be related to the use of alcohol, an illicit drug, or marijuana and does not appear to be attributable to other factors. Examples include, but are not limited to frequent absenteeism, excessive tardiness, or recurrent accidents. A single instance of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance may be sufficient to create reasonable cause depending on the totality of the circumstances;
  - The identification of an employee as the focus on a criminal investigation into unauthorized possession, use, or trafficking of an illicit drug or marijuana;
  - A report, provided by a reliable and credible source, of any prohibited conduct regarding alcohol, an illicit drug, or marijuana;
  - Repeated or flagrant violations of the safety or work rules of the University that are determined by the employee’s supervisor to pose a substantial risk of physical injury or property damage; that appear to be related to the use of alcohol, an illicit drug, or marijuana; and that do not appear attributable to other factors.
- An **Employee** is any individual who has signed a letter of employment with the University, regardless whether that individual is employed full-time, part-time, seasonally, as a graduate assistant, or on a temporary or contract basis. For purposes of this Policy, “employee” also includes volunteers, who do not receive compensation in exchange for their services. Independent contractors are not employees of the University but may be required to abide by this Policy under the terms of their contract. When acting in the course of their employment, students are considered “employees” under this Policy.
- **Possession** can be actual or constructive. Actual possession entails ownership or

physical control, whereas constructive possession is defined as knowingly exercising dominion and control over an object, even though that object may not be within one's immediate physical possession. Under this Policy, the "object" would be alcohol, illicit drugs, or marijuana.

- **Traffick** means to sell, offer to sell, prepare for shipment or delivery, ship, deliver, transport by any means, prepare for distribution, distribute, receive, procure, share, give, or manufacture any illicit drug. Any attempt to traffick illicit drugs will be treated the same as trafficking in illicit drugs.
- A **University-Supported Activity** is any activity that either (1) occurs on campus and is hosted by any office of Muskingum University or any employee, other than student employees, as a representative of the University, or (2) occurs off-campus and University funds are used to pay for any event expense.

### 3. Alcohol

Ohio law prohibits the consumption of beverage alcohol by any person who is under 21 years of age, and also prohibits individuals of legal age from selling or furnishing beverage alcohol to anyone not of legal age. All University students, faculty, staff, visitors, and guests are expected to obey the law and take responsibility for their own conduct. In addition to the Events with Alcohol Policy, the University maintains the following rules regarding alcohol:

- The consumption of alcohol or the possession of open containers of alcohol is prohibited in or on University property. However, the following exceptions apply:
  - Alcohol may be possessed and consumed as approved under the Events with Alcohol Policy;
  - Alcohol may be possessed and consumed as approved under the Policy on Alcohol Events (students); or
  - Employees who live in University-owned housing may possess and consume alcohol. The employee may not invite any student to possess or consume alcohol in or on the property, shall comply with all state and local laws, and shall maintain the property in a manner that reflects positively upon the University.
- Employees, visitors, and guests are prohibited from bringing alcohol to any University event that is open to the public.
  - Employees, guests, and visitors are prohibited from providing alcohol to individuals under the age of 21. Any employee, guest, or visitor found to be providing alcohol to minors will be subject to disciplinary action, and the matter will be referred to law enforcement.
  - Employees, guests, and visitors shall not provide or host an environment in which individuals under the age of 21 are found to be in possession of or consuming alcohol or provided the opportunity to possess or consume alcohol.
  - Employees, guests, and visitors who are 21 years of age or older are expected

to act responsibly if they choose to consume alcohol at an event where alcohol is permitted. Behaviors that are disorderly, inappropriate, threatening, or a disruption to the community violate this Policy and may result in other policy violations. Intoxication will not justify or excuse a violation of this Policy or any other policy.

- Individual employees and employee groups are responsible for their conduct and the conduct of their guests and for promoting compliance with Ohio laws and this Policy.
- No employee may operate any motor vehicle while intoxicated or impaired including, but not limited to, automobiles owned, leased, or rented by the University and golf carts.

Consistent with the Events with Alcohol Policy, the University recommends that any employee or organization considering an event involving alcohol formulate and implement a program to increase alcohol awareness and prevent alcohol misuse for its members and guests.

Compliance with this Policy at off-campus University-supported events, including attendance at off-campus events where the employee represents or is attending on behalf of the University, is required. Off-campus impairment that reflects negatively on the University in any way may result in disciplinary action.

The University provides counseling services to members of the University community who believe they abuse or are dependent upon alcohol. Students may contact University Counseling by calling (740) 826-8091 or sending an email to [counseling@muskingum.edu](mailto:counseling@muskingum.edu). Employees may use confidential counselors available through the Employee Assistance Program (EAP). The Human Resources Office can provide the contact information for EAP.

#### **4. Illicit Drugs**

Not only is it unlawful, but the presence, use, or abuse of illicit drugs on any University property is contrary to the intellectual and educational purposes for which the University exists. Possession of illicit drugs may be an indication that the employee is not constructively engaged in academic endeavors or the University's mission.

Students and their guests are expected to read and follow the Code of Student Conduct and the Student Handbook regarding their possession and use of illicit drugs.

The following acts constitute violations of this Policy if committed by a University employee, guest, or visitor:

- No employee, guest, or visitor may use illicit drugs on or in University property. Additionally, employees, including student employees, are prohibited from using illicit drugs prior to, while participating in, or attending University-supported activities or prior to or while performing job duties.
- No employee, guest, or visitor may possess any illicit drug, or drug paraphernalia, on or in University Property or while attending or participating in any University-



supported activity.

- No employee, guest, or visitor may traffick in illicit drugs.

## **5. Medical Marijuana**

In September of 2016, the State of Ohio passed House Bill 523, known as the Ohio Medical Marijuana Control Program (the “Program”). The Program legalizes the limited use of marijuana for medical purposes. However, marijuana remains illegal under federal law, specifically, Schedule I of the Controlled Substances Act. Thus, in conjunction with the Federal Drug Free School Zone Act of 1988 and the Federal Drug Free Workplace Act of 1988, the University remains an institution of higher education dedicated to maintaining a drug-free learning and working environment.

Accordingly, medical marijuana is treated the same as an illicit drug in Section IV of this Policy even if a student or employee possesses a valid Ohio medical marijuana patient card. Students with questions regarding medical marijuana should contact the Student Affairs Office. Employees with questions regarding medical marijuana should contact the Human Resources Office.

In accordance with the Program, the University shall not consider out-of-state medical marijuana patient cards as valid until such time, if ever, that the Program officially recognizes the same.

## **6. Prescription Medication**

If an employee is taking a legally obtained prescription medication, other than medical marijuana, that may result in impairment or impact the employee’s ability to safely and competently perform the employee’s job duties, the employee must contact the Human Resources Manager to determine whether a reasonable accommodation may be made. Student employees should contact their direct supervisor, who will contact the Human Resources Manager. As noted above, the term “illicit drugs” shall be construed to include drugs for which the employee or student does not have a valid prescription or has a valid prescription, but is not being used in accordance with the prescribed use.

## **7. Testing of Employees – Alcohol and Illicit Drugs**

An employee, including a student employee, or applicant for employment may be required to submit to an alcohol and drug test under the following circumstances:

- Any applicant for employment is subject to pre-employment testing, at the discretion of the University. Such testing will be conducted within the parameters set forth herein;
- Where such testing is required by state or federal regulations ((e.g., for Department of Transportation requirements), the rules of any relevant athletic governing organization, or any employee’s professional licensing or accrediting agency;

- Where the University has reasonable cause to believe the employee is using alcohol and/or illicit drugs in violation of this Policy;
- Where, following a violation of any University policy, an employee has been referred to drug or alcohol treatment by the University as a condition of continued employment, the employee shall be subject to random testing for one (1) year after the employee returns to work, at the discretion of the University. The employee will also be required to furnish the University with a copy of the treatment facility's prescribed after care program and proper verification of the employee's compliance with the aftercare program or revisions thereto;
- Randomly, pursuant to a program developed by the Office of Human Resources, which shall be designed to apply uniformly to all University employees, without exception. Under any such program, no employee may be tested more than twice in a rolling twelve (12) month period; or
- As determined appropriate by the University in accordance with applicable law.

## **8. Testing Procedures**

- At the discretion of the University, an officer with the University Police Department may transport an individual to be tested to and from the testing facility.
- Alcohol and drug testing will be conducted through methods with proven reliability and in strict compliance with appropriate methodology. If an applicant or employee fails to pass the initial drug screening test, the original test sample will be further analyzed using the gas chromatography/mass spectrometry method (or a superior method if available at a competitive cost) before any action is taken.
- All body fluid collections for testing purposes shall be conducted by a physician or health care professional. Specimen containers shall be labeled with a number and the donor's signature and shall be closed with a tamper proof seal in the donor's presence.
- The specimen number and identifying information of the donor shall be entered on a chain of custody form and signed by the collecting technician in the presence of the donor, and the donor shall initial the proper line on the chain of custody form.
- The volume of each specimen shall be sufficient to permit for confirmation testing and/or independent testing (at the donor's cost).
- For specimens that produce a positive test result, the testing facility must retain and store for at least thirty (30) days, in a scientifically accepted manner designated to maintain the integrity of the specimen, a sufficient portion of each specimen so that independent testing can occur if requested. There is no requirement for the facility to retain specimens that produce negative test results.
- All handlers and couriers of the specimen must complete entries and identify themselves on a proper chain of custody form.

- Testing will be done by a facility certified by the Federal Department of Health and Human Services.

## **9. Test Results**

- Any employee who, as a result of testing, is found to have illicit drugs or a detectable blood or breath alcohol level will be considered in violation of this Policy.
- The test result will be deemed positive if the employee engages in any of the following: failing to submit a sample, submitting an adulterated sample, submitting a sample from another individual, or diluting a sample.
- All records and information obtained by the University regarding alcohol and drug testing, requests for testing, the test results and treatment of employees for chemical dependency will be confidentially maintained by the University and will only be shared on a need to know basis for proper administration of this Policy.
- Any employee who wishes to challenge a positive result may have the sample retested at a facility of their choice, so long as the facility meets the standards set forth in Section VIII of this Policy, the employee pays for the test, and the employee authorizes the facility to release results directly to the University.

## **10. Disciplinary Process**

In evaluating whether an individual has violated this Policy, the Employee Relations Specialists or the Vice President for the Student Experience will be asked to conduct an investigation, which may include receipt of drug/alcohol test results. Unless the individual admits to violating the Policy, the Human Resources Office will provide the investigative report to key administrators who will review the report and decide whether the individual is responsible for violating this Policy. “Key administrators” may include any supervisor in the employee’s chain of command, the Assistant Vice President for Human Relations & Risk Management, the Vice-President for Finance & Operations, and the President.

If the individual has violated this Policy, the key administrators will determine an appropriate sanction after considering the totality of the circumstances, which include, but are not limited to, the severity of the violation, prior disciplinary records, any injury or property damage sustained as a result of the violation(s), and any other relevant factor as determined by the administrators.

Disciplinary action may include any consequence or combination of consequences that is appropriate for the situation, up to and including termination of employment.

Student employees who violate this Policy will be subject to disciplinary action in accordance with the Code of Student Conduct, and appropriate sanctions may include loss of their student employment.

## **11. Voluntary Disclosure**

If an employee voluntarily acknowledges that the employee struggles with chemical abuse or dependency related to alcohol or illicit drugs and seeks assistance prior to violating any University policy, the University may, but is not obligated to, offer that employee counseling, support, and other assistance.

An employee who voluntarily elects or requests treatment under this section may be subject to random testing for one (1) year after the employee returns to work, at the discretion of the University. The employee will also be required to furnish the University with a copy of the treatment facility's prescribed after care program and proper verification of the employee's compliance with the aftercare program or revisions thereto.

## **12. Workers' Compensation**

Any University employee who tests positive for the presence of alcohol or illicit drugs (including medical marijuana), or illegally used chemicals, or who refuses to take a drug or alcohol test by the University may be ineligible to receive Ohio workers' compensation and benefits, pursuant to Ohio law.

## **13. Drug Free Workplace and Grants Policy**

All aspects of the above University Policy on Alcohol and Illicit Drugs apply to the Drug Free Workplace Act and Policy. All grantees who receive federal grant money, any individual applying for a federal grant, Pell Grant recipients or an individual or institution applying for any government or financial assistance must certify that the individual or individuals involved will not violate laws involving controlled substances "in conducting any activity with the grant." Certification statements are available in the Student Financial Services Office or with federal student aid applications.

## **14. Implementation**

Under the Drug-Free Workplace Act and Drug Free Schools and Communities Act, all employees and students, by law, must abide by the terms of this Policy. Any covered individual convicted of a criminal drug statute violation which occurs in the University workplace as above defined, is required to notify the Human Resources Office or the Assistant Dean of Students of such criminal drug statute conviction. Where applicable, the University is required, by law, to notify certain federal funding agencies within 10 days after receiving such notice from an individual or otherwise receiving actual notice of the conviction. Since Muskingum University is a recipient of funding from the federal government, all employees and students are required by federal law to abide by this prohibition as a condition of employment. Refer to above Policy for policy statement and sanctions. For a list of locations offering programs, treatment, rehabilitation and counseling referral, please consult with the Office of Human Resources.

## **C. *Workplace Violence***

Any employee act or threat of violence or any words, gestures or other forms of communication threatening bodily harm to another person or damage to his/her property during the work day, or while engaged in any University-related activity, is strictly prohibited. If an employee observes such behavior by another employee, he or she

should immediately report the incident to his/her own supervisor or to the University Police.

## **D. *Consensual, Romantic, or Sexual Relationships***

When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the university, there is the potential for a conflict of interest, favoritism, and exploitation. In order to protect the integrity of the University academic and work environment, this policy outlines limitations on consensual romantic or sexual relationships between faculty, staff, and students at the University to ensure that the academic and work environment remains free from real or apparent conflicts of interest when individuals in positions of unequal power at the university are involved in consensual romantic or sexual relationships.

For the purpose of this policy, “consensual, romantic, or sexual relationships” means relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties. For the purpose of this policy, “supervisory or evaluative authority” is the power to control or influence another person’s employment, academic advancement, or extracurricular participation, including but not limited to, hiring, work conditions, compensation, promotion, discipline, admission, grades, assignments, supervision of senior/graduate projects, recommendations, financial support, or participation in extracurricular programs.

### **1. Consensual Romantic or Sexual Relationships and Evaluative Authority**

When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the University, such as faculty-student, graduate or teaching assistant-student, supervisor-supervisee, advisor-advisee, coach-student, senior faculty-junior faculty, senior staff-junior staff, or faculty-staff, there is the potential for a conflict of interest, favoritism, and exploitation. These relationships may be less voluntary than the person with greater power perceives, or circumstances may change and conduct that was once welcome may become unwelcome. The fact that a relationship was initially consensual does not insulate the person with greater power from a claim of sexual harassment. Further, a party’s professional or academic reputation may suffer due to perceptions of favoritism or exploitation. Moreover, such relationships may lead to restricted opportunities, or a perception thereof, for others in the work or academic environment.

To protect the integrity of the University academic and work environment, the University requires that when a consensual romantic or sexual relationship exists or has existed between people in positions of unequal power at the University, the person with the greater power must not hold any supervisory or evaluative authority over the other person in the relationship, except as provided in this policy.

If such a consensual relationship exists or develops, the person in the position of greater power must immediately report the relationship to the Provost (in the case of a faculty member), or Human Resources (in the case of a staff member). It is the responsibility of both the person with the greater power in the relationship and the individual to whom the relationship is reported to ensure that the party with the greater power is removed from any supervisory or evaluative authority over the other party to

the relationship. In extraordinary circumstances where removal of supervisory or evaluative authority is not practicable, the parties must work with the Provost (in the case of a faculty member), or Human Resources (in the case of a staff member) to determine whether a written management plan can be developed to manage the conflict of interest. Failure to comply with the notification, removal, or management plan requirement is a violation of this policy.

## **2. Consensual Romantic or Sexual Relationships Between Faculty and Students, Coaches and Students, and Staff and Students**

Consensual romantic or sexual relationships between faculty and students, coaches and students, or administrative/support staff ("Staff") and students, even absent any supervisory or evaluative authority, may lead to unanticipated conflicts of interest since a teacher's, coach's, or Staff's influence and power may extend beyond the classroom, department, office, or team. There is always the possibility that the faculty member, coach, or Staff may be placed unexpectedly in a position of power over the student. Due to the institutional power differential in faculty-student and coach-student relationships, there is the inherent risk of coercion and the perception by others of exploitation.

*When undergraduate students are involved, the difference in institutional power and the inherent risk of coercion are so great that no faculty member, coach, or Staff member shall enter into a consensual romantic, dating, or sexual relationship with an undergraduate student, regardless of whether there is a supervisory or evaluative relationship between them.* For purposes of this policy, a graduate assistant is considered a coach or staff member, depending on their specific position.

Romantic or sexual relationships between faculty and graduate/professional students are also problematic. No faculty member shall enter into a romantic, dating, or sexual relationship with a graduate/professional student under their supervision. Should such a relationship begin, the Provost must be notified promptly so that arrangements for alternative supervision and removal of evaluative authority can be made.

If the faculty member and graduate/professional student are in the same department or affiliated with the same graduate or professional program, the possibility exists that the faculty member may influence evaluation or academic or career advancement of the student even if the faculty member does not directly supervise the graduate/professional student. Relationships between a faculty member and a current student within the same department or affiliated with the same graduate or professional program as the faculty member must be disclosed by the faculty member to the Provost promptly upon the beginning of the relationship. Management of such relationships will be considered on a case-by-case basis, and, when possible, will lead to development of an appropriate plan in consultation with the department chair, division chair, and the Provost.

Accommodations for pre-existing relationships between a faculty member and a prospective student or a graduate assistant and undergraduate student will also be considered on a case-by-case basis, and, when possible, will lead to development of a management plan in consultation with the department chair, division chair, and the Provost for faculty, and with the Human Resources Office and the graduate assistant's supervisor for coaches and staff. Failure to comply with the required notification,

removal of evaluative authority or management plan is a violation of this Policy.

### **3. Confidentiality**

Personal employee information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information. If an employee becomes aware of a material breach in maintaining the confidentiality of their personal information, the employee should report the incident to a representative of the human resources department. The Human Resources Office has the responsibility to investigate the incident and take corrective action.

### **4. Consequences of Violations of this Policy**

If any faculty, staff, or student of the University violates the terms of this Policy, disciplinary action will be taken in accordance with relevant disciplinary procedures contained in the relevant handbooks, policies, procedures, practices, or contracts. Violations of this policy will result in disciplinary actions, which can include, but are not limited to, written warnings, loss of privileges, mandatory training or counseling, probation, suspension, demotion, exclusion, expulsion, and termination of employment, including revocation of tenure.

## **E. *Anti-Harassment and Non-Discrimination***

### **1. Non-Discrimination Statement**

Muskingum University does not discriminate in its employment or educational programs or activities based on age, ancestry, color, disability, genetic information, gender identity or expression, military or veteran status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or socioeconomic status.

The following individuals have been designated to receive and respond to reports of discrimination:

#### **Holly Gleason**

Asst. Vice President for Human Relations and Risk Management  
Title IX Coordinator  
Muskingum University  
260 Stadium Drive  
New Concord, OH 43762  
Montgomery Hall – 16  
740-826-8116  
[discrimination@muskingum.edu](mailto:discrimination@muskingum.edu)

#### **Lindsay Carr**

Executive Director of Disability Resources Services  
ADA/504 Coordinator  
Muskingum University  
260 Stadium Drive

New Concord, OH 43762  
Walter Hall - 24  
740-826-6132  
[lcarr@muskingum.edu](mailto:lcarr@muskingum.edu)

Inquiries may also be directed to the U.S. Department of Education, Office for Civil Rights, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115-1812, 1-800-877-8339 or [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

## **2. Americans with Disabilities Act Procedure**

The University does not practice or permit employment discrimination against a qualified individual with a disability, which means having a physical or mental impairment that substantially limits one or more major life activities, or a record of such an impairment, or one who is regarded as having such an impairment. The University also does not permit discrimination against any employee or applicant because they are related to or associates with a person with a disability.

Under the ADA, the University is obliged to and will make reasonable job accommodations, following federal and state guidelines, to a qualified individual with a disability if those accommodations are necessary to permit the individual to perform the essential functions of their job. Unless doing so would impose an "undue hardship" on the University or the program involved, or would create a risk to the health and safety of the individual or others, the University will make such reasonable job accommodations after engaging in interactive process with the employee.

In order to process a desired, non-personal use job accommodation, the employee or applicant must advise the Assistant Vice President for Human Relations & Risk Management of the accommodation being sought. Supervisors who become aware of an employee's potential need for accommodation should contact the Human Resources Office for advice on how to proceed.

Complaints regarding disability discrimination should be reported to the Assistant Vice President for Human Relations & Risk Management and will be managed per the Grievance Process outlined herein.

## **3. Gender-Based and Sexual Misconduct**

In connection with the Non-Discrimination Policy and other statutory and regulatory obligations regarding gender-based and sexual misconduct, the University has adopted a Title IX Policy to address sexual harassment that meets the definition of Title IX regulations. The Title IX Policy is incorporated herein and is available on the University's website at <https://www.muskingum.edu/titleix>

For conduct that may constitute sexual harassment but does not rise to the level of a Title IX violation, the University will use the Grievance Process outlined herein to address the matter.

## **4. Anti-Harassment Policy**



It is Muskingum's goal to maintain a working and learning environment that is pleasant, safe, and dignified; one that respects the individual and fosters teamwork, goodwill, and an appreciation of diversity. Harassment of any kind is a type of discrimination and is considered unprofessional conduct when engaged in, on the campus or at any University-sanctioned event.

- ***Policy Statement***

Muskingum's legal and ethical obligation to employees and to students is to assure that they are free from harassment by any person, including supervisors, co-workers, faculty members, and fellow students with whom they interact during University activities. Muskingum, therefore, expressly forbids harassment based upon an employee's or student's personal traits, including without limitation: race, color, national or ethnic origin, ancestry, non-disqualifying disabilities or physical challenge, sex, including gender identity, gender expression, or sexual orientation, pregnancy or parenting status, age, religion, socio-economic status, political affiliation, or status as a veteran. Any supervisor, Faculty member, Administrator, Administrator with Faculty Status, Support Staff, or student who is found, in accordance with the University Grievance Procedure or other applicable procedure, to have practiced such harassment, will be subject to prompt disciplinary action.

Harassment of employees or students will not be tolerated. This policy applies equally to all employees, all students, and all applicants for employment or enrollment and is in keeping with the intent of government guidelines on discrimination based on the foregoing personal traits. Threats, intimidation, or harassment of employees by supervisors or co-workers will subject the harasser(s) to appropriate discipline, which may include termination. Threats, intimidation or harassment of employees or students by other students will subject the harasser(s) to appropriate discipline, which may include expulsion.

- ***Definitions***

For purposes of this Policy, "harassment" is generally defined as conduct that annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment include but is not limited to:

- Written or verbal abuse of a derogatory racial, religious, sexual, or ethnic nature, or such abuse pertaining to any individual's protected personal traits such as, but not limited to, race, color, religion, gender, national origin, age, disability, veteran's status, sexual orientation, or family status.
- Graphic verbal or written comments about an individual's body or any legally protected trait.
- Racial, ethnic, gender-oriented or other slurs or epithets regarding any protected trait.
- Threats of physical harm of any kind when associated with abuse regarding the recipient's protected traits.

If an employee engages in harassment as defined in subparts A – D above, the severity of disciplinary action taken will be determined based upon (i) whether

the offense is a repeat of prior harassment, and (ii) whether the harassment had the purpose or the effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile or offensive working or learning environment.

**NOTE:** A supervisor's urging of an employee to perform work of greater quantity or better quality, or an instructor's urging of a student to render better quality academic performance, does not typically constitute harassment or a threat.

## 5. Reporting and Grievance Procedure

Under Title IX of the Education Amendments of 1972, the College has adopted an internal reporting procedure providing for prompt and equitable resolution of complaints made by students and employees alleging any action prohibited by Title IX, or by U.S. Department of Education, Office for Civil Rights, regulations implementing Section 504 of the Rehabilitation Act, which prohibit discrimination on the basis of sex and disability, respectively. Complaints of harassment or discrimination will be resolved in accordance with the following procedure.

- **Report the Incident**

Prompt reports of incidents of harassment or discrimination are essential to effective enforcement of this Policy. Multiple administrators have been identified to receive reports so that reports can be made even when the complainant's immediate supervisor may be unavailable or when the aggrieved is not comfortable reporting the matter to that supervisor. Reports of gender-based or sexual misconduct should be reported as specified in the Title IX Policy, and reports of disability discrimination should be reported as defined in the Americans with Disabilities Act Procedure

The following lists the staff who are trained to receive and manage reports for each constituency:

- Administrators, Administrators with Faculty Status, and Support Staff should report harassment or discrimination to the Assistant Vice President for Human Relations & Risk Management or the Vice President for Finance & Operations.
- Faculty Members should report disability discrimination to the Assistant Vice President for Human Relations & Risk Management. All other discrimination or harassment should be immediately reported to one of the following individuals, as appropriate: the Provost; the Assistant Vice President of Graduate & Continuing Studies; the Assistant Vice President for Human Relations & Risk Management; or the Vice President for Finance & Operations.
- Students should report disability harassment to the Executive Director of Disability Resources Services. Reports of gender-based or sexual misconduct should be reported to the Title IX Coordinator. All other forms of harassment or discrimination by faculty or staff should be

reported to the Assistant Vice President for Human Relations & Risk Management, and all other forms of harassment or discrimination by other students should be reported to the Vice President for the Student Experience.

- **Investigative Procedure**

The University will investigate all complaints of discrimination or harassment. For specificity in investigation, the observing employee or student may be asked to put the charge or complaint in writing. The University official receiving the report will ensure that the complaint is given to the administrator responsible for investigation and inform the complainant of the name and position of the administrator who will manage the complaint. The complainant will be advised of the University's findings and conclusions and of any corrective actions taken that directly impact the complainant.

The University recognizes that privacy is very important. All actions taken to investigate and resolve reports shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and fairness of the investigation. All persons involved in an investigation are expected to treat the process with respect. In connection with any investigation, the University expects full cooperation from all employees and students having information regarding the allegations made in the complaint.

Complaints may be investigated by administrators who have been trained in conducting such investigations or by a contracted third party, such as an attorney. Title IX complaints will follow all procedures as specified in the University's Title IX Policy and in compliance with applicable Title IX regulations and other legal requirements.

The University will not tolerate employees or students making knowingly false or malicious accusations. The University may take appropriate disciplinary action against the complainant if their complaint proves to have been made falsely or maliciously. It is also a violation of University policy to retaliate against anyone bringing forth a good faith complaint of harassment, even if the complaint is not subsequently substantiated.

- **Complaint Resolution**

Except for complaints made under the Title IX Policy, all other complaints of discrimination or harassment will be resolved as follows:

- Complaints involving members of the Faculty will be resolved in accordance with Faculty Bylaw IV – Grievance Procedure.
- Complaints involving members of the Staff will be resolved using a process of evaluation of the investigation results and consultation among key administrators who will consider:
  - The severity of the actions that gave rise to the complaint;
  - If the actions were a repeat offence; and

- Other facts of the matter.

The key administrators will determine the appropriate institutional response based on these elements. The institutional response may include the requirement of training on harassment prevention for one or more individuals, a work unit, or a department; reassignment of the person responsible for the harassment or discrimination; suspension or termination of the individual from employment.

“Key administrators” may include supervisors of the complainant and person responsible for the harassment or discrimination (unless the individual is named in the complaint); the Assistant VP for Human Relations & Risk Management; the VP for Finance and Operations; the President; and/or outside legal counsel.

## **F. Confidentiality**

In connection with one’s job, an employee may gain access to confidential information about students, other employees, or the University. Confidential information should be discussed or disclosed only on a “need to know” basis and in the appropriate work setting.

Confidential information includes, but is not limited to, the following:

- Protected personal health information
- Any internal University financial statements or reports containing financial data
- Information contained within University computers, including personal identification information
- Employee records and files, salary data, and statistical reports
- Student records and files or demographic data
- Computer authorization/security codes
- Any information about the University’s business, finances, or plans, which has not been made public through the Office of Strategic Marketing and Communications or an appropriate member of the Senior Leadership Team.

Employees are obliged to maintain the confidentiality of this information at all times, even while off duty. Disclosure of confidential information to one not privileged to receive it constitutes a crime under Ohio Revised Code sections 1333.81 and 1333.99, and reports may be referred by the University to appropriate law enforcement officials for investigation and prosecution.

## **G. External Laws**

In any transaction where a University employee reasonably may be viewed as representing the University, the employee is expected to comply with all known local, state, and federal laws. Consequently, an employee’s non-reversed conviction of certain criminal violations may subject the employee to discipline, up to and including discharge.

## **H. Conflicts of Interest**

It is contrary to Muskingum’s policy for any individual buying from, selling to, or negotiating with potential or existing vendors or contractors on behalf of the University, to have any

economic interest in any such vendor or contractor, their suppliers, or the proposed transaction. Employees who may have property, equipment, or facilities to lease or rent to the University may do so only with prior approval of the President. University funds and assets are to be used only for approved University purposes.

Employees should ensure that outside activities do not conflict with or reflect adversely on the University's interests, do not deprive the University of legitimate working time, and are not competitive with, disruptive to, or damaging to the University. Employees should avoid any situation where, on behalf of the University, they have transactions with their own relatives, close friends, or business associates. Employees must also avoid transactions, commitments, or other activities that could give the appearance of a conflict of interest between the employee's personal interests and those of the University. Unreported and unresolved conflicts or apparent conflicts of interest may result in discipline up to termination.

Employees may not accept any substantial gift from a party with whom the University transacts business. Tendered gifts with a value in excess of \$50.00 must be reported to the Vice President for Finance & Operations for approval prior to acceptance.

## **I. *Computer Ethics Policy***

Muskingum University provides a variety of computer and computer-related resources for students, faculty, administration, and other affiliated parties. Because these resources are limited and shared, it is important that all users adhere to ethical and legal limitations on their employment. This statement lists minimum commitments of users to these limitations.

All users of Muskingum computer and network resources will abide by these policies and practices:

- Users must use only those computer accounts which have been authorized for their use.
- Users are responsible for all use of these facilities. They should make appropriate use of system-provided protection features and take precautions against others' obtaining access to their computer resources.
- Unless authorized, users must not search for, access, or copy directories, programs, files, or data not belonging to them.
- Users should not encroach on other's use of computer facilities by monopolizing computer time, interfering with proper access to resources, or in any other way.
- Users must not attempt to modify system facilities or attempt to crash any system. Nor should they attempt to subvert the restrictions associated with their accounts.
- Users are responsible for sensible treatment of hardware and software to which they have access and should report problems with hardware, software, or network facilities immediately to the Director of Computer and Network Services.
- Users should not abuse internet, telephone line, or other remote access to the Muskingum University computer and network facilities or to any other computer facilities.

- Unless otherwise authorized, users should employ Muskingum University computer and network facilities for projects directly related to Muskingum University work.

The following statement endorsed by both the Software Trade Association (ADAPSO) and the national educational computing consortium (EDUCAUSE) should be read and considered carefully:

*"Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and term of publication and distribution.*

*Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community."*

Unless granted explicit written permission, it is strictly forbidden to host or share copyrighted material on any computer (including personally owned) connected to the university's network and internet service.

Data files and messages traversing the University network are not private communications. The University reserves its right, as owner of the network and the computers in question, to examine, log, capture, archive, and otherwise preserve or inspect any messages transmitted over the network and any data files stored on University owned computers.

Abuse of computer and network privileges is subject to disciplinary action. Violations by students will be adjudicated by the Community Standards Board. Violations by faculty will be adjudicated by the Professional Relations Committee. Violations by administrators or staff will be adjudicated by the Vice President for Finance and Operations in consultation with the President. Penalties proposed for offending parties will in each case be referred to the Computer Advisory Board for final review. Nothing in this policy precludes enforcement under the laws and regulations of the State of Ohio and/or the United States. Questions concerning computer ethics and responsibilities should be directed to the Director of the Computer and Network Services.

## **J. Fundraising and Other Solicitations**

The Office of Institutional Advancement is the University's official fund-raising unit. It is policy to consult that office before initiating or developing any fundraising activities involving Administrators, Administrators with Faculty Status, Faculty, Support Staff, alumni, friends, foundations, students, corporations, or other organizations within or outside of the University.

Because working time is for work, the University prohibits outsiders from coming on the campus to solicit employees for any cause at any time. Similarly, employees may not solicit other employees for any cause when any of the employees involved are on working time. Scheduled or otherwise approved rest breaks, however, are not considered working

time. Additionally, employees may not distribute any non-work related materials while on working time.

## **K. *Outside Employment***

Employment at the University must be considered each full-time employee's principal vocation. Individuals, however, may engage in other employment, consultation, or private practice under the following parameters, if applicable:

- The outside employment must not interfere with efficient performance of the employee's University position. At no time are employees permitted to be engaged in outside employment during their regularly scheduled work hours.
- The outside employment must not conflict with the interest, ethics, or reputation of Muskingum University.
- The outside employment may not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests.

If it is determined that the employee's second job interferes with the employee's performance of their University position or appears to impugn the University's reputation, the University may request that the employee resign such second job or face employment discipline, up to termination. Faculty refer to the Faculty Handbook.

## **L. *Work Attire***

All employees are viewed as representatives of the University and are expected to dress in a professional manner. Based on variation in each department or office's operational needs, such as public expectations and safety, attire must be neat, clean, and appropriate for the type of work performed.

On designated casual wear days, employees may wear office-acceptable jeans with a shirt bearing the Muskingum University or Muskingum Athletics logo, or other top appropriate for the office. Office-acceptable jeans include denim that is not cut off, ripped, or excessively baggy, faded, or frayed. Denim shorts are not acceptable, but denim capris cut below the knee may be acceptable when school is not in session and weather permits. Supervisors have discretion to disallow any casual wear day based on department needs.

## **M. *Office Décor***

By virtue of their employment here, all employees are viewed as representatives of the University. Thus, employees should select workplace decor presenting a professional appearance.

## **N. *Fragrance in the Workplace***

Use of strongly scented products can cause disruption to the workplace and may cause harm to students, employees, or other individuals with allergies or other medical conditions. The use of candles, candle warmers, other fragrance-emitting devices, potpourri, and other natural or artificially scented products is prohibited in all campus

offices. Likewise, employees should be mindful of the effects of scent on others if using heavily scented personal products.

## **O. *Campus Smoking Policy***

The buildings on the Muskingum University campus are smoke-free. Smoking is permitted on University grounds but smokers must be far enough away from the building as to not allow smoke to enter the building.

## **P. *Professionalism***

All employees shall conduct themselves in a professional manner in any employment or other activity where they reasonably may be viewed as representatives of the University. Professionalism is demonstrated by courtesy, respect, compassion, honesty, self-control and maintenance of personal dignity even when differences of opinion occur. Without limitation, professionalism also requires that the employees communicate with one another in an open, honest and useful manner and perform their duties as efficiently and conscientiously as possible. In the performance of duties, the employee will treat members of the public, students, other employees, and colleagues with courtesy and sensitivity.

## **Q. *Productivity***

All employees are expected to meet high standards of productivity relating to time management, teamwork, efficiency, cooperation and contribution.

## **R. *Code of Expected Employee Conduct***

Employees should be aware that the University is supportive but will not tolerate certain acts and behaviors that are unproductive or detrimental to Muskingum. These acts are usually basic acts of non-compliance or acts of misconduct and are handled through disciplinary action. Examples of events requiring disciplinary action include, but are not limited to the following:

### **1. Acts of Non-Compliance**

- Failure to maintain a desired level of satisfactory performance
- Misuse of work time, including solicitation while on the employee's working time or when any other party to the solicitation is on their working time
- Excessive absenteeism
- Failure to comply with University policies or regulations, including, without limitation, becoming involved in situations that may give the appearance of a conflict of interest
- Repetitive disregard of known regulations or procedures (parking, safety equipment requirements)
- Unauthorized use of University equipment
- Disregard of an authorized work request
- Declination to cooperate with co-employees or a supervisor

### **2. Acts of Misconduct**



- Acts or threats of violence
- Intentional or reckless endangerment of life or property
- Immoral or indecent conduct, including moral turpitude
- Theft or fraud, including misrepresentation on a time sheet
- Possession or sale of illegal drugs on University property or while engaged in University business, including at any time while driving a University vehicle
- Participating in harassment of or discrimination against others, or failing to report such harassment or discrimination when required to do so
- Participating in hazing or failing to report hazing
- Violation or misuse of confidential information
- Working under the influence of illegal drugs or alcohol
- Possession of a firearm at the workplace or while operating a University vehicle by one other than a member of the University Police Department
- Failure to disclose actual conflicts of interest
- Conviction of any crimes (other than minor traffic violations) under state or federal law
- Insubordination
- Intentional violation or disregard of University policies or regulations

Efforts to manage acts of unintentional non-compliance typically will be attempted through a progressive disciplinary process to help an employee solve a problem, or understand expected performance or behavior, or to improve performance.

When acts of misconduct occur and where the violations are considered flagrant or involve the endangerment of students, fellow employees, or University property, or are considered major infractions, dismissal may be effected without prior warnings or application of progressive discipline. In all cases, even where only acts of non-compliance are involved, Muskingum reserves the right to bypass progressive process and terminate the individual's employment immediately if warranted in the University's sole discretion.

Faculty refer to Faculty Handbook.

## **S. *Weapons on Campus***

The possession of weapons, whether carried openly or concealed, on the University's campus by employees or others is prohibited unless the carrier is a member of the University Police Department on active duty.

## **T. *University Police Department***

Campus safety and security is coordinated by the University Police Department. The University Police enforce regulations of the University as well as village, county and State of Ohio criminal and traffic laws.

## **U. *Emergency and Criminal Activity Reporting Procedures***

Employees should report potential criminal activity and other emergencies on campus first directly to 911 and then to the University Police Department (8155).

## **Section VII. COMMUNICATIONS AND CAMPUS SERVICES**

### **A. *Publishing Comments about the University***

Any employee publication to be distributed off campus intended for a general audience and communicating any message about the University, its status, its plans, or its personnel, must be reviewed and cleared by the Office of Strategic Marketing and Communications before publication.

### **B. *Responses to Media***

Muskingum is a private university and, as such, is not subject to Ohio's public records accessibility law. No employee, other than one specifically designated by the President, may respond to any media representative in any official capacity as a University representative. Any questions are to be referred to the Executive Director of Strategic Marketing and Communications.

### **C. *Campus Directory***

The University currently maintains two campus directories.

1. **External Facing** - From the University's website, a Directory is available, which includes directory information for faculty and full-time employees. This information is available to the public. After the Office of Strategic Marketing and Communications creates an employee's external directory entry, the web-captains assigned to each office are responsible for maintaining accurate directory information.
2. **Internal Facing** - From the University's website, a Campus Directory is available by clicking on the wrench icon. The Campus Directory includes all students and all employees and includes pictures, if available, and campus contact information.

### **D. *Campus Telephones***

Employees may not use campus telephones for personal long-distance calls.

### **E. *Campus Services Office***

All campus events and room reservations, including outdoor areas, are scheduled through Physical Plant. Note that when planning events, ARAMARK's Classic Fare has exclusive catering rights for all on-campus events involving the service of meals or food. As a general rule, Sunday events are to begin at 3:00 p.m. or 7:30 p.m. and evening events during any other days are to begin at 8:00 p.m.

### **F. *Mailroom and Mail Service & Student Employees Handling Mail***

The University mailroom provides on-campus delivery and collection at all campus locations. The Mailroom's operating hours are 8:00 a.m. to 5:00 p.m.

Student employees may not open institutional mail.

## **G. Mailbox Distributions**

Campus mailboxes are not to be used for unsolicited or anonymous non-business correspondence. Individuals/groups from outside the campus community may not distribute materials through the University mail system.

Because of the danger of slip/fall and the unsightly appearance of litter, employees may not distribute non-work related materials in any working or public area of the campus. Distribution of such material must be confined to non-work areas dedicated exclusively to employee usage, such as lunchrooms or uniform changing locker rooms.

## **H. Email Policy**

University email addresses remain the property of Muskingum University, and employees should have no expectation of privacy regarding any message sent to or from their University email address.

The University maintains several email distribution lists which are available at: <https://muskingum.teamdynamix.com/TDClient/144/Portal/KB/ArticleDet?ID=11114>. These email lists are for university business/announcements only.

Employees may use the [mucommunity@muskingum.edu](mailto:mucommunity@muskingum.edu) mailing list to share non-university related announcements, to list items for sale, to promote fundraisers, etc.

To unsubscribe from MUCommunity:

Log into Webmail

Click on the "Contacts" tab

Click on "Distribution Lists" in the left column

Click on "Muskingum University Community" in the center column

Click the "Unsubscribe" button on the right side of the page

Click "OK" on the informational box that pops up

Click on the "Mail" tab to return to your mail messages

To resubscribe to MUCommunity:

Log into Webmail

Click on the "Contacts" tab

In the "Search" bar at the top of the page, type in mucommunity

Click on "Muskingum University Community" in the center section

Click the "Subscribe" button on the right side of the page

Click "OK" on the informational box that pops up

Click on the "x" on the Search tab

Click on the "Mail" tab to return to your mail messages

## **I. Campus Copy Center**

The copy center maintains the same hours as the mailroom. Deliver printing requests electronically or they may also be delivered to the Mailroom, which is located in the trailer between the baseball field and the Physical Plant shop.

## **J. *Work Orders***

Work orders are to be provided to the Physical Plant Department or Computer and Network Services, as applicable, in order to facilitate scheduling non-emergency repairs or requests for service from those departments.

## **K. *Purchasing Card***

Employees with a need to make purchases on behalf of the University may apply for a Purchasing Card to the Business Office. Those approved for a Purchasing Card must manage their transactions through the PNC online tool for reviewing and approving transactions with the card. If a cardholder believes a limit adjustment is needed, they should contact the Accounts Payable Coordinator in the Business Office. More information is available on the Business Office's webpage at: <https://www.muskingum.edu/accounts-payable>

## **L. *Mileage Policy***

Mileage for conducting University business with the employee's personal vehicle is reimbursed utilizing current IRS standard reimbursement guidelines. The University does not pay employees mileage for commuting from home to work and back to home regardless of distance. The current rate for mileage reimbursement and other policies around mileage are defined on the Business Office's webpage at: <https://www.muskingum.edu/faq-business-office>.

## **M. *Key Policy***

For employees with an assigned office, upon completion of a written Key Request form, office keys are issued by the Physical Plant Department at no cost. A 72-hour advance notice is requested. An individual is personally responsible for all keys issued in their name. While there is no charge for the initial issuance, any lost keys will be replaced by the Physical Plant Office at a personal charge of \$15.00 for an office key or \$50.00 for a master key.

Any key requested for an area or department other than one's own must be authorized by the department head of the requested area. Requests for building master keys require the authorization signature of the Senior Director of Facilities, Physical Plant, Mailroom, and Copy Center and either the Provost for faculty requests or the Vice President for Finance & Operations for staff requests. At termination of employment, all keys are to be returned to the Human Resources Office. The transfer of keys between individuals is not permitted.

## **N. *After Hours Access to Non-Residential Buildings***

Unless pre-authorized by a member of the Senior Leadership Team in a particular

instance, after-hours access to the University's non-residential buildings is limited to Physical Plant staff, Faculty, administrative department heads, and employees with an ongoing need for access, as approved by a member of the Senior Leadership Team and the Chief of University Police.

## **O. *Animals in Buildings***

There are a number of reasons why animals may be present on campus. The University complies with all federal, state, and local laws and regulations regarding the presence of animals on campus. The University's Animals on Campus Policy is incorporated herein and is available online at: [https://www.muskingum.edu/sites/default/files/media/DEO/Animals%20on%20Campus\\_Policy.pdf](https://www.muskingum.edu/sites/default/files/media/DEO/Animals%20on%20Campus_Policy.pdf)

## **Section VIII: COMPLIANCE**

### **A. *Antitrust Compliance Policy***

The University complies fully with all applicable antitrust laws. In implementation of this policy, the University has adopted an antitrust compliance program under which its officers, managerial employees, and certain other designated employees are required to comply with the University's antitrust guidelines.

"Designated employees" will receive an individual copy of our Antitrust Compliance Manual from the Vice President for Finance & Operations. Extreme care must be taken by all University employees to assure that any "cooperation" between themselves and employees of another university or college does not affect competition for students, faculty, employees, grants, supplies, or facilities. Discussion of non-published prices, discounts, fees, student aid amounts, salaries and similar competitive information is strictly prohibited.

### **B. *Whistleblower Protection***

Ohio has a "Whistleblowers Protection Act," which prohibits employers from retaliating against employees who report specified alleged violations to the proper authorities after giving the employer written notice of the asserted violation and the opportunity to cure. Muskingum complies with Ohio's Whistleblowers Protection Act.

### **C. *FERPA***

Under the Family Educational Rights and Privacy Act (FERPA), students have the right to:

- inspect their education records;
- request amendment of their records believed to be inaccurate;
- consent to disclosure of personally identifiable information, where required; and
- file a complaint with the U.S. Department of Education concerning any alleged failure by of the educational institution to comply with FERPA.

Under Muskingum's FERPA policy, certain educational records may be released to the

student's parents without the student's written consent on occasions involving health or safety matters. All employees are required to sign the Statement of Understanding of the Family Educational Rights and Privacy Act.

The Registrar is available to assist in determining what student educational information is confidential and on what basis it may be shared with designated others.

## **E. *HIPAA (Health Insurance Portability and Accountability Act)***

The University is committed to complying with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which protects electronic data interchange and the privacy of protected personal health information. This policy applies to all members of the workforce covered by any of the University's group health care plans. Under HIPAA, the University is required to separate personal health information from other employment records and to safeguard against disclosure of personal health information.

Upon written request, employees have the right to inspect their health information; request a change in that information (although the University is not required to make such change); request an accounting of disclosures (except for disclosures made for payment or health care operations, or any other exception provided by HIPAA's Privacy Rule); and request restrictions on use or disclosure.

The Assistant Vice President for Human Relations & Risk Management serves as the University's HIPAA Complaint Officer.

## **F. *AIDS (Acquired Immune Deficiency Syndrome) Policy***

The University prohibits discrimination or harassment against any individual because they have AIDS, test positive for HIV, associates with an individual testing positive for HIV or having AIDS, or is perceived as having AIDS. An employee who tests positive for AIDS will be treated as any other employee with a chronic illness.

## **G. *Workplace Safety***

### **1. *Safety Practices***

The University strives to comply with all health and safety laws applicable to its operations. Employees are expected to comply with the University's safety rules, regulations, and procedures, and with all federal, state, and local regulations. All employees are expected to be alert to unsafe conditions and practices and to report any unsafe conditions or practices to their immediate supervisor.

It is the responsibility of every employee to utilize safe working conditions, safe tools, equipment, instruments, and appropriate apparel, including safety apparel and apparatuses, where indicated by the circumstances. All employees, including involved Faculty members, are required to read all posted OSHA notices and to comply with OSHA standards. Employees who willfully violate safety standards or are willfully negligent in the safe performance of their work, will be subject to discipline.

### **2. *Reporting Injuries***

If an employee is injured while working, they should immediately notify their immediate supervisor and the Human Resources Office, regardless of the injury's perceived severity. The supervisor will promptly assist in getting any necessary medical attention. The Human Resources Office may request the immediate supervisor's assistance with the completion of any required paperwork.

### **3. Safety Guidelines**

No employee will be required to work under known unsafe conditions or with tools or equipment known to be unsafe. If an unsafe condition develops or unsafe equipment is encountered, the employee should immediately cease work and report such to their supervisor or the Chief of University Police, if available. If the immediate supervisor or the Chief of University Police is unavailable, the employee should report the condition to the Human Resources Office..

### **4. Hazard Communication Program**

Muskingum has implemented a written Hazard Communication Program to inform employees about any chemical hazards in the workplace. It is the responsibility of employees to comply with this plan and to become familiar with Safety Data Sheets. Files of all campus Material Safety Data Sheets are maintained in the office of the designated Compliance Officer (unless otherwise stated, Chair of the Science Division) and a second set is kept in the University Police Department. Copies also are placed with individual departments as appropriate.

### **5. Hazardous Materials Video**

Within one week after reporting to work, all employees who, in their work area, potentially could be exposed to chemicals, waste materials, or other substances that could pose a hazard, are required to view a Hazardous Communication Training video, available in the University Library. The employee must then sign a Statement of Compliance which is returned to the Human Resources Office and placed in their personnel file.

### **6. Blood Borne Pathogens**

Muskingum maintains a written policy in response to OSHA's Blood Borne Pathogens rules that provides mandatory training for certain employees, follows a written exposure plan, maintains work practice controls, and provides protective apparel or apparatuses where appropriate. Consult the Human Resources Office for a copy of the policy, if needed.

A Hepatitis B vaccine program is free of charge to certain employees who may come into contact with blood or bodily fluids or whose response to a crisis may be necessary. An employee covered under this policy may refuse the Hepatitis B vaccine and, likewise, may receive such a vaccination upon changing their mind. Contact the Human Resources Office for details.

The designated employees must follow the National Health Center's Universal Precautions as set forth in the University's written policy, and must utilize appropriate protective apparel and apparatuses, precautions, and procedures when encountering a situation where human blood is or is likely to be present.

## **H. *University Vehicles***

### **1. Operating University Vehicles**

The University motor pool provides transportation for use on University. Vehicles are scheduled through the Physical Plant Office. Reservations are accepted based on a first-in-time basis. Please note:

- Operators of University vehicles must attend and successfully complete the vehicle safety training program provided by the University Police.
- Seat belts must be worn by the driver and all passengers, and all driving laws are to be observed.
- No more than 10 passengers may travel together in any 15 passenger van owned or operated by Muskingum University.
- Individuals participating in a University activity requiring transportation are required to comply with the Student Travel Policy, which is available on MuskieLink under both the Students and Employees menus.

### **2. Vehicle Safety Training Program**

In addition to having successfully completed the University's vehicle safety training program, anyone operating a University vehicle must: i) possess a currently valid driver's license; ii) have no more than two moving traffic violations within the last three years, provided that neither is a serious charge such as OMVI or reckless operation.

### **3. Collisions Involving University Vehicles**

Any collision involving a University vehicle, regardless of severity, location, or fault, must be reported to the local law enforcement authorities and the Chief of University Police. The local agency should be asked to complete an accident report. Some agencies will not complete a report on minor collisions. If that occurs, contact University Police at 1-740-826-8155. The Vice President for the Student Experience and the Assistant Vice President for Human Relations & Risk Management must be notified if the collision involved a student.

An employee injured in connection with an "on the job" collision involving a University vehicle must promptly report the incident to *both* their immediate supervisor *and* the Human Resources Office.

## **I. *Emergency Call-Boxes***

Emergency call boxes are found at various locations on campus. They are identified by a continuous blue light on top of the installation, identifying their location. Employees can



activate the telephone by pushing the button which rings into the University Police Department and the mobile units.

## **J. *Response to Fire, Smoke, and Emergency Alarms Policy***

When a fire alarm, smoke alarm, or other emergency system is activated in any campus building, all persons must evacuate the building immediately. The New Concord Fire Department and University Police will be automatically dispatched. Individuals are restricted from re-entering the building until permitted to do so by the New Concord Fire Department or University Police Officers.

## **K. *Weather Conditions***

The University shall be closed if the Muskingum County Sheriff's Office issues a Level 3 emergency level for Muskingum County or actual temperatures or wind chill temperatures are  $-20^{\circ}\text{F}$ . Only essential personnel will report for work on campus (or remain if the closure occurs during the workday). Other employees should consult with their supervisor about remote work plans.

The University *may* close or delay if the Muskingum County Sheriff's Office issues a Level 2 emergency level for Muskingum County or actual temperatures or wind chill temperatures are  $-10^{\circ}$  or lower. The Vice President for Finance and Operations will make this determination; and will consider the advice of the Senior Director of Facilities and Physical Plant and the Chief of University Police, whether other area colleges and universities are altering schedules or closing, and any other relevant factor(s).

Decisions will be made by 5:30 am, or as soon as possible based on the timing of a weather event, and communicated through several means, including:

- Muskingum.edu (alert bar)
- META
- Social Media
- Campus email
- Notification will also be sent to local television and radio stations

All employees are reminded to sign up for META so they receive emergency alerts. Employees who have the ability to perform work remotely should consult with their immediate supervisor and ensure that they have appropriate equipment prior to the weather event. Faculty should follow guidance from the Provost's Office.

For inclement weather that does not result in a cancellation or delay, employees should make reasonable attempts to get to work. If, however, it appears those attempts may subject the employee's life or health to danger, it is acceptable to stay home. Refer to relevant sections of University policies and consult/notify your supervisor as needed.

If the University should close or delay due to inclement weather, all employees will be paid their regular salary or wages for the day or days involved. The time for which they are paid, however, does not count as time worked for purposes of computing a non-exempt employee's overtime pay for that workweek. Any Support Staff members required to work as "emergency personnel" (e.g., grounds crew, building maintenance crew, and University Police Officers--to the extent scheduled to work that day) during such an inclement

weather shutdown will be paid their regular rate of pay for all hours actually worked, and those hours are counted as hours worked for purposes of computing overtime pay for that workweek. An employee on an approved paid leave during the shutdown will be considered as continuing on that leave, with appropriate deductions being taken from leave accumulations.

## **L. *Suspicious Packages***

If an employee discovers or receives a suspicious package or letter, they should avoid handling the package or letter, to the extent possible. If handling the package or mail, they should handle with care and avoid shaking, dropping, or bumping it. They should isolate the package or letter immediately and contact University Police (x8155) or 911 immediately.

## **Section IX: BECOMING A MUSKIE!**

### **A. *Approval to Fill Positions***

Authorization to create a new position or to fill a vacant or modified position, as well as final approval of the candidate selected, rests with the President. Any supervisor desiring to create a new position, or to fill a vacant or modified position, should obtain a Position Request form from the Human Resources Office.

All positions that are classified as Administrator, Administrator with Faculty Status, and Support Staff will include a job description that includes the position's purpose, its general responsibilities, essential functions, and reporting lines, along with any required or preferred knowledge, skills, and abilities. The Human Resources Office will work with the hiring manager to review all job descriptions and may make suggestions as to any content therein.

### **B. *Advertising Employment Opportunities***

The University is an equal opportunity employer, and therefore publishes hiring opportunities through advertising. The Human Resources Office will post vacancies to the University's website and to Higher Ed Jobs. Any fees for additional or specialized advertising will be charged to the hiring department's budget. The extent to which a position is advertised depends on the requirements of the position.

Positions that involve increased responsibilities, changes of working hours, changes of job title for the incumbent employee, or concurrent internal transfers involving two or more employees, are not considered vacancies and typically will not be posted.

### **C. *Candidate Selection***

All applications for an advertised vacancy must be received by the Human Resources Office. Advertisements will specify that application materials are to be sent by email to [careers@muskingum.edu](mailto:careers@muskingum.edu). Should any employee receive application materials from a candidate for employment, they must immediately forward those materials by email to

[careers@muskingum.edu](mailto:careers@muskingum.edu).

Upon advertisement of a position, the Human Resources Office will create a Teams channel for the position and will provide access to application materials to the employees selected to serve on the search committee.

Interviews must be conducted for vacancies. Virtual interviews are acceptable, particularly when narrowing a list of qualified candidates, and the finalist(s) should visit campus for a final interview. The length of the interview and the number and makeup of employees participating in the interview process is determined based on the position. Interview questions should include technical and behavior questions focused on how the candidate's knowledge, skills, and abilities qualify them to perform the essential functions of the position. All candidates should be asked substantially the same questions by the same set of interviewers for consistency in evaluation. Limited questions of a personal nature and that are not discriminatory are permitted. For example, interviewers may inquire about the candidates' outside hobbies and interests.

The hiring manager should conduct a reference check for any position finalist. The hiring manager should only contact references identified on the candidate's application materials. If the hiring manager wishes to contact individuals who are not identified as references, they may not do so without written consent from the candidate.

The University expects that all employees involved in the candidate selection process will maintain the privacy of all candidates. Candidates should not be discussed with University employees who are not part of the search committee, nor should they be discussed with individuals outside of the University. Likewise, search committee members and those conducting interviews should not conduct social media or other searches without first consulting the Human Resources Office. Should an employee learn of outside information about a candidate, they should consult with the Human Resources Office.

Upon identification of a candidate, the hiring manager should complete a Candidate Selection Form and attach the candidate's letter of interest and resume. Following approval of the Candidate Selection Form, the hiring manager may extend a conditional offer of employment. Should the candidate decline the offer, their rationale should be documented and shared with the Human Resources Office. Counter-offers from the candidate should be communicated with the Human Resources Office immediately. Acceptance of the offer will result in generation of a letter of appointment, which must be signed by the President.

No employee is to commence work until they have signed and returned the letter of appointment and job description, as applicable, to the Human Resources Office.

#### **D. *Employment Eligibility***

All new employees, including student employees, must complete a federal Form I-9 and provide appropriate, original identification documentation within 1 day of their start date to document their employment eligibility. The Human Resources Office will also verify their eligibility to work using the federal e-Verify system. Where required for certain types of work, the employee must produce documentation of their age. or Valid school-issued work permits must be provided by the employee when appropriate. Failure to provide any of the above required documentation will result in termination of employment.

## **E. *Background and Fingerprint Checks***

The University requires all new employees to successfully complete a background check as a condition of employment. The background check will be conducted by independent contractors engaged by the University for such purpose, and the Human Resources Office will send instructions to all new employees on how to obtain the background check. For certain positions, particularly those with access to cash and with other financial responsibilities, a credit check may be required.

An unsuccessful background check will result in rescission of an offer of employment, or if the results of the background check were not available prior to the employee's first day of work, to termination of employment.

## **F. *Introductory Period***

Support Staff employees serve an "introductory period" during the first 60 days of employment. In certain circumstances, such period may be extended. It is the responsibility of the supervisor to evaluate the employee's performance during this introductory period. If progress is not satisfactory at any time during the period, a separation may be effectuated by the University.

If eligible, the employee will follow the University's paid leave policies and may enroll in benefits during the introductory period. During and after completion of this introductory period, the employee continues to be an at-will employee.

## **G. *Hiring Related Persons***

No two persons related by blood or marriage may hold positions, including student employee positions, in which either is directly responsible for supervising the other or making pay recommendations, promotional decisions, or other employment-related decisions affecting the other.

## **H. *Re-Employment***

Former employees may be rehired, at the University's option. Benefits will be premised on the employee's most recent date of hire, unless a given benefit plan provides for a more favorable method of calculation or for enrollment transfer.

## **I. *Faculty and Staff Visas***

The University will determine whether a position is eligible for visa sponsorship when the hiring manager requests authorization to fill a vacancy. If the position is approved for visa sponsorship, the hiring department must have appropriate funds in its budget for that expense.

If a position is approved for visa sponsorship, the University will pay only those expenses required of an employer by the Department of Homeland Security to petition for a visa, visa extension or change, or for permanent residency. Expenses that are not employer

mandated are the employee's personal responsibility. The Human Resources Office and, where faculty is involved, the Office of the Provost will assist as needed.

## **Section X: SEPARATION FROM EMPLOYMENT**

### **A. *Separation from Employment***

Separations from employment are either voluntary or involuntary.

Voluntary terminations include, without limitation, resignation, retirement, failure to return on time from an approved leave, failure to return a signed employment appointment letter within the required time, declination of a job offer while on inactive status, or the completion of a set term appointment.

Involuntary terminations include, without limitation, indefinite lay-offs, non-renewals of appointment, discharges, death, expiration of an inactive status period without extension or renewal by the University, abolishment of position, and termination due to inability to perform the position's essential functions, even with reasonable accommodations, where applicable.

### **B. *Notice of Voluntary Separation***

For staff coverage purposes, exempt personnel who intend to terminate their employment are requested to provide a minimum of 2 weeks' advance written notice, though a longer notice period is preferred if possible. Non-exempt employees should provide at least two weeks written notice. Failure to provide advance, written notice of voluntary separation will be noted in the employee's personnel file and may render them ineligible for rehire.

Written notice of an employee's voluntary termination should be delivered to both the immediate supervisor and the Human Resources Office and should include the employee's last date of employment. If an employee voluntarily terminates via oral notice, they will be considered as having resigned effectively immediately. Likewise, failure to provide a last date of employment will be deemed an immediate separation of employment.

### **C. *Exit and Clearance Procedures***

Upon leaving employment, full-time employees will receive an exit letter stating their last day of employment, the final pay date, the amount of any unused vacation leave, the termination dates for any applicable benefits, a statement of eligibility for continuation of coverage rights for group vision (COBRA), information about continuation or conversion of group life insurance, and other pertinent data relating to the separation from employment. Information about COBRA for the University's medical and dental group coverage plans will be sent to eligible employees separately by MedBen.

University credit/purchase cards, identification cards and badges, keys to University facilities, parking tags, and any other University property must be returned to the Human Resources Office before the employee's final pay can be issued.

If the employee's position had been designated as a 9-, 10-, or 11-month position and is paid over 12-months, the University will adjust the employee's final paycheck to ensure

payment is received for the time the employee performed work. Faculty who resign from a faculty position will receive their final paycheck on the payroll date on or immediately after their termination date. The University will adjust the final paycheck to ensure payment is received for the time the faculty member performed work, and benefit coverages will be terminated. Faculty typically retire from faculty positions at the conclusion of the academic year. In such circumstances, they will be paid their regular base compensation, following the University's payroll schedule, and will retain any existing benefit coverages through July 31.

## **D. *Retirement***

There is no mandatory retirement age. Under the University's retirement plan, "normal retirement age" is 65 years. For purposes of qualifying for University-provided post-retirement benefits; however, retirement is defined as completion of five years of full-time and continuous service, a minimum age of 58 years, and a total of age plus years of full-time service that equals 70 years or more.

Employees who are considering their options for retirement are encouraged to discuss their options with the Human Resources Office as early as possible, as the selections employees make during the benefit open enrollment period may have an impact on their options post-retirement. Likewise, employees should consider contacting the local Social Security Administration Office and either TIAA or Financial Design Agency of Ohio to discuss their retirement planning.

Retirees who are in good standing may retain possession of their campus ID card.

## **E. *Responses to Reference Inquiries***

When asked for a reference on a former employee by a third-party, the University will release only information about the employee's dates of employment and job title at the time of separation, unless the former employee presents a signed release authorizing it to provide the third party with salary information, reason for termination, and performance evaluations. No general or unsolicited information will be provided.

Where a terminating employee requests a reference letter for obtaining other employment, only the employee's supervisor or member of the Senior Leadership Team may issue such a letter after consultation with the Human Resources Office.

## **Section XI: MISCELLANEOUS**

### **A. *Employment Records***

All records containing facts regarding a specific employee are generally maintained in the Human Resources Office.<sup>1</sup> The personnel-related facts pertaining to an employee are required for use by the University, by various governmental agencies, and by benefit program administrators.

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<sup>1</sup> Faculty assessment records are kept in the Office of the Provost.

To ensure accurate personnel information, the employee must promptly report to the Human Resources Office any change of name, address, phone number, marital status, dependent reaching age 24, dependent no longer a full-time student, change in the number of dependents, or change in beneficiaries, if applicable.

All personnel records are deemed confidential. An employee may examine their own personnel file at any time during normal office hours by scheduling an appointment with the Human Resources Office. The file may not be removed, but copies of any material in the file will be made by the Human Resources Office upon the employee's request. Should an employee believe information in the file is inaccurate, a written statement, signed by the employee and regarding such information will be placed in the file by the Human Resources Office, if requested.

## **B. *Definitions***

As used in this Employee Handbook, the following definitions will apply:

1. "Fiscal year" means the 12-month period that begins on July 1 and ends on the following June 30.
2. "Calendar year" means the 12-month period that begins on January 1 and ends on the next December 31.

## **C. *Review and Modification***

This Employee Handbook will be reviewed by the Human Resources Office annually or more frequently, on an as-needed basis. Additions, deletions, or other modifications to this Employee Handbook may be made by the Vice President for Finance & Operations or the President at any time and for any reason within the best interest of the University.