



KENTUCKY  
WESLEYAN  
COLLEGE  
—1858—

# **EMPLOYEE HANDBOOK**

**SEPTEMBER 2015**

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## **WELCOME**

Welcome to Kentucky Wesleyan College! We believe that outstanding people are the key to success. Through the efforts of our personnel, the College has become a leader in the educational community. To ensure continued success, it is important that all employees understand College policies and procedures. This Employee Handbook will familiarize you with the College's personnel policies, and we encourage you to use it as a valuable resource for understanding Kentucky Wesleyan College philosophy. Best wishes to you in your career with Kentucky Wesleyan College.

This Employee Handbook is composed of three sections. The first section applies includes policies that apply to all Kentucky Wesleyan employees, including faculty and staff. The second section contains policies that only apply to staff members and the third section contains policies that only apply to faculty members.

## **MISSION STATEMENT**

Kentucky Wesleyan College, in partnership with the United Methodist Church, fosters a liberal arts education that nourishes and prepares students intellectually, spiritually and physically to achieve success in life.

## **AN EDUCATION COVENANT OF PARTNERSHIP**

Continuing 250 years of commitment to church-related education, the Council of Bishops of The United Methodist Church, the National Association of Schools, Colleges, and Universities of The United Methodist Church, and The General Board of Higher Education and Ministry of The United Methodist Church commit to this education covenant as partners in mutual service and support.

As evidence of our commitment to a vibrant and meaningful relationship between the educational institutions and the church, we will:

- \* **CREATE** an inclusive and celebrative atmosphere that nurtures and supports the faith journeys of students, faculty, and staff;
- \* **UPHOLD** the vital principle of academic freedom where there is open and honest pursuit of knowledge and wisdom without restriction and with respect for the integrity of each educational institution and the church;
- \* **STRESS** through teachings and example the worth and dignity of each person, an emphasis on voluntary community service, and concern for international relations;
- \* **PREPARE** students, regardless of social standing, ethnic identity or gender, for lives of intellectual vigor, moral integrity, and spiritual fulfillment, not just as a personal benefit, but for leadership in a new century;
- \* **PROVIDE** support and service to each other wherever appropriate and mutually agreed upon;
- \* **AFFIRM** this relation between the church and the educational institutions openly and with pride in our mutual history and shared potential for the future;

Endorsing this Education Covenant of Partnership, we, the representatives of the church and the educational institutions, affirm one another and pledge our support to provide quality education and to be more vital and vibrant faith communities as we prepare individuals for lives of committed service.

## **Section I: All Employees**

**EMPLOYEE ACKNOWLEDGEMENT**  
**for the Kentucky Wesleyan College Employee Handbook**

I acknowledge that I have been provided with the website address to access the Kentucky Wesleyan College (the “College”) Employee Handbook (the “Handbook”; <http://panther.kwc.edu/ics>), and I understand that I may request a paper copy from Human Resources at any time.

As an employee of Kentucky Wesleyan, I understand and agree that I am required to abide by the rules and regulation of the College, including but not limited to those in this Handbook. It is my responsibility to read and obtain clarification, if necessary, about the various policies and procedures. I understand that this Employee Handbook is intended to provide an overview of personnel policies and procedures of the College and is not intended to represent all policies or possible applications. At any time, the College may add, change, or rescind any policy or practice at its sole discretion, with or without notice. Upon posting, the most recent version of this Handbook supersedes all previous versions. It is the responsibility of each employee to stay informed of policies and procedures affecting them. I know that this Handbook and other College-related documents are available on the Wesleyan PantherNet, and that it is my responsibility to check this source regularly for changes.

I also understand that nothing in this Handbook constitutes an employment contract, expressed or implied, but rather serves as a guide to some policies of the College. I further agree that these policies and practices do not create any express or implied employment contract or covenant of any type between the College and me.

By signing below, I certify that I have read, understood, and agree with all the statements above.

\_\_\_\_\_  
Employee name (please print)

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

Please complete this form and return it to the Human Resources within 10 days from the date of hire.

## **GENERAL INFORMATION**

### **SELECTION AND HIRING**

In general, employment openings are posted on the Kentucky Wesleyan College website and campus email, with other outlets utilized as appropriate to the position available and the type of search being conducted. The College may, at its discretion, choose not to post an opening. The College reserves the right to utilize job-related tests, focusing on job related tasks, to determine an applicant's skills and/or knowledge. Results will be reviewed only by those directly involved in the employment process.

All positions, including new and existing positions, must be approved for hiring before any action is taken. To receive approval, a Kentucky Wesleyan College Position Request Form must be completed with all the appropriate information and signatures. This includes full-time, part-time, temporary, faculty, and staff positions. This form is available on the PantherNet.

All offers of employment must be made through Human Resources or the Academic Dean's Office in order to be valid. This includes information related to salary, status, and benefits. New employees are given a letter of appointment detailing their position, compensation, job duties, and supervisor.

### **BACKGROUND CHECKS**

In an effort to provide a safe and secure environment for our students, employees, and visitors, the College conducts background checks on employment candidates, employees, and volunteers. Persons in these categories are required to sign a disclosure and authorization form to allow the College to conduct a thorough background check. This process is necessary to ensure that the applicant has the required education or skills, a safe driving record, no job-relevant criminal convictions, and no history of sexual abuse/sexual misconduct that may jeopardize the safety or welfare of the College's employees, students, or guests. Convictions will be evaluated on the basis on the nature and gravity of the offense, the time since the offense (or completion of sentence), and the nature of the position. The College reserves the right to conduct background checks at any time and to take action based on the results, under the same criteria as above. For insurance reasons, background checks will be re-screened at a minimum of every five years.

### **EQUAL OPPORTUNITY EMPLOYER**

Hiring and other employment decisions are made on the basis of qualifications, including but not limited to training, experience, skills, aptitude, and past performance records. Qualifications are defined as any factor that may affect the person's ability to do the job. Employment decisions are made without respect to color, race, national origin, religion, sex, age, genetic disposition, disability that does not relate to the job, veteran status or any other basis that would be in violation of any applicable federal, state, or local law.

### **DISABILITY ACCOMMODATION**

Kentucky Wesleyan College is committed to complying with the Americans with Disabilities Act (ADA), as amended. Employment decisions, including job application procedures, hiring, compensation, promotion, and termination, are made on a non-discriminatory basis. Qualified individuals with a disability may request reasonable accommodation under the ADA when the disability affects job performance. The individual seeking accommodation must request it from his or her supervisor and provide adequate documentation about the disability and requested accommodation. Requests will be considered on a case-by-case basis.

### **EMPLOYMENT OF RELATIVES**

The College allows the relatives of current employees to be employed at the College. However, direct or indirect supervision by a close family member is not allowed. Close family members are defined as a parent, spouse, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, stepchild, and stepparent. If this situation does develop, one of the parties will be required to resign, unless there is an open position in another area to which one employee can transfer.



### HIRE DATE AND SENIORITY DATE

An employee's hire date is the date on which he or she began employment at the College, whether full-time or part-time. An employee's seniority date (sometimes called an anniversary date) is the date on which he or she was hired or transferred into a full-time position. The seniority date is used in computing length of service for full-time benefits and service awards. If an exempt employee is hired after the first of the month, the paycheck for that month will be prorated according to the hire date.

If there is any break in service for any amount of time, the individual's hire date begins again as of the date the employee is rehired. Likewise, a new seniority date begins when the rehired employee goes to full-time status. During an approved leave, hire dates and seniority dates remain the same.

### EMPLOYMENT FORMS AND INFORMATION

In compliance with the Immigration Reform and Control Act, new employees are required to complete an Employee Eligibility Verification, Form I-9, to establish identity and employment eligibility on or before the first day of employment. This form requires specific forms of identification to be presented, as listed in the instructions for the form. The form is available from the website for the Department of Homeland Security, U.S. Citizenship and Immigration Services. Please contact Human Resources for information.

Tax forms should also be completed: Form W-4, Employee's Withholding Allowance Certificate for federal taxes and Form K-4, Employee's Withholding Exemption Certificate for Kentucky state taxes. Paychecks for anyone not completing these forms in time for a pay cycle will be processed under the terms of single and no exemptions as directed by the appropriate guidelines.

New employees will be provided information on the College's benefits as applicable to the employee's position. All employees will receive information on the College's retirement plan. Full-time employee will receive information on the College insurance offerings. Any employee who does not receive this information should contact Human Resources.

### EMPLOYEE IDENTIFICATION

All employees should have a College ID made through the Student Life Office. This ID can be used for identification as a College employee, to use the door access system on certain campus doors, to check out material from the Library, to purchase meals and food on campus, and to access discounts available to employees. Employee Wesleyan ID's must be turned in when employment ends.

### PAY DATES

Non-exempt employees are paid every two weeks on Friday. Exempt employees are paid once on month on the last working day of the month. If the pay date falls on a holiday, the paychecks will be distributed the last working day prior to the scheduled pay date.

### DIRECT DEPOSIT

Direct deposit is required for all employees. The required form must be completed at least one week before the schedule payday. Paychecks can be direct deposited to any financial institution that receives and participates in electronic funds transfer program (EFT). Check stubs are delivered though the campus mail.

### PAY CORRECTIONS

The College takes reasonable steps to ensure the accuracy of employee payroll checks. It is each employee's responsibility to review his or her paycheck for accuracy (including personal information, compensation, taxes, and deductions). In the event of an error, the employee should promptly bring the matter to the attention of Human Resources. Generally, any correction will be made on the next regularly scheduled pay date. If an employee has questions about deductions from a paycheck, he or she should contact Human Resources.

### SOCIAL SECURITY and MEDICARE TAXES

According to Internal Revenue Service regulations, the College is required to withhold Social Security and Medicare taxes from employee paychecks. The College pays an employer-matching amount of taxes into these funds on behalf of employees.

### FORM W-2

W-2 forms are issued annually from the College in accordance with federal requirements. These forms are placed in campus mail for current employees and students with a campus mailbox and placed in the U.S. mail for all others. The cost for a replacement W-2 is \$5.00, payable in advance. This fee is allowable per IRS regulations for forms that are lost, destroyed, or never received due to an address change.

### PAY INCREASES

When granted, across the board pay increases are typically effective on September 1 for employees who have been continuously employed in a regular College position since April 1 of that year. However, the determination of the increase amount, processes, and administration depends on the Board of Trustees and may change from year to year.

### CAMPUS COMMUNITY MEETINGS

Campus community meetings are held as needed to provide a forum to address issues of importance to the entire campus community. All employees are encouraged to attend. An opportunity to bring your own concerns and questions to the attention of management is afforded at these meetings. Meetings will be announced through the campus email.

### DAILY BULLETIN

Notices of importance are often posted in the *Daily Bulletin*, which is published electronically through the PantherNet each day during the academic year. Please read the *Daily Bulletin* for this information.

### BULLETIN BOARD POLICY

Employees and students may post items on bulletin boards for campus related activities and announcements without the approval of Public Relations. Individuals wanting to post material not related to the College must obtain approval from Public Relations. All posters, flyers, announcements, advertisements, etc. must be posted on bulletin boards only. Anything posted on an area other than a bulletin board will be taken down and discarded. Outdated material will be removed from the bulletin boards and discarded periodically.

### WEATHER RELATED AND EMERGENCY CLOSINGS

If a weather-related or emergency situation arises, such as heavy snowfall, flood, or other natural disasters, the College's priority will be the safety and well-being of students and employees. In such instances, the decision to cancel classes or to close the College will be made based on the circumstances of the situation. Please see the Weather-Related and Emergency Closing Policy, available on the PantherNet, for more information. Please note that College offices may be open when classes are canceled.

### TECHNOLOGY ON CAMPUS

All new employees receive basic technology training to help them make use of the campus technology. Access to the College's technology (email, PantherNet, etc.) will not be granted to any employee until this training is complete. However, to help a new employee transition to Kentucky Wesleyan College from a distance, temporary access may be granted when the Appropriate Use Policy and the employee's appointment are signed. The technology training must be completed to maintain access.

Employees must safeguard passwords for all computer functions and not share them with others. Employees may be held responsible for any activities that happen under their computer accounts and passwords. Please see the Information Technology Policy Handbook, available on the PantherNet, and the following sections for more information. Employees who violate any of these policies may be subject to disciplinary action, including loss of technology privileges and termination of employment.

All activities on College-provided technological services are subject to monitoring by the College. These services are not private. This includes, but is not limited to, voicemail, email, and internet usage.

#### *KENTUCKY WESLEYAN EMAIL*

The College maintains an email system for employees and students for business and educational purposes. As a condition of employment, all employees are required to activate and read their Kentucky Wesleyan email.

Email may not be used, intentionally or not, to harass or defame others. Spamming is prohibited. Sending an email should be viewed the same as writing a memo and signing one's name. Email through the College system is not private. The College has the right to monitor and access email messages.

When employment ends, the employee's email account will be deactivated, except for faculty who may be allowed to keep their College email accounts for up to one year after retirement and faculty who retire and are granted emeriti status who may retain their College email accounts until they notify the College that they no longer want the account or until death. The College reserves the right to limit, restrict, or discontinue any email account at any time. Please see the Email Policy, available on the PantherNet, for additional information.

#### *PANTHERNET*

The PantherNet is the Kentucky Wesleyan College intranet site. This site contains much valuable information for all employees. Employees who do not have access to computers in their office, may access the PantherNet on computers in Rogers' Hall and the Library Learning Center. From the PantherNet, employees may print many different forms, including this Handbook, if they need or want paper copies. It is the employee's responsibility to use the intranet to stay aware of policies and policy changes. When employment ends, the employee's network access will be deactivated.

#### *INTERNET USE*

Most College computers have internet access. This is provided as a resource to employees for work-related purposes and is not intended for personal use. Employees who spend too much time on the internet for personal reasons will be subject to disciplinary action, up to and including termination.

#### CONFIDENTIALITY

Employees who have access to confidential records should exercise good judgment and discretion in carrying out their job responsibilities and safeguarding computer access codes. Confidential information obtained as a result of employment with or admission to the College must not be disclosed to anyone other than those who have a business need or right to know the information. It may not be used by any employee or former employee for personal gain. Use or disclosure of such information could result in penalties against both the employee or former employee and the College. Employees who breach confidentiality are subject to disciplinary action, up to and including termination.

Kentucky Wesleyan employees are also subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) regarding the privacy rights of students. Please see the Student Information Privacy Policy, available on the PantherNet, for more information.

#### IDENTITY THEFT PREVENTION PROGRAM

In response to the nationwide problem of identity theft, the College has developed an Identity Theft Prevention (ITP) Program to detect, prevent, and mitigate identity theft as a supplement to existing security, privacy, and information technology policies and programs. All College personnel must follow the ITP Program and take the appropriate steps to protect personal and private data and information of all its constituents, including faculty, staff, student, vendors, volunteers, and donors from the risk of identity theft or of being compromised. Please see the College's Identity Theft Prevention Program, available on the PantherNet, for more information.

## PROFESSIONAL CONDUCT

All Kentucky Wesleyan College employees are expected to follow a high standard of conduct at all times. This includes obeying all laws and statutes, following College policies, and treating others with dignity and respect. Inappropriate behavior may lead to disciplinary action, up to and including termination of employment.

## DRESS/APPEARANCE

Employees are required to present a clean, well-groomed appearance at all times. Employees should dress and groom themselves as appropriate for the requirements of their position and job duties. If differences of opinion about the appropriateness of an employee's attire or grooming arise, the decision will be made by that employee's supervisor. Supervisors may make exceptions to the dress policy for departments, specific positions, on certain days, and/or for certain tasks.

Faculty and staff may use the following guidelines when determining appropriate dress during the academic year and the summer months:

Acceptable: slacks, pants, skirts, dresses, capris, khaki pants, appropriately fitting leggings, shirts with collars, polo shirts, turtlenecks, sweaters, sweatshirts, athletic shoes, sneakers, loafers, casual boots, sandals

Unacceptable: jeans (except as noted below), shorts of any kind or length, miniskirts, athletic warm up suits, sweatpants, jogging pants, casual t-shirts, any clothing with bars, alcohol, bands, or offensive material; tank, halter, or crop tops, bodysuits, any shoes that are dirty, ripped, or untied, flip flops, hats, any inappropriately fitting clothing

On Fridays throughout the calendar year, the College will observe Wesleyan Pride Fridays. On these days, employees may wear jeans when they are paired with a Kentucky Wesleyan shirt or top. The College may suspend the observance of Wesleyan Pride Friday for special events or occasions.

Employees may also wear jeans when the weather causes the closing of the local school systems (e.g., Daviess County Public Schools, Owensboro City Schools).

## WHISTLEBLOWER POLICY

The College encourages employees to report concerns to their immediate supervisors. However, there may be times when this traditional reporting system is not possible or practical. For those times, the College has devised a whistleblower policy. This policy should not be used for issues such as personal or employment grievances, general compensation and benefit complaints, or opinions on policy. Please review the Whistleblower Policy, available on the PantherNet, for additional information.

## VISITORS AND GUESTS

Kentucky Wesleyan College welcomes visitors to our campus. All employees play an important role in making guests feel welcome. Family and friends are also welcome to visit the campus. Employees should keep personal visits brief during work hours. Children are not to be in the workplace in lieu of regular childcare arrangements. Please review the Minors on Campus policy, available on the PantherNet, for additional information.

## ANIMALS ON CAMPUS

Except in a Resident Director suite, animals are not allowed in any College buildings unless required to assist the owner with a disability or for educational or research purposes. Pets are allowed in Resident Directors' living quarters.

### USE OF COLLEGE PROPERTY

Employees will use various pieces of College property during their employment. Employees have a responsibility to use College equipment in a careful, professional manner for work-related purposes. Inappropriate or careless use of College property may result in disciplinary action, up to and including termination.

The College has the right to access all of its equipment, offices, buildings, machines, etc. The College may search College property and personal property brought on to campus. Employees do not have a privacy interest in College material, equipment, or assets.

### COLLEGE PURCHASES

The processes for purchasing vary according to the amount and type of expenditure. Please see the Business Policies and Procedures, available on the PantherNet, for more information.

If an employee has a relationship with a potential vendor or service provider, he or she should follow the Individual Conflict of Interest Policy, available on the PantherNet, for guidance.

If legal counsel needs to be secured, please see the Retention of External Legal Counsel, available on the PantherNet, for more information.

### PARKING ON CAMPUS

Parking stickers are issued by the Student Life Office to employees and students to identify their vehicles. Parking spaces are reserved and marked for visitors and handicap parking. All other parking spaces are available on a first come, first serve basis. People parking inappropriately or in inappropriate spaces are subject to ticketing and/or towing by the College as well as local law enforcement.

### SMOKE FREE CAMPUS

Kentucky Wesleyan College is committed to providing a safe and healthy environment for its employees and students. Research has clearly demonstrated that smoking and secondhand smoke constitute significant health hazards.

### INTELLECTUAL PROPERTY

In accordance with the view that one of the College's primary benefits to society is the production of original works by its employees and students, it is the general policy that Intellectual Property shall be the property of the author or creator. The College, however, may assert ownership rights to Intellectual Property developed under the certain circumstances. Please see Appendix A, Policy on Intellectual Property Right, for more information.

### UNSOLICITED BUSINESS GIFTS

No College employee may solicit or accept a gift or other thing of monetary value that might influence or appear to influence the judgment or conduct of the employee in matters of College business (e.g., purchasing decisions, choice of vendors, etc.). Employees may accept occasional, unsolicited courtesy gifts or favors (such as lunches, tickets, food baskets, etc.) as long as the gift or favor has a market value of less than \$100, is customary in the industry, and will not influence or appear to influence the judgment or conduct of the employee in matters of College business. Any such gifts should be reported to the supervisor and should not be considered the property of any one employee. Bribes and kickbacks are strictly prohibited.

### SOLICITATION POLICY

Canvassing, selling, and offering items for sale by employees and non-employees is strictly prohibited on campus, in College buildings, and at College events without special permission from the Advancement Office. Employees who are approached by vendors should notify the Advancement Office at once. Please see the Solicitation Policy, available on the PantherNet, for more information.

### POLITICAL ACTIVITIES

According to federal law for tax-exempt organizations, no substantial part of the activities of the College may constitute an attempt to influence legislation nor may the College participate or intervene in a candidate's political

campaign for public office. Employees of the College must be aware of these prohibitions and may not engage in activities that would cause the College to violate them. No College board, committee, or other official body may express support for or against any political candidate for public office since those actions would be considered actions of the College as a whole. Individual political activities are not restricted (as opposed to activities on behalf of the College), but employees identified with the College must indicate that their statements or actions are their own and do not represent the College. An employee must inform his/her supervisor prior to officially announcing candidacy for public office or accepting such an office.

#### GAMBLING/TOURNAMENT POOLS

According to NCAA rules, anyone who is associated with the Athletics Department may not participate in any pool or fantasy league with an entry fee. Following the recommendation of the NCAA, although it is not against NCAA rules for employees to have a tournament pool with no money involved (e.g., for bragging rights only), no pools of any kind are allowed on campus during the NCAA Tournament or any other athletic contest.

Kentucky Wesleyan's campus is a smoke-free campus. Smoking on campus is prohibited. Smoking as it is used here includes smoking or holding a lighted or smoldering cigarette, electronic cigarettes (or e-cigs), cigar, or pipe of any kind. This policy applies to all employees, students, and visitors (including but not limited to guests, volunteers, contractors, and consultants) while on campus. This policy applies to all areas of campus (including but not limited to campus buildings, parking lots, and sports and recreational facilities) and to all vehicles owned, loaned, leased, or rented by the College. Employees who violate this smoke-free campus policy are subject to disciplinary action, up to and including termination.

#### LOST AND FOUND

Articles found on campus should be forwarded to the Student Life Office. People who have lost an item should check with this office to see if it has been found. Notices may be placed in the *Daily Bulletin* requesting information regarding a more expensive item. The College will not be responsible for lost or stolen items.

#### CAMPUS SAFETY AND SECURITY

Each year, the College publishes the Campus Safety and Security Plan. This Plan provides procedures and guidelines for various safety-related or emergency situations, as well as an emergency call list for key personnel. It is important that all employees are familiar with the contents of this Plan so that they may take the proper action in an emergency. Please see the Campus Safety and Security Plan, available on the PantherNet and upon request from the Business Office, for more information.

All employees are expected to help maintain a safe working environment. This includes using good judgment to prevent injuries, following safety rules, and reporting unsafe conditions to Facilities Services, Human Resources, or the supervisor.

Employees assume responsibility for taking security precautions at all times, such as locking offices when they are unoccupied, signing off computers, and not leaving valuables or keys unattended. Employees who are assigned keys or computer access codes, have job responsibilities involving confidential records, or are given access to confidential information should exercise good judgment and discretion in carrying out their job responsibilities. College keys may not be duplicated except through the Facilities Services. Employees are personally responsible for theft or loss of College funds in their possession. Do not retain cash in College offices. Cash and checks should be submitted to the Cashier with a completed transmittal form immediately. If a theft occurs, a written report of stolen property (College or personal) must be submitted immediately to the Business Office, which will coordinate local authorities and insurance carrier notification, if necessary.

#### MISSING STUDENTS

Employees who have information that a residential student may be missing must notify the appropriate College personnel. For commuter students, local law enforcement authorities should be notified. As appropriate, employees will be notified to assist in the search for a student. Please see the Missing Student Notification Policy and Procedures, available in the Student Handbook on the PantherNet, for information.

### OUTSIDE EMPLOYMENT

The College does not have a policy that forbids employees from working another job outside of the College. However, employees must inform their supervisors if they are employed elsewhere. Full-time faculty must receive written permission from the Vice President for Academic Affairs to hold an outside job. Employment at another organization may not interfere with the employee's duties at the College. If this does occur, or there is a conflict of interest, the employee must resign from the other employment if they wish to remain employed by the College. Outside employment will not be considered a valid excuse for tardiness, absenteeism, refusal to work overtime, or poor performance.

### SEXUAL HARASSMENT AND SEXUAL ASSAULT

Kentucky Wesleyan College is committed to providing a working and learning environment that is free from sexual harassment and it is the policy of the College that sexual harassment in any form will not be tolerated. Please see the Kentucky Wesleyan College Sexual Harassment and Assault Policy, included in Appendix B and available the PantherNet, for more information. Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. All members of the College community, employees, and students are required to promptly report conduct that could be in violation of this policy.

### CONSENSUAL SEXUAL RELATIONSHIPS

Kentucky Wesleyan College strongly discourages any sexual relationship between an employee and a Wesleyan student. Relationships in which a differential of power exists between parties increase the risk of exploitation, favoritism, bias, and conflicts of interest. If any intimate relationship negatively affects job performance or behavior, the College may take disciplinary action, up to and including termination.

### INSURABILITY/COLLEGE VEHICLES

All employees who are required to drive a vehicle as a part of their position must be insurable at standard automobile insurance rates and acceptable to the College's insurance carriers to keep their positions. Employees charged with traffic violations while driving a College-owned vehicle or on College business will be solely responsible for all resultant liabilities. Please see the Business Policies and Procedures, available on the PantherNet, for more information.

### DRUG-FREE WORKPLACE

As a church-related Christian college, Kentucky Wesleyan College is concerned about the health and well-being of its employees and recognizes the hazards involved with the use and abuse of alcohol and illicit drugs. All substance use includes risk of some type or amount. The level of risk depends on several factors, including the type of substance, the frequency of use, the amount used, previous substance use or abuse, family history, existing health conditions, etc. Research shows that employees who use or abuse drugs or alcohol are more likely to have attendance problems, to be involved in workplace accidents, and to have performance issues. No workplace is impervious from the difficulties that can be caused by substance abuse. The College has adopted these policies to protect our employees, students, and guests.

### *EMPLOYEE DRUG/ALCOHOL USE/ABUSE POLICY*

The College prohibits the possession and abuse of alcoholic beverages, the possession of alcoholic beverage containers (either full or empty), and the unlawful manufacture, possession, use, dispensing, or distribution of controlled substances, illicit drugs or drug paraphernalia on College property or at College-sponsored functions. Alcoholic beverages are allowed in the President's Home and Residence Directors' apartments, as they are considered private residences. For the College's policy on drug use and abuse, please see the Employee Drug and Alcohol Use/Abuse Policy and Program in Appendix C.

Employees involved with such possession, use, or abuse of alcoholic beverages, its containers, controlled substances, or illicit drugs or paraphernalia are subject to disciplinary action. This disciplinary action can include immediate termination, depending on the nature of the offense. Participation in a substance abuse program may be required as a condition of continued employment. Employees may also be referred to civil authorities for the

unlawful possession or use of alcoholic beverages or illicit drugs on College property or College-sponsored functions.

As a condition of employment, employees must notify the Director of Human Resources in writing of any criminal alcohol or drug statute conviction no later than five days after such conviction.

#### *EMPLOYEE DRUG AND ALCOHOL ABUSE PREVENTION*

To assist employees and their families with potential issues of substance use and/or abuse, the College provides information on resources available. These include the Alliance for a Drug-Free Owensboro and Daviess County Resource Guide available on the PantherNet and from Human Resources. This Guide include resources on hotlines, prevention, treatment and recovery, shelters, and intervention. Employees on the College's health insurance plan may seek treatment and assistance under that plan's coverage. In addition, employees covered under the College's life insurance plan with Principal and their family members may receive help coping with life's challenges through the Employee Assistance Program (EAP) from Magellan Health Services. The program provides help in dealing with family matters such as divorce, as well as providing resources on parenting, safety and community services. They may be contacted at [www.MagellanHealth.com/member](http://www.MagellanHealth.com/member) or 800-588-8412.

#### CRIMINAL CONVICTIONS

An employee who is convicted of a criminal offense, even a minor traffic violation, must report the conviction in writing no later than five working days after the conviction to his or her supervisor and to Human Resources. The College reserves the right to take action against employees based on criminal convictions, up to and including termination. Convictions will be evaluated on the basis of the nature and gravity of the offense, the time since the offense or conviction (or completion of sentence), and the nature of the employee's position.

#### VIOLENCE IN THE WORKPLACE

The College is committed to maintaining a safe work environment, free of violence, for all employees. The possibility of violence in the workplace is an unfortunate reality. Any form of violence at the College will not be tolerated, whether against employees, students, or visitors, and regardless by whom it is perpetrated. Examples of violence include, but are not limited to, verbal and written threats, physical aggression, or implied physical aggression. Any employee who behaves in a violent or threatening manner will be subject to immediate discipline, up to and including immediate termination and/or criminal charges. Incidences and threats of violence should be reported as soon as possible to the supervisor, the Director of Human Resources, a College Officer, or Campus Security. Incidences will be investigated and documented as necessary.

#### WEAPONS ON CAMPUS

Weapons, firearms, ammunition, and explosives are not permitted anywhere on the College campus. The carrying of concealed weapons is also prohibited. The Kentucky law (KRS 237.110) allowing licensed individuals to carry concealed weapons does not intend to limit, restrict, or prohibit the right of a college to control the possession of deadly weapons on its campus. In addition, the College is private property. Violations of this regulation will result in disciplinary action up to and including termination. In compliance with KRS 237.106, employees legally entitled to possess a firearm may possess a firearm or ammunition in his/her vehicle on College property. Please see the regulations for details.

#### FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act (FMLA), a maximum of 12 weeks of unpaid leave per year is available to eligible employees for certain family and medical reasons. To be eligible, an employee must have worked for the College for a minimum of 12 months, have worked at least 1250 hours during the 12 month period preceding the requested leave, and work at a site with at least 50 employees within 75 miles. After the leave, employees will be reinstated to the same or equivalent position (same pay and benefits) for which the employee is qualified as the one held when the leave began. If an employee does not return to work at the end of the approved FLMA leave period, the College will assume that the employee has resigned.



Employees may request up to 12 work weeks of FMLA leave within a rolling 12-month period measured backwards from the date an employee uses FMLA leave. Employees may request FMLA leave for the following reasons: 1) for the birth of child and to care for the newborn 2) the placement of a child for adoption or foster care; 3) to care for a spouse, parent or child with a serious health condition as defined under the law; or 4) a serious health condition which makes him/her unable to perform any one essential function of his/her job. According to the terms of the Act, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

According to the National Defense Authorization Act, effective 01/28/2008, that amends FMLA, an employee may take up to 26 weeks of unpaid leave to care for the employee's spouse, son, daughter, parent, or next of kin (nearest blood relative) who is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness in the case of a member of the Armed Forces means an injury or illness incurred in the line of active duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

An employee must provide at least a 30 day notice before FMLA leave is to begin if the need for the leave is foreseeable. If that much notice is not possible and practical, notice must be given as soon as it is possible and practical, usually within one or two business days when the need for the leave becomes known. Employees are required to present medical certification confirming the need for the leave, as well as certification releasing the employee to return to work. Employees must follow all attendance policies until the leave is processed and approved.

Subject to the terms of the plan, health insurance coverage may be continued during approved FMLA leave under the same conditions and premiums as if the employee had continued to work. If the employee is on unpaid leave, he or she must continue to pay the employee portion of the health insurance premium on the usual schedule and must make arrangements to do so with Human Resources before the leave begins.

For more information, please see Appendix D, Employee Rights and Responsibilities under the Family and Medical Leave Act, contact Human Resources, and/or read the federal regulations concerning FMLA.

### MILITARY LEAVE

Kentucky Wesleyan employees are allowed to participate in the National Guard and Reserves. Any employee who enters active military service of the United States will be granted a military leave of absence as required by law. Reservists or National Guard officers subject to summer training will be granted unpaid military leave for such training. Specific federal rules apply to the employee regarding military leave.

### PERSONNEL RECORDS

Personnel records are kept in the Human Resources Office. It is important that these records be complete and up to date. It is the employee's responsibility to report changes in the following: legal name, marital status, home address, telephone number, changes in insurance coverage and beneficiaries, number of income tax exemptions, educational status, and any other pertinent personal information. Please notify the Director of Human Resources no later than ten days the effective date of a change.

Personnel files are confidential and are the exclusive property of the College. They may be viewed by a College officer or supervisor when there is cause. Upon request and with appointment, employees may be allowed to review their personnel record in Human Resources the presence of the Director. Copies of personnel files will not be given to current or former employees without a subpoena or other court order.

### RELEASE OF EMPLOYMENT INFORMATION

With the exception of information that it is legally required to provide, the College will release only the following information regarding employment at the College: employment status (active or no longer employed; full-time, part-time, or temporary), title of position, date of hire, and date employment ended, if applicable. If there is other

information a current or former employee wants released, he or she must provide the Director of Human Resources with a signed authorization, after which the request will be considered.

Any employee contacted for a reference concerning a current or former employee should forward the call or correspondence to the Director of Human Resources. Employees who release information will be held liable for any ensuing consequences.

The College recognizes the special nature of faculty employment and tenure references. However, all faculty should be aware of the possible consequences of providing false and/or incomplete information if it is not given in good faith. Litigation is becoming more prevalent in this area (i.e., defamation, invasion of privacy, negligent referral).

### UNEMPLOYMENT COMPENSATION

As provided by the Kentucky Unemployment Act, people who become unemployed through no fault of their own may be eligible for unemployment compensation for a limited period, based on applicable state regulations. This program is administered by the State Unemployment Compensation Commission, to whom the employee must apply for benefits. It is the employee's responsibility to make application for such benefits.

## **INSURANCE COVERAGE**

### HEALTH INSURANCE

Regular full-time employees and their dependents are eligible for health insurance coverage. The College offers two different plans from a self-insured group health insurance program administered by a third party administrator. Both plans feature an in-network office visit copay, with many medical expenses covered under co-insurance after the deductible is met. Prescription coverage is also included. The employee portion of the insurance premium is paid through payroll deduction on a pre-tax basis. It is responsibility of the employee to complete the application for coverage and any other required forms within the enrollment period. An employee who fails to do so loses his/her right to enroll on the plan until the next open enrollment period or the occurrence of a qualifying event. The plan and its terms are subject to change. Please see the plan documents or Human Resources for information and forms.

When employees leave the College, they may have the option of continuing their health insurance coverage according to the terms of the Consolidated Omnibus Reconciliation Act of 1985 (COBRA). Only employees who were covered at the time of separation and who were not terminated on the grounds of gross misconduct are eligible. There are other qualifying events that entitle covered individuals to COBRA coverage, including the death of the employee, divorce or legal separation, a dependent that is no longer eligible, and others. Notices are sent to potential participants by a third party administrator regarding their right to continue coverage, as well as the forms needed to do so. Timely completion of such forms, as well as payment of premiums, is the sole responsibility of the electing participant. Additional information is available in the plan documents.

### DENTAL INSURANCE

Regular full-time employees and their dependents are eligible for dental insurance coverage. The plan features coverage for certain diagnostic and preventative services, as well as other services when in-network providers are used. The insurance premium is paid through payroll deduction on a pre-tax basis. It is responsibility of the employee to complete the application for coverage and any other required forms within the enrollment period. An employee who fails to do so loses his/her right to enroll on the plan until the next open enrollment period or the occurrence of a qualifying event. The plan and its terms are subject to change. Please see the plan documents or the Human Resources for information and forms.

When employees leave the College, they may have the option of continuing their dental insurance coverage according to the terms of the Consolidated Omnibus Reconciliation Act of 1985 (COBRA). Only employees who were covered at the time of separation and who were not terminated on the grounds of gross misconduct are eligible. There are other qualifying events that entitle covered individuals to COBRA coverage, including the

death of the employee, divorce or legal separation, a dependent that is no longer eligible, and others. Notices are sent to potential participants by a third party administrator regarding their right to continue coverage, as well as the forms needed to do so. Timely completion of such forms, as well as payment of premiums, is the sole responsibility of the electing participant. Additional information is available in the plan documents.

#### VISION INSURANCE

Regular full-time employees and their dependents are eligible for vision insurance coverage. The plan features co-pays for vision exams and coverage for glasses or contacts when in-network providers are used. The insurance premium is paid through payroll deduction on a pre-tax basis. It is responsibility of the employee to complete the application for coverage and any other required forms within the enrollment period. An employee who fails to do so loses his/her right to enroll on the plan until the next open enrollment period or the occurrence of a qualifying event. The plan and its terms are subject to change. Please see the plan documents or Human Resources for information and forms.

When employees leave the College, they may have the option of continuing their vision insurance coverage according to the terms of the Consolidated Omnibus Reconciliation Act of 1985 (COBRA). Only employees who were covered at the time of separation and who were not terminated on the grounds of gross misconduct are eligible. There are other qualifying events that entitle covered individuals to COBRA coverage, including the death of the employee, divorce or legal separation, a dependent that is no longer eligible, and others. Notices are sent to potential participants by a third party administrator regarding their right to continue coverage, as well as the forms needed to do so. Timely completion of such forms, as well as payment of premiums, is the sole responsibility of the electing participant. Additional information is available in the plan documents.

#### LIFE INSURANCE

Regular full-time employees are provided term life insurance, paid for by the College. The life insurance coverage includes benefits for accidental death, dismemberment, and loss of sight. The life benefit amount is equal to two times the employee's (or two and one half times an officer's) annualized base gross wage at Kentucky Wesleyan, rounded up to the next \$1,000 multiple, if not a multiple of \$1,000. The benefit amount may not exceed \$100,000 for employees (or \$1,000,000 for officers). Reductions in benefits apply at age 65 and 70. Coverage for spouses and/or children is also available at no cost to the employee. It is responsibility of the employee to complete the application for coverage and any other required forms within the enrollment period. The plan and its terms are subject to change. Please see the plan document or the Director of Human Resources for information and forms.

When employees leave the College, they have the option of continuing their life insurance coverage. Only employees who were covered at the time of separation are eligible. Notices are sent to former employees regarding their portability and conversion options. Proper election of coverage is the sole responsibility of the electing participant. Additional information is available in the plan documents.

#### SUPPLEMENTAL INSURANCE

Optional, supplemental insurance plans may be purchased from American Family Life Assurance Company (AFLAC). Plans include short-term disability, long-term disability, cancer, accident, and hospital. The premium for these plans is paid in full by the employee through payroll deduction. Interested employees should contact the Director of Human Resources for referral to the AFLAC representative for more information. It is responsibility of the employee to complete the application for coverage and any other required forms within the enrollment period. When employees leave the College, AFLAC offers the option of continuing their coverage through home billing.

#### WORKER'S COMPENSATION INSURANCE

The College provides workers' compensation insurance for employees to cover for the cost of medical treatment for work-related injuries or illnesses resulting from employment at the College. If an employee becomes ill or is injured as a result of his or her work responsibilities, he or she must report the occurrence immediately to his or her supervisor and the Director of Human Resources. Employees needing treatment are required to go to specified gatekeeper physicians. The Director of Human Resources will contact the workers' comp carrier to

report the incident. Failure to report an occurrence in a timely manner or to seek treatment with a gatekeeper may result in delays in receiving compensation or denial of the claim.

Payments for lost time as a result of a work-related injury or illness will be limited to payments provided by the compensation insurance carrier, along with any approved PTO. No other supplement is paid by the College. The worker's comp insurance provides the following benefits:

- a. first seven workdays lost - no payment,
- b. day eight through return date - 66% of gross wages, and
- c. on the 15th day of lost wages, the plan provides 66% of the first seven days of lost wages.

Employees should make arrangements with Human Resources for continued payment of any payroll-deducted premiums they have.

Following a workers' comp injury or illness, the College will provide light-duty work, when possible, to employees who are released to work with restrictions, for up to six months following the initial release. Employees must present a medical release from the treating physician before returning to work.

## **OTHER EMPLOYEE BENEFITS**

### **RETIREMENT PLAN**

The College's 403(b) retirement plans are with Teachers Insurance and Annuity Association – College Retirement Equities Fund (TIAA-CREF). The College has two plans, a defined contribution (DC) plan for employer contributions and a tax deferred annuity (TDA) plan for employee contributions. Employees should review plan documents available on the PantherNet and from TIAA-CREF for full details; a general summary is provided below.

The College makes contributions to the DC plan on behalf of employees after the eligibility criteria (12 consecutive months of eligibility service) is met. The College contributes an amount equal to 1.5% of an eligible employee's compensation to an individual annuity contract after the employee has completed the required enrollment process. The College's contribution is 100% vested upon deposit. An employee contribution to the plan is not required to receive the College's contribution.

Employees who receive monetary compensation from the College are eligible to make tax-deferred contribution to the TDA plan. This optional contribution is made through payroll deduction on a pre-tax basis and may be started at any time after enrollment and a salary reduction agreement are completed. To provide flexibility, the amount of the employee's contribution may be indicated as a dollar amount per pay period or as a percentage of compensation. The employee contribution is limited to the maximum amount allowed by federal law. The employee contribution is 100% vested upon deposit.

TIAA-CREF provides information and resources to plan participants and eligible employees through their website at [www.tiaacref.org](http://www.tiaacref.org) and their telephone counseling center at 1-800-842-2776. Plan documents and information are posted on the PantherNet. These plans and their terms are subject to change.

### **TUITION REMISSION FOR FULL-TIME EMPLOYEES**

Tuition remission is an employee benefit program offered to regular full-time College employees and their legal dependents who are accepted for college admission. This is a tax-free program as described in Sections 127 and 117(d) of the federal tax regulations. The provisions of this program are subject to change by federal law. The following guidelines apply:

1. Full-time regular employees, their spouses, and eligible dependents qualify for the tuition remission program for registrations occurring after the employee has completed one year of full-time employment. The employee must be employed by Kentucky Wesleyan on the Mid-Semester date as listed in the Academic Calendar. If no Mid-Semester date is listed for the semester, then the day that is one-half of the way between the beginning of instruction and the end of instruction for the semester will be used. If employment ends for any reason before this date, the full amount of the tuition remission benefit for that

semester will be removed from the student's account, the student will be responsible for payment of charges, and collection policies pertaining to student accounts will be applicable.

- 1a. For employees hired after 03/08/2011, the following schedule for tuition remission will apply. After one year of continuous full-time employment, tuition remission will cover 50% of tuition (tuition only; no fees are covered by this program). After three years of continuous full-time employment, tuition remission will cover 100% of tuition (tuition only; no fees are covered by this program). For employees hired on or before 03/08/2011, after one year of full-time employment, tuition remission will cover 100% of tuition (tuition only; no fees are covered by this program).
2. Full-time employees are eligible for remission of tuition only, not fees, for a maximum of six semester hours in each of the fall, spring, and summer semesters. Tuition remission is not available for employees for the winter term. Each employee is eligible for a maximum of 132 credit hours through the tuition remission program. The maximum will be increased to 144 credit hours when there is a change of major or the program of study requires more than 132 credit hours. Whenever possible, classes should be scheduled outside of the normal work hours or at the most convenient time slot to accommodate work responsibilities. If the class must be taken during normal working hours, the immediate supervisor's approval of a satisfactory work schedule, including make-up of lost work time or use of benefit time, is required. No employee may take more than six credit hours per semester at Kentucky Wesleyan, regardless of coverage by tuition remission.
- 2a. Tuition remission may be used for online courses for employees, spouses and/or dependents only after the minimum course enrollment has been met and before the maximum has been exceeded. Employees requesting the use of tuition remission for an online class must complete a Request for Online Course Registration under the Tuition Remission Benefit for each online course requested. Please see the form for more information. This form does not take the place of the required Tuition Remission Request Form.
3. Legal dependents of the employee, as determined on the applicable federal tax return (the same year used to compute Financial Aid eligibility) and spouses of full-time employees are also eligible for remission of tuition only, not fees. A copy of the applicable year's tax form must be submitted to the Financial Aid Office to show dependent status. A maximum of 132 credit hours is available to each participant. The maximum will be increased to 144 credit hours when there is a change of major or the program of study requires more than 132 credit hours. Spouses and dependents may register as a full-time or part-time student. Overloads are not covered by this program.
- 3a. For employees hired after 03/08/2011, employees, their spouses, and dependents with a bachelor's degree from any institution are not eligible for the tuition remission program.
4. If a tuition remission participant withdraws from the College or drops any credit hours within the full refund period as defined in the College withdrawal policy, the credit hours will not accumulate toward the maximum tuition remission hours allowable. All other hours attempted will accumulate toward the maximum hours available per participant. If applicable, the approved College refund policy for fees and financial aid that is published in the academic bulletin will be followed.
5. Participants in the tuition remission program must meet the Satisfactory Academic Progress policy as defined in the Academic Bulletin. Failure to meet these standards will result in loss of eligibility for the tuition remission program, under the same criteria as all other financial aid programs.
6. To participate, eligible employees, spouses, and dependents must complete the Tuition Remission Request Form by March 31 for the fall semester, October 31 for the winter and spring semesters, or March 31 for the summer semester.  
To participate, the Free Application for Federal Student Aid (FAFSA) must be completed by March 1 annually prior to the enrolled semester. Forms are available and can be filed online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). This requirement will not be waived for an employee, spouse, or dependent unless there are compelling, extenuating circumstances. Documentation of such must be recorded, agreed to, and signed by the Director of Financial Aid and the President of the College, and placed in the Financial Aid file of the student participant.
7. Calculation of the Tuition Remission amount at 100%:
  - a. Commuter students - Financial aid from state and federal and external grant programs as well as institutional funds will be applied to the tuition charge first, with the balance of tuition cost funded by the Tuition Remission program. Fees will be billed and collected according to the payment policies for all students.

- b. Residential students - Financial aid from state and federal and external grant programs will be applied to room and board costs first, up to the amount charged for the lowest cost plans, with any excess funds applied to tuition costs. Next, financial aid from institutional funds will be applied to tuition costs. The balance of tuition costs charged to the student will be funded by the Tuition Remission program. The student is responsible for any room and board fees not funded by federal and state and external resources or fees in excess of the lowest cost room and board plans. Fees will be billed and collected according to the payment policies for all students.
8. Calculation of the Tuition Remission amount at 50%:
- a. Commuter students - Financial aid from state and federal and external grant programs as well as institutional funds will be applied to the tuition charge first. Up to 50% of the original tuition charge will be funded by the Tuition Remission program, up to but not exceeding the tuition balance after the federal, state, external, and institutional funds have been applied. Fees will be billed and collected according to the payment policies for all students.
  - b. Residential students - Financial aid from state and federal and external grant programs will be applied to room and board costs first, up to the amount charged for the lowest cost plans, with any excess funds applied to tuition costs. Next, financial aid from institutional funds will be applied to tuition costs. Up to 50% of the original tuition charge will be funded by the Tuition Remission program, up to but not exceeding the tuition balance after the federal, state, external, and institutional funds have been applied. The student is responsible for any room and board fees not funded by federal and state and external resources or fees in excess of the lowest cost room and board plans. Fees will be billed and collected according to the payment policies for all students.

#### TUITION REMISSION FOR PART-TIME EMPLOYEES

Tuition remission is offered to part-time staff employees with at least one year of regular, continuous part-time employment with Kentucky Wesleyan College. Part-time faculty will be eligible for remission at the beginning of their third continuous semester of teaching. The program will follow the terms outlined above in “Tuition Remission of Full-Time Employees” with two exceptions: employees are limited to four credit hours a semester, and spouses and dependents of part-time employees are not eligible to participate.

#### CIC TUITION EXCHANGE PROGRAM

Kentucky Wesleyan College is a member of the Council of Independent Colleges’ (CIC) Tuition Exchange Program (TEP). The CIC-TEP is available to regular, full-time College employees after the employee has completed one year of full-time employment. The program aims at satisfying two needs: 1) encouraging members from employee families of the CIC colleges to attend these colleges and 2) assisting these families in meeting the partial cost of college attendance.

The CIC-TEP is a network of CIC member colleges and universities willing to accept, tuition-free, students from families of full-time employees of other participating institutions. Over 400 institutions participate in this program. Each participating institution in the network agrees to import a limited number of students on the same admission basis as they accept all other students, without regard to the number of students it exports. The program covers employees, spouses, and legal dependents. Imported students are responsible for all non-tuition charges (fees, room and board, etc.) as applicable. This program is nondiscriminatory and in compliance with IRS regulations. More information and for a list of colleges participating in CIC-TEP is available online at [www://cic.edu](http://www://cic.edu). Please see the Academic Dean’s Office for participation.

#### TUITION WAIVER PROGRAM

Upon hire, regular full-time employees may take one course a semester (up to three credit hour) at Western Kentucky University each semester tuition free (excludes May term, winter term, and correspondence courses). This benefit may be used for undergraduate and graduate courses, for in-person and online courses, and at any WKU campus. The “WKU Faculty and Staff Tuition Waiver Program Employment Certification Eligibility Form for Kentucky Wesleyan” is available from Human Resources and must be completed and submitted to WKU for processing.

### MEMORIAL TUITION SCHOLARSHIP

A Memorial Tuition Scholarship is available to the spouse and legal dependents of full-time employees who die while actively employed by the College. The deceased employee must have been continuously employed full-time for at least 10 years at the time of death. Spouse and legal dependents are limited to those at the time of death, as determined by that year's federal income tax return (e.g., would not include divorced spouses, dependents parented by the widow/widower in a future marriage, etc.). This benefit is only applicable for classes taken through Kentucky Wesleyan and does not extend to the Tuition Exchange Programs.

This College-funded scholarship will cover the cost of tuition only. Participants must complete the Memorial Tuition Scholarship Form by May 1 for fall or summer enrollment and by November 1 for spring enrollment. If the participant enrolls for six or more credit hours per semester, a Free Application of Federal Student Aid (FAFSA) and the Kentucky Wesleyan College Financial Aid Application must also be completed annually by March 31 prior to enrollment. All other free monies (e.g., scholarships, grants, etc.) will be applied to the account before the tuition scholarship. Refunds will not be issued to students with a Memorial Tuition Scholarship. Fees will be billed and collected according to the payment policies for all students.

A maximum of 144 credit hours is available to each participant. All credit hours attempted, including audit hours, will count toward the maximum, except if a participant withdraws from class within the full refund period. Participants must meet Financial Aid Standards of Progress as defined in the *Academic Bulletin*.

### MOVING EXPENSE REIMBURSEMENT POLICY

Moving expense reimbursement may be offered to newly hired full-time faculty and administrative staff as part of their initial compensation package. If offered, this partial reimbursement (up to \$500) is only for qualified moving expenses (see following paragraph), and applicable receipts must accompany the reimbursement request. Employees are responsible for reporting moving reimbursements (shown on of the employee's W-2 form) on the employee's applicable tax forms.

To determine whether a moving expense is qualified, the College will follow IRS regulations for deductible moving expenses. To be deductible, the new place of employment, the College, must be at least 50 miles further than the distance between the former employment and the former residence. Distance is measured by the shortest, most commonly used route. In addition, the employee must work full-time for at least 39 weeks during the first 12 months after the move. Deductible moving expenses under this policy include the costs of moving household goods and personal effects (packaging, storing, and insuring goods) and travel and lodging expenses (excluding meals) incurred during the move. This policy will change to reflect any future changes in the IRS code.

### NO-INTEREST EMPLOYEE LOANS:

The Sara T. Greer Loan Fund provides short-term, interest free loans of up to \$1,000 to regular full-time employees for emergency medical situations, initial moving/relocating costs, professional development (e.g., tuition and fees, seminar or conference fees, associated travel and lodging, etc.), sabbatical expenses, or to purchase a computer or computer-related accessories. These loans must be repaid within twelve months through payroll deduction but are due immediately, in full, upon termination of employment. Requests for loans should be made to the Director of Human Resources with accompanying proof of the expense (e.g., paid receipts) and are approved by the VP of Finance.

### SERVICE AWARDS/RECOGNITION PROGRAM

The College recognizes the contribution each employee makes toward fulfillment of the College's mission. Employee service awards are presented to regular, full-time employees who have provided service to the College at every 5-year milestone. These awards are presented at a special recognition program held each year.

In recognition of special service above and beyond the requirements of the employee's specific job, the College also presents an Outstanding Staff Member Award to a staff member selected by their peers, who exemplifies service to the College community. This award consists of a nameplate being placed on permanent display in the Administration Building and a plaque for the employee, as well as a monetary award. The College also presents the President's Award for Teaching Excellence and Campus Leadership at this event.

### TICKETS/ADMISSIONS

Free admission to certain College-sponsored events (such as basketball and football games) may be available to College employees. The employee is responsible for making arrangements by calling the appropriate department for information on where the event takes place, where to get the tickets, times, etc.

### LIBRARY

Employees are entitled to full library privileges. When checking out materials, employees should identify themselves to the Circulation Desk attendant and produce their Wesleyan ID. Materials may be checked out any time during the academic year. The materials are due before the last day of finals for that semester. Materials may be renewed for one additional semester only and must be returned to the Library before the last day of finals for that semester. Materials not returned will be declared lost and withdrawn from the collection. Faculty and staff members who fail to return materials by the end of the renewal semester will be assessed a charge consisting of the replacement cost of the materials plus a processing fee. Late returns will not be accepted.

### EMPLOYEE HEALTH PROGRAM

The Director of Student Health is available to advise employees and students regarding referral to physician care, first aid, and self-care of minor ailments. Flu shots are available to employees at a reduced cost.

### PANTHER'S DEN STORE DISCOUNT

The on-campus Panther's Den Store is managed by the All-American Club. Kentucky Wesleyan employees receive a 10% discount on merchandise in the store.

### FOOD SERVICE DISCOUNT

The on-campus food service is managed by Sodexo. Purchases may be made from the Sub-Connection, Jazzman's, and President's Hall Cafeteria. Employees may be eligible for discount programs offered by Sodexo. Employees may purchase Panther Dollars from the Cashier's Office to pay for on-campus food purchases with their employee ID's.

### CHECK CASHING PRIVILEGES

Employees may cash personal checks of up to \$50.00 in the Cashier's Office during normal business hours. Change is also available from this office. The Cashier's office cannot cash checks issued by the College or two party checks.

### CREDIT UNION MEMBERSHIP

College employees are eligible for membership in the Evansville Teachers Federal Credit Union. The ETFCU provides members with a full range of services, including checking and savings accounts, mortgage and loan services, and online banking. For more information, contact Human Resources or the ETFCU at 270-684-6874. The employee is responsible for enrolling in the ETFCU if desired.

### EMERGE OWENSBORO PROGRAM

Emerge Owensboro, formerly known as Leadership Owensboro, is a joint program of the Greater Owensboro Chamber of Commerce and Economic Development Corporation focused on educating and engaging individuals to reach their potential and maximize their impact in the community. Employees interested in participating in this program should submit their application to Emerge Owensboro to be included in the selection process. The College may provide financial support and release time for one full-time employee per year to participate in this program.



## **Section II: Staff Members**

## **GENERAL INFORMATION FOR STAFF**

### **CONDITIONS OF EMPLOYMENT**

An applicant is accepted for employment with the understanding that s/he must be able to perform satisfactorily the job for which he or she is hired with a reasonable amount of training, orientation, and/or reasonable accommodation. There are no guarantees of job security or job schedule, and changes may be implemented according to the needs of the College. The College reserves the right to add, change, or delete job duties and requirements at any time.

### **AT-WILL EMPLOYMENT**

All College staff employees are at-will employees. This means that staff members may terminate their employment at any time without cause and without notice. Likewise, the College may terminate any staff member at any time without cause and without notice. Neither this Handbook (or any part thereof) nor verbal statement from any College representative shall be construed as an employment contract or promise of job security or in any way limit this at-will status. Only a written document explicitly stating that this at-will status is being changed and signed by the College President and the Director of Human Resources may change this at-will status.

### **EMPLOYMENT STATUS: FULL-TIME, PART-TIME, TEMPORARY STAFF**

Staff employees are classified as full-time regular, full-time academic year, part-time regular, or temporary. Full-time regular staff work 40 hours per week (except for those grandfathered in at 37.5 hours per week), 52 weeks per year, except for College designated holidays. Because full-time staff receive benefits based on that status, they are expected to work full weeks or use benefit time to equal full weeks. If an employee does not indicate benefit time to equal a full working week on the timesheet or record, the necessary benefit time will be added to the timesheet or record and deducted from their benefit time. Full-time employees who consistently do not work full weeks and who do not have benefit time to cover the balance may be subject to disciplinary action, reduction to part-time or termination.

Full-time academic year employees work 40 hours per week for at least nine months per year but are considered employed for 12 months per year and are eligible for benefits. During the working period, these employees follow the procedures and rules for full-time employees. During the non-working period, these employees do not work and may not use benefit time in order to be paid. Due to the unique nature of these positions, they are handled on a case-by-case basis.

Part-time regular staff employees work less than 30 hours per week and less than 1,000 hours per year. No part-time employee may work more than 30 hours per workweek. Part-time regular employees are not eligible for employer-paid benefits, other than those required by law, with the exception of Kentucky Wesleyan tuition remission benefit for part-time employees.

Temporary employees may work full or part-time, up to 25 weeks per year. They are hired with the understanding their period of employment is a limited one. Temporary employees are not eligible for employer-paid benefits, other than those required by law.

People working at the College through a temporary employment agency or for an external service provider (e.g., Sodexo) are not employees of the College and are not eligible for College benefits. Kentucky Wesleyan students working at the College, either through the Federal College Workstudy program or otherwise, are not eligible for benefits.

### **SUPPORT STAFF AND ADMINISTRATIVE STAFF**

The College divides staff employees into two categories: support staff or administrative staff. Support staff are generally those employees with hourly, non-exempt positions, who are eligible for overtime pay because their positions do not meet the test requirements for exemption according to federal and state wage and hour regulations. Administrative staff are generally those employees with salaried, exempt positions. These positions fulfill the test requirements for exemption from overtime as set by the Fair Labor Standards Act.

## POSITION DESCRIPTIONS

Kentucky Wesleyan College staff positions have a position or job description that summarizes the purpose of the position, essential functions, and minimum qualifications. Position descriptions can be changed at any time. The organizational chart showing the relationship among positions at the College is available on the PantherNet.

## HOURS OF WORK

The regular workday for full-time staff members is typically 8 hours per day, from 8:00 a.m. to 5:00 p.m., when offices at the College are expected to be open. The lunch period is one hour long, scheduled according to the workload and staffing needs of each area. Employee hours may vary depending on the shift and/or the needs of the department. Due to the nature of an exempt position, it is understood that the hours may vary for administrative staff. Some positions at the College may require different hours of work than those above. Your supervisor will inform you if your workday is different from the typical working hours. In addition, staffing needs and operational demands may necessitate variation in an established schedule from time to time.

Employees are expected to arrive at their offices at the designated time. Employees may receive a written disciplinary warning for excessive tardiness or absenteeism. Any employee who does not show up for work or call in to his/her supervisor for three consecutive workdays will be considered to have voluntarily resigned.

If an employee is going to be late to work or needs to deviate from the expected schedule, he or she must call his or her supervisor at least 30 minutes prior to the employee's scheduled start time. If the supervisor is unavailable, the employee must speak with the supervisor's supervisor. If neither individual is available, the employee must leave a voice mail message for the supervisor detailing the reason for and expected duration of the tardiness or absence.

## REST PERIODS and MEAL BREAKS

The College does not have preset rest periods for the staff. Employees and supervisors should determine a schedule that works best. Kentucky state law requires rest periods for hourly workers of ten minutes each for every four hours worked. Employees are paid during rest breaks. It is the responsibility of each employee to take their breaks in accordance with appropriate pauses in work assignments. Employees may not leave campus during rest breaks.

In addition to rest breaks, a meal break should also be taken between the third and fifth hours of work. Meal breaks are unpaid. By law, this meal break should not be less than 30 minutes. The College typically observes meal breaks of one hour. Meal breaks must be recorded on biweekly timesheets.

Under the Patient Protection and Affordable Care Act, the College will provide a reasonable break time for a nonexempt employee to express breast milk for her nursing child for up to one year after the child's birth each time such employee has need to express the milk. The College will provide a place for an employee to express breast milk that is shielded from view and free from intrusion from coworkers and the public. Breaks for expressing milk are unpaid unless the employee uses her paid rest breaks (see "Rest Periods and Meal Breaks") to express milk. While the FLSA does not require the College to provide these breaks to nursing mothers who are exempt under the FLSA, the College will do so under the same conditions as for nonexempt employees.

## TIMEKEEPING

Employees' Responsibilities:

For support staff, timesheets are used to record time worked. It is the employees' responsibility to record their time accurately on the timesheet. Mistakes on timesheets should be reported immediately to the supervisor. An employee may not sign a timesheet in another employee's name.

The actual time worked must be documented on the timesheet. When an employee completes and signs a timesheet, he or she is attesting to its accuracy, certifying that the information represents the actual hours worked, and certifying that the hours were worked at the direction of the supervisor. The supervisor must approve all

overtime before it is worked. Benefit time must be clearly documented on the timesheet. Employees must obtain the signature of their supervisor on the timesheet before submitting it for processing. Employees falsifying timesheets are subject to disciplinary action, up to and including termination.

For support staff, the normal pay period begins on Monday and runs for two weeks, ending on Sunday. Biweekly timesheets must be turned in no later than noon of the Tuesday of the week you receive your paycheck. Failure to do this may cause a delay in your check.

#### Supervisors' Responsibilities:

When signing an employee's timesheet, the supervisor becomes equally accountable for its accuracy. Signing a blank timesheet is the equivalent of signing a blank check from the College's account. This is not acceptable supervisory behavior and is subject to disciplinary action, up to and including termination. Any overtime must be approved before it is worked. Supervisors should help to ensure that timesheets are complete and turned in by the deadline.

#### OVERTIME

At times, it will be necessary for employees to work in addition to their normal work schedule. For non-exempt, hourly staff employees, the College pays overtime in accordance with Kentucky state law: 1.5 times the hourly rate after 40 hours actually worked in a workweek. Benefit time does not count toward the 40 hours needed for overtime. Overtime is to be worked only with the prior knowledge and at the specific direction of the supervisor. From time to time, overtime may be mandated by a supervisor. Overtime is not paid to exempt employees.

#### COMP TIME

Under the Fair Labor Standards Act, as a private employer, the College cannot offer a compensatory time off ("comp time") program. Therefore, the College does not allow any comp time arrangements for any employees.

#### DEVIATIONS FROM THE NORMAL SCHEDULE

The College recognizes that employees may need time away from work for personal and/or family appointments such as the dentist, doctor, etc. Although individuals should make every attempt to schedule these appointments after normal working hours, the College realizes that this is not always possible. Changes from the normal work schedule to accommodate these incidents will be handled as follows:

1. Actual time worked must be documented on the timesheet. Any time deviated from the normal workday should be documented on the timesheet.
2. If an employee needs to deviate from the regular work schedule, s/he may do so only with the approval of his/her supervisor. If an employee takes time off in a given week, that time can only be made up in the same workweek.
3. Adjusting the regular schedule must be the exception and not the rule. Abuse of this practice will be handled on an individual basis; however, continued abuse may eliminate this option.
4. Because employee benefits are based on a full-time work schedule, each week of an employee's hours should equal the regular amount (either 37.5 or 40 hours). If not enough time has been worked, benefit time must be used to amount to a full workweek.

#### EMPLOYMENT OF SUPPORT STAFF ON SPECIAL PROJECTS

At times, hourly employees may be requested to work on special projects that may be funded through external sources. The following guidelines will apply in these situations:

1. Hourly employees cannot receive additional pay for work completed on regular College work time.
2. Hourly employees must document the extra hours worked on their timesheets and indicate that it is work performed for the special project. They will be paid only after work is performed.
3. Any change in the hourly pay rate for special projects must be approved in writing by the employee's supervisor and provided to the Director of Human Resources in advance.
4. Pay for such work must be processed through regular payroll and distributed on the regular payday.

For exempt, salaried employees, all additional pay authorizations or deduction changes must be submitted to the Director of Human Resources at least one week prior to the payday.

### PHONE AND CELL PHONE USE

At times, personal phone calls must be made and received regarding an employee's family or other important matters. Such phone calls should be kept to a minimum (number and time) and made discretely. Services for students and employees should not be disrupted. Employees must reimburse the College for charges related to personal calls made on College phones (e.g., long distance charges, directory assistance, etc.). The College reserves the right to deny or revoke these privileges from any employee. Employees who abuse this privilege may be disciplined, up to and including termination.

Cell phone usage should also be kept to a minimum (number and time). While a cell phone is the employee's personal property, excessive calls are disruptive and take the employee away from his/her job duties. Calls on cell phones will be treated the same as calls on regular phone lines when determining excessive usage and discipline. The ring tones of all cell phones should be set to a low volume and should be non-offensive. The College will not be liable for the loss of or damage to personal cell phones brought to work.

Some cell phones have been purchased by Kentucky Wesleyan for use by specific employees. These phones are the College's property and are primarily for College-related business. Any expenses incurred for personal reasons must be repaid to Kentucky Wesleyan. Upon resignation, termination, or request, the employee must return the phone within the time frame given. An employee who cannot present the cell phone in good working condition within the requested time may be held liable for the cost of replacement. Please see the Cell Phone Policy and Procedures, available on the PantherNet, for information.

Due to the nature of certain positions, the use of a personal cell phone for College-related business may be necessary at times. These positions include the Officers of the College; others will be considered on a case-by-case basis. Charges for these calls will be reimbursed by the College.

### Cell Phones and Driving

Safety is a primary concern for the College. Cell phone use while driving can distract drivers and increase the likelihood of an accident. Following the strong recommendation of the College's insurance, any employee using a College vehicle or personal vehicle for College-related business may not use a cell phone while driving. Employees must pull off the road before answering or initiating a call. Employees charged with traffic violations or accidents due to or contributed to by cell phone usage while driving will be responsible for the resultant liabilities.

### PERFORMANCE REVIEW

The performance of staff is reviewed annually and documented on the Staff Development and Performance Review form. This process provides a formal means of communication to reinforce good employee performance and to address problem areas. Positive performance reviews do not guarantee continued employment or pay increases. The form includes an area for employees to document their responses to their reviews. Employees are required to sign the evaluation forms; signatures do not imply agreement with the findings but confirm that the information has been made available to the employee. Supervisors and employees are responsible for keeping evaluations current. Completed, signed performance review forms must be forwarded to Human Resources and will be placed in each employee's personnel file. The Staff Development and Performance Review form is available from the PantherNet.

### COMPLAINTS/SUGGESTIONS/GRIEVANCES

Employees should present suggestions and concerns to their supervisor for discussion. Many suggestions can be implemented and problems solved with open communication between the parties involved.

Complaints and grievances must be reported to the employee's supervisor. If the supervisor is involved in the issue, employees must seek the next higher level of management (i.e., the supervisor's supervisor) or the Director of Human Resources to make reports relating to policy and procedures affecting College personnel.

### DISCIPLINARY ACTION

Supervisors at the College may find it necessary to discipline employees for problem behavior. Examples of problems for which an employee may be disciplined include, but are not limited to: attendance and tardiness problems, use of obscenities, not calling in for unscheduled absences, not following the directions of one's supervisor, falsifying timesheets, violating confidentiality of employees or students, harassment, or threats of violence or actual violence against another employee, student, or other person on the campus. Examples of discipline may include, but are not limited to: a verbal warning, a written warning, time off without pay, demotion, or immediate termination. Neither of these lists is exhaustive. At its discretion, the College may discipline an employee for any conduct it believes is not in keeping with its goals, objectives, policies, or practices. Disciplinary action will be determined on a case-by-case basis.

Supervisors are responsible for documenting problems as soon as possible. They may use the "Disciplinary Warning" form (see Appendix E) or other written documentation, provided that they are reviewed with the employee and signed by the employee and supervisor. These documents should include the reason for the write-up, what occurred, when it occurred, where it occurred, who was involved or witnessed the event, and any other specific, pertinent facts. If an employee refuses to sign, the supervisor should review the document with the employee in the presence of a third party, who can then sign that the document was reviewed in the employee's presence. These documents must be forwarded to the Director of Human Resources. Any employee written up twice within a 12 month period is subject to termination, regardless of whether the offense is of the same nature or not. Nothing in this policy shall be interpreted so as to limit an employee's at-will status.

### EMPLOYEE RESIGNATION/TERMINATION

Resignations should be in writing and signed by the employee. Resignations should be given at least two weeks prior to the last day of work for support staff and four weeks prior for administrative staff. No benefit time may be used to extend the resignation date. The termination date will be the last day the employee works at the College. Resignation letters will be placed in the resigning employee's personnel file.

When leaving the employment of the College, employees should contact the Director of Human Resources to arrange an exit session to discuss information about insurance benefits, retirement plans (if applicable), final pay, and other issues. Benefits end on the date described in plan documents. All College property (e.g., keys, Wesleyan ID) must be returned.

When employment ends, the employee's email account will be deactivated, except for emeriti faculty who may be allowed to keep their College email accounts for up to one year after retirement, and faculty who retire and are granted emeriti status may retain their College email accounts until they notify the College that they no longer want the account or until death. The College reserves the right to limit, restrict, or discontinue any email account at any time. The employee will be removed from the card access system.

Final paychecks will include wages due the employee, including any payable PTO time, as appropriate per the PTO policy. Deductions will be made for taken, unearned benefit time. The final paycheck of the terminating employee will be processed on the next scheduled payday. For exempt employees working a partial month, the monthly salary will be prorated according to the number of days actually worked.

Any employee who does not report for work or call in to his/her supervisor for three consecutive days will be considered to have voluntarily resigned.

### STAFF REDUCTIONS

The College reserves the right to eliminate, reduce, or reclassify staff positions. The situation may occur in which a reduction in staff may become necessary due to the financial state of the College, a lack of work, changes in technology, a period of restructuring and reorganization, or other reasons.

## STAFF RETIREMENT

To retire, a staff member must have at least 25 years of continuous full-time employment with the College and be voluntarily leaving the employment of the College. Retiring staff may have their accumulated PTO time paid out to them as appropriate per the PTO policy.

## ABSENCE CONTROL POLICY

With the exception of military leave or as required by law, no employee may be away from work for any reason or reasons for more than one year or 365 days. An employee who is away from work in excess of this amount for any reason or combination of reasons will be terminated. This will apply to any employee who is absent for any reason or reasons, other than being called to active duty in the armed forces, and includes work and non-work related illness and injuries, personal reasons, FMLA leave, and paid benefit time. This policy is neutral in that it does not consider the reason for the absence.

## **BENEFIT TIME**

### PAID TIME OFF

After 30 days of employment, regular full-time employees are eligible to accrue paid time off (PTO). PTO is used to take paid time off from work and may be used for vacations, illness, personal appointments, and many other reasons. When an employee uses PTO for an illness or injury that has the potential to result in an absence of more than three days, the employee must contact Human Resources to apply for leave under the Family and Medical Leave Act.

For absences that can be planned, employees are to request the use of PTO at least two weeks in advance (additional notice is welcome). For unexpected or unplanned absences, employees are to request the use of PTO before the start of their scheduled work time. Scheduling of PTO is subject to the approval of the employee's supervisor. The College may request an explanation for the use of more than three days of PTO for unplanned absences. Efforts will be made to allow PTO as requested; however, the College reserves the right to deny requests or defer them to dates that better accommodate the College's needs. When a staff member's absences occur frequently enough to prevent regular and reasonable attendance or when a staff member calls in for a day that was previously denied for the use of PTO, the College may take disciplinary action, up to and including termination of employment. An employee who does not come to work or call in to his or her supervisor for three consecutive workdays will be considered to have voluntarily resigned.

PTO is accrued on the last day of each month after 30 days of full-time employment. Employees starting on the first of the month (e.g., March 1) or the first working day of the month (e.g., Monday, April 3) will accrue time for that month; employees starting on any other day will begin accruing time at the end of the following month. The entire month must be worked in order for PTO to accrue. PTO does not accrue if an employee is on unpaid leave for any part of a month. Temporary and part-time employees are not eligible for PTO.

PTO accrual rates increase as an employee's continuous length of full-time employment with the College increases. Increases in PTO accrual rates are based on an employee's full-time hire date and are effective the month after the employee's anniversary date. PTO accrual rates are listed in the table below.

<u>HOURLY</u>	<u>Length of continuous full-time employment</u>	<u>PTO accrual</u>
	One month to 7th year anniversary	11.0 hours per month (e.g., 132 hours over 12 months)
	Month after 7th year anniversary to 15th year anniversary	14.0 hours per month (e.g., 168 hours over 12 months)
	Month after 15th year anniversary and on	17.5 hours per month (e.g., 210 hours over 12 months)

SALARY	Length of continuous full-time employment	PTO accrual
	One month to 10th year anniversary	1.75 days per month (e.g., 21 days over 12 months)
	Month after 10th year anniversary and on	2.25 days per month (e.g., 27 days over 12 months)

Employees may not take PTO before it is accrued. Hourly employees must record PTO taken on their timesheets. Salaried employees must record PTO taken on their Benefit Time Records. The completed Benefit Time Records must be submitted to Human Resources by the tenth of each month. PTO can be taken for scheduled hours only and cannot exceed eight hours per day or 40 hours per week. The minimum PTO increment is 15 minutes for hourly staff and one-fourth of a day for salaried staff. PTO will be paid at the employee's rate of pay when the time is taken, regardless of the employee's rate of pay when it was accrued.

PTO can be carried forward from one calendar year to the next. The maximum carry over from one calendar year to the next is the amount that is two times the employee's annual accrual for the year ending. Any PTO above this maximum at the end of the calendar year is forfeited. There will be no pay in lieu of accrued PTO not taken and accruals above the maximum will not be carried forward. This carryover is contingent upon the timely completion of Benefit Time Records for salaried staff and of timesheets for hourly staff. If these are not complete, PTO will not be carried forward from one year to the next.

When staff members resign, they will be paid for their accrued PTO, up to a maximum of their annual accrual for the calendar year in which they resign, if all of the following conditions are met: 1) a written resignation was provide to the supervisor and to Human Resources at least two weeks in advance of the resignation date 2) the employee has been employed by the College for at least a one-year consecutive period immediately prior to the resignation, and 3) a salaried employee's Benefit Time Records are up to date as of the date of resignation. For example, a resigning staff member who meets the conditions above and who has nine years of continuous full-time employment could be paid for as many as 21 days or 168 hours of PTO. Staff may not use PTO in lieu of resignation notice or to extend their resignation date. PTO is not paid out when employment is terminated by the College.

When staff members retire, they will be paid for their total accrued PTO if the following conditions are met: 1) they must have worked at the College for a minimum of 25 years of continuous full-time employment, 2) be voluntarily leaving employment, and 3) a salaried employee's Benefit Time Records must be up to date as of the date of retirement.

If a staff member dies while employed, the employee/estate will be paid for the accrued PTO, up to a maximum of the person's annual accrual for the calendar year in which the person passes away, to the extent that the College is able to determine the accrued days available. These instances will be handled on a case-by-case basis.

### PTO DONATION PROGRAM

The purpose of the PTO Donation Program is to help bridge the gap between the exhaustion of all paid benefit time and the need for additional paid time off from work for a catastrophic health condition. This program does not replace or alter normal applicable rules on benefit time usage.

PTO days may be donated by full-time staff employees to full-time staff employees. They cannot be donated to employees who would otherwise not accrue PTO. Faculty and temporary personnel are not eligible for this program. To be a donor or a recipient, the staff member must have been employed full-time at the College for at least one year.



Donated PTO days can be used for a catastrophic health condition of the employee or an employee's close family members. For the employee, a catastrophic health condition is one that incapacitates the employee in such a way as to make them unable to perform their assigned job functions. For family members, a catastrophic health condition is one that is life threatening and requires inpatient, hospice, or residential health care or a family member for whom the employee is the primary caregiver. Caring for a child immediately after birth or adoption is also an eligible circumstance for this program. Examples of conditions that may be covered are cancer, major surgery, heart attack, or hospitalization. Donations may not be requested or used for elective procedures. This program is not for routine or common illnesses (e.g., cold, flu), or injuries incurred while committing a felony. Close family members are parents, grandparents, children, and legal dependents. Other family members will be considered on a case-by-case basis.

To request donations, the recipient must complete the PTO Days Donation Request Form. If a staff member is eligible but unable to apply for donated days due to his/her medical condition, a family member or other representative may apply on behalf of that employee. Kentucky Wesleyan will not be held responsible for placing employees on the program. Medical certification verifying the need for the leave is required; follow-up information may be requested. Employees may use the Physician Certificate Form associated with this program or a similar form, signed by the treating physician, that specifies who the patient is, the health condition, and the amount of time needed off of work. Additional information may be required before donations are approved. The College reserves the right to require a second opinion, at the College's expense.

Donated PTO days may be used only after all other paid benefit time has been exhausted. However, an employee may request donations prior to the exhaustion of all benefit time if the need is anticipated. Donated days can be used intermittently in whole day blocks. They cannot be applied retroactively (e.g., to pay periods that have already past).

An employee may use up to 30 donated PTO days per calendar year. There is no limitation on the number of times an employee can use the program and no minimum level of need. PTO days are donated and used in whole day increments only. This program does not guarantee that any or all need for additional paid time off will be met or that a specific amount of donations will be made available to the requesting employee. Application for FMLA leave is required for participation in this program. The use of donated PTO days will be counted concurrently with FMLA leave.

When a PTO day is donated, it is the number of days (e.g., one day, two days) that is donated. The actual wage earned by the donor or recipient will not be taken into consideration. The recipient will not receive more or less than his/her base pay. In any pay period, the recipient may use donated days up to their regular weekly hours (e.g., 37.5 or 40 hours per week, depending on their position).

The donor must complete a PTO Days Donation Form. An employee may donate as many PTO days as s/he wishes. Employees are not required to maintain a minimum balance of PTO days for themselves. However, employees should consider their own needs when determining if or how many days to donate. Only PTO may be donated. Employees may only donate PTO that has already been earned. The donor may choose to keep his/her donation anonymous.

PTO will be deducted from the donor's accumulated PTO only as it is needed by the specific employee to whom it was donated. Donations are used in the order in which the completed PTO Days Donation Forms are received by Human Resources. Once the recipient has used the donated PTO days, the donations are irrevocable, irreversible, and non-refundable. No days in excess of those actually needed will be deducted from donors. Donor employees will be notified by Human Resources of the number of days actually deducted from their accumulation.

Employees will not accrue benefit time while using donated PTO days. Holidays occurring during a period of donated PTO days will not be paid unless the days before and after the holiday are covered by donated or paid benefit time. The College will continue life insurance coverage while the employee is using donated PTO days. Health insurance coverage may also be continued.

Participation in the program as a donor or recipient is completely voluntary. Coercion to obtain donated days is strictly prohibited. An employee who is eligible to receive retirement or disability benefits (either from insurance or Social Security) may not receive donated PTO days in lieu of opting to receive these benefits or while receiving them. Employees cannot receive donated PTO days while receiving Workers' Compensation payments or other insurance payments.

An employee's participation in this program as a recipient shall terminate when the recipient is medically released to return to work, the recipient's employment is terminated, or the recipient fails to provide medical documentation. An employee will be denied the use of the PTO days donation program if s/he manipulates the program for uses other than its intended ones, willfully submits inaccurate information, or if there is abuse of the program. This policy may be discontinued or rescinded at any time for any reason.

All requests for donated PTO days will be handled through Human Resources. HR will then send notification electronically to all full-time staff that donations are needed. The recipients will be allowed to choose whether their name is included in the notification. After one week, if the requested amount is not donated, a second notification will be made. No more notifications will be sent.

### HOLIDAYS

Regular, full-time staff employees are paid for the staff holidays listed below upon full-time hire, with the exception of the Christmas holiday period. The Christmas holiday period (i.e., the days observed for Christmas Eve through New Year's Day) will be paid after 30 days of regular full-time employment. Prior to 30 days of full-time employment, the Christmas holidays are observed but are unpaid.

Holidays are paid at 7.5 hours or 8 hours, depending on the work schedule of the hourly employee. In general, if a holiday falls on a Saturday, then Friday is observed; if a holiday falls on a Sunday, then Monday is observed. In order to be paid for a holiday, the working day immediately preceding and following the holiday must be worked or covered by paid benefit time. If a listed holiday falls within an employee's PTO time (i.e., a week that the employee requested to be off from work), that day will be counted as a holiday. The following are the College's paid holidays.

<u>Holiday</u>	<u>Observance</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	varies
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Following Friday
Christmas Eve	December 24
Christmas Day	December 25
Christmas floating holidays	varies
New Year's Eve	December 31
Employee's birthday	Within a week of the birth date

### BEREAVEMENT TIME

Upon hire, regular full-time, employees will receive paid bereavement time off when a family member passes away. Three days of bereavement time will be granted upon the death of a close family member, defined as a parent, spouse, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, stepchild, and stepparent. Two days of bereavement time will be granted for distant family members, defined as a brother-in-law, sister-in-law, half-brother, half-sister, stepbrother, and stepsister. Spouse and in-law family members refer to current spouse only. Bereavement time must be used during the immediate period of bereavement. Employees who wish to take bereavement time must notify their supervisor immediately. A copy of the obituary must be

submitted with the timesheet or Benefit Time Record on which bereavement time is indicated as verification of the relationship. Time off for the bereavement of other family members or friends must be taken as PTO.

### JURY DUTY

The College supports the civic responsibility of its employees to serve when summoned for jury duty. Employees summoned for jury duty who will be required to miss regularly scheduled work, must notify their supervisor and the Director of Human Resources when their jury notices are received. Regular, full-time employees will be paid as if they had worked the regularly scheduled time they miss in order to report to jury duty. These hours will not be included as hours worked for the purpose of overtime calculation. Because employees will be paid for their regular hours during their absence, any jury duty payments made to them should be forwarded to the College. Employees are expected to work for any regularly scheduled time before they are required to report to the court or after being released by the court.

### TIME OFF WITHOUT PAY

Except for approved leaves and the non-working period for full-time academic year employees, full-time regular and academic year employees are not to take time off without pay. Full-time employees are provided with PTO to cover time needed away from work. Benefits are based on full-time employment. Employees who must take time off when no benefit time is available are subject to disciplinary action, up to and including termination.

## **OTHER STAFF BENEFITS**

### EMPLOYEE GIFTS AND RECEPTIONS

Employee birthday gifts, departing gifts, or other personal gifts will not be purchased with College funds. At the supervisor's discretion, the College will sponsor farewell receptions for departing employees who have been employed by the College full-time for at least five years. Officers must approve the use and amount of departmental funds for an appropriate reception.

College funds may not be used to purchase employee gifts or for personal receptions (e.g., baby shower, wedding shower, etc.). Such receptions may be held on campus, but must be funded by the employees coordinating the event on behalf of their colleagues.

### CONDOLENCES

The College will extend personal condolences to an employee upon a death in the employee's immediate family in the form of flowers or a memorial contribution. This includes a parent, spouse, brother, sister, child, stepchild, grandchild, mother-in-law, or father-in law. All such expenditures are coordinated through Human Resources.

### SEMINARS, WORKSHOPS, TRAINING COURSES:

If an employee requests to attend an outside training session, approval must be granted by the appropriate officer. If approved, payment for the session will be funded by the approving officer's budget account. The approving officer will determine if travel, dining, and/or lodging expenses are reimbursable.

If the College requests that an employee attend an outside training session, the College will pay for the session, lodging expenses, travel expenses, and reasonable dining expenses. The employee will be compensated according to the Fair Labor Standards Act.

## **Section III: Faculty Members**

## FACULTY LEAVES

### SICK LEAVE

Full-time faculty are provided with up to six months of sick leave with full pay and benefits for the duration of an illness. When applicable, this leave will be concurrent with FMLA leave; please see the Family and Medical Leave section in this Handbook for more information. Employees are required to present medical certification confirming the need for the leave, as well as certification releasing the employee to return to work.

### SABBATICAL LEAVE

Sabbatical leaves are given to appointees with faculty rank at Kentucky Wesleyan College in accordance with the following considerations:

1. The faculty member must have been in continuous employment for six years at Kentucky Wesleyan College to be eligible for sabbatical leave.
2. He/she must present a detailed plan that should benefit both the faculty member and the College in his/her future work at the College. Appropriate activities include, but are not limited to the following:
  - a.) Enrollment toward completion of an advanced degree,
  - b.) Professional development (workshops, courses, independent study or professional meetings one would not normally be able to attend),
  - c.) Exchange opportunities,
  - d.) Editorial positions,
  - e.) Positions in service organizations,
  - f.) Professional research and/or creative endeavors, and
  - g.) Travel appropriate to one's discipline.
3. Full pay will be allowed for a leave of one semester, or half pay for two semesters.
4. Sabbatical leaves can be given at any particular time only if there is reasonable assurance that arrangements can be made to insure that there will be a smooth operation of the department involved.
5. Since only a limited amount of money can be budgeted for sabbatical leaves in any one year, various factors will have to be considered in selecting the candidates for sabbatical leaves in any year, such as length of service and the most obvious advantage to the College in faculty improvement.
6. A faculty member receiving a sabbatical leave is normally expected to return to Kentucky Wesleyan for a period of two years service following his/her leave.
7. On return to campus, the faculty member will give an appropriate presentation to the campus community describing activities/accomplishments during his/her sabbatical leave.
8. Application for sabbatical leave should be made by letter to the Dean of the College. Such application should be made well in advance, but in no case later than December 1 of the academic year preceding the leave.

### EDUCATIONAL LEAVE

Kentucky Wesleyan College expects and encourages its faculty members to continue their professional growth. Under the appropriate conditions, the College may grant a leave of absence for graduate study and provide financial assistance to those pursuing the doctoral degree or another course of graduate study specifically approved by the Dean of the College.

1. The person must have been full-time faculty member at Kentucky Wesleyan College for a period of at least two years.
2. Financial assistance for a person on an educational leave from Kentucky Wesleyan College will be calculated at the rate \$3,000 per semester (or \$1,000 per quarter on the quarter system), or a maximum of \$5,000 per academic year. For summer study, the faculty member may be remunerated at the special rate of \$200 per week of academic study for a maximum of \$2,000 per summer.
3. Each faculty member accepting educational leave with financial assistance must agree to an appropriate period of service at Kentucky Wesleyan College following the period of graduate

study equal to the period of assistance. One full year of graduate study will obligate the faculty member to one full year of service at Kentucky Wesleyan College. Failure to complete the above service will transfer all financial assistance to the basis of a loan which will be due immediately upon the faculty member's resignation from the College. Appropriate contractual understanding will be signed by the faculty member and the Dean of the College setting forth the terms of the education leave.

4. Requests for educational leaves must be submitted by letter to the Dean of the College well in advance, but in no case later than December 1 of the academic year preceding the leave of absence.
5. Approval of requests for academic leave is necessarily subject to the availability of funds and temporary arrangements by the faculty of the department affected by the faculty member's leave of absence.

### OTHER LEAVES

Other leaves may be provided in appropriate circumstances for projects of direct benefit to the College, for public or private service outside of the institution, for illness, recovery of health, or for family and medical leave consistent with The Family and Medical Leave Act.

To protect the academic program of the College any such leave should be applied for well in advance.

All of the terms surrounding the leave should be mutually agreed upon in writing at the time the leave is granted. Such terms would naturally involve the duration of the leave, its effect upon the faculty member's status, any expectations for return to the College following the leave, adjustment in compensation, and the possible continuation of his/her fringe benefits during the leave. In working toward reasonable terms, both parties should be informed of the guidelines of the professional agencies pertaining to such leaves.

## **OTHER FACULTY BENEFITS**

### TUITION EXCHANGE PROGRAMS

Kentucky Wesleyan holds membership in Tuition Exchange Incorporated. Legal dependents of full-time faculty members and officers of the College may receive Tuition Exchange Awards at other colleges which belong to the program. The Faculty Professional Interests Committee determines the recipients of the Tuition Exchange. The following guidelines are set forth to assist the Committee in reaching that determination:

1. The faculty member or officer whose child/dependent is eligible must forward via the Kentucky Wesleyan Tuition Exchange Liaison a letter to the chairperson of the Committee requesting that the child/dependent be considered an applicant for the award.
2. The faculty member or officer must also provide with the letter an up-to-date transcript of the applicant's academic record.
3. The Committee, in considering any applicant, will utilize the following point system in determining recipients of the scholarships:
  - A. Seniority of the faculty member or officer - 2 points for each year of service at Kentucky Wesleyan College
  - B. Grade point standing of the applicant (in core courses of those entering college for the first time)

2.00 - 2.25	- 1 point
2.16 - 2.50	- 2 points
2.51 - 2.75	- 3 points
2.76 - 3.00	- 4 points
3.01 - 3.25	- 5 points
3.26 - 3.50	- 6 points
3.51 - 3.75	- 7 points
3.76 - 4.00	- 8 points
  - C. Priority recognition for an applicant in whose family (faculty member or officer) there has

- not been a previous Tuition Exchange scholar - 10 points
- D. Applicants will then be ranked in priority according to those receiving the highest number of points.
4. In all instances the number of recipients in any given year will be determined according to the regulations of Tuition Exchange.

Interested students should apply to Kentucky Wesleyan College's Liaison officer and to the Faculty Professional Interests Committee no later than October 31 in the year preceding the year in which the student intends to enroll. Tuition Exchange scholars are reviewed annually by the Faculty Professional Interest Committee and recertified according to the provisions of the original award. The scholar must be in good standing at the member institution.

## **Section IV: Appendices**



Appendix A  
**KENTUCKY WESLEYAN COLLEGE**  
**POLICY ON INTELLECTUAL PROPERTY**

Kentucky Wesleyan College strives to foster the intellectual growth and creativity of its faculty, staff and students. It encourages the development and dissemination of ideas, discoveries and tangible creations. It supports the making of creations for teaching, scholarship, and/or professional development. This policy is intended to guide faculty, staff, and students in identifying, disclosing, protecting and developing intellectual property, and seeks to clarify and define the ownership of works produced by members of the Kentucky Wesleyan community for their benefit and the benefit of the College.

**1. Application of Policy**

The policy applies to works created by all classifications of faculty, staff, and students of the College and to non-employees such as consultants and independent contractors, who create works on behalf of the College, unless a written agreement exists to the contrary.

**2. Identification of Intellectual Property**

For the purposes of this policy, Intellectual Property shall consist of the following:

- a. **Copyrightable material** produced from creative and scholarly activity, such as text (manuscripts, manuals, books, and articles); videos and motion pictures; music (sound recordings, lyrics, and scores); images (print, photographs, electronic, and art); and computer software (programs, databases, web pages, and courseware); and
- b. **Patentable works** such as patents (processes, machines, manufactures, or compositions of matter); devices; and software excluded from copyrighted materials; and
- c. **Trademarked materials**, such as words, names, symbols or logos, domain names, trade dress, and slogans or any combination of words which has been adopted by the University to identify itself and to distinguish itself and its sponsorship from others.

**3. Ownership and Use**

- a. **General Rule.** In accordance with the view that one of the College's primary benefits to society is the production of original works by its employees and students, and in order to best encourage such activity, it is the general policy of Kentucky Wesleyan that Intellectual Property shall be the property of the author or creator. The College, however, may assert ownership rights to Intellectual Property developed under the circumstances set forth in "College Ownership" below.
- b. **Assignment of Rights.** All College employees are expected to assign a non-exclusive, royalty-free license to use any Intellectual Property created by them to the College for its use in furtherance of its academic mission (e.g., in the classroom, at lectures, in promotional materials, etc.), except where the creator assigns rights to the Intellectual Property to a third party, such as a publisher.
- c. **College Ownership.** The College will retain exclusive ownership of the Intellectual Property in following circumstances:
  - Work Made for Hire** refers to work assigned to be created for the College by faculty, staff or students, as authorized by and usually under the supervision of, the College.
  - Negotiated Contract Transfer** occurs when the faculty, staff or student author voluntarily transfers his or her rights to the work, in whole or part, to the College. The transfer must be a written document signed by the creator.
  - Joint Work** is work produced with use of Substantial College Resources per advance arrangement and written agreement. Substantial College Resources are services, support staff, equipment or facilities provided by the College that go beyond what is traditionally and commonly made available to the faculty, staff or students for the preparation of course materials, work materials, or the fulfillment of typical work or academic-related obligations.

**Note:** The College retains exclusive ownership of the Intellectual Property under the above conditions; however, it may voluntarily choose to assign or transfer its ownership rights in the property, in whole or in part.
- d. **Special Agreement.** The overriding principle underlying this Intellectual Property Policy is to encourage creativity and inventiveness, so the College reserves the right to allow some flexibility in applying this policy on a case-by-case basis. In such cases, ownership and use of materials

developed pursuant to a special agreement between the College and the creator/author will be governed by the principles of that agreement.

#### **4. Administration**

- a. **Vice-President of Academic Affairs.** The Policy on Intellectual Property will be administered by the Office of the Vice-President of Academic Affairs and the stated terms and provisions of the policy will be interpreted by the Vice-President of Academic Affairs.
- b. **Disclosure.** College personnel who alone or in association with other entities create or intend to create patentable and/or copyrightable subject matter under any of the circumstances outlined in “College Ownership” above must disclose the matter and obtain prior authorization from the Office of Vice-President of Academic Affairs. Such disclosure shall be made when it can be reasonably concluded that the subject matter has or will be created, and sufficiently in advance of any publications, presentation, or other public disclosure to allow time for possible action that protects rights to the Intellectual Property for the creator and the College.
- c. **Changes to Policy.** This policy has been adopted by the officers of the College, who reserve the right to make changes as needed.

#### **5. Royalties**

Any revenues derived by employees of the College from the sale or exploitation of Intellectual Property entirely owned by them will be allocated and distributed solely within their discretion. All revenues derived by the College from the sale or exploitation of Intellectual Property entirely owned by it will be allocated and distributed by the College in its sole discretion. Revenues derived from the sale or exploitation of Intellectual Property owned jointly by the College and any employee or employees will be allocated in accordance with any specific written agreement between or among them that governs this issue. In the absence of a written agreement specifying allocation of revenues from jointly-owned Intellectual Property, the following will apply: (1) all costs incurred in the production of, and in the process of perfecting, transferring, and protecting the rights to, the Intellectual Property will be reimbursed to the party incurring them; (2) an accurate accounting of all such costs will be provided by the appropriate party to the other party or parties upon request; (3) all net revenues, after costs have been reimbursed, will be divided evenly by the parties, with the College taking a one-half share and the other party or parties taking or evenly dividing, as the case may be, the other one-half share. The College and/or the creator or creators of the work may, in appropriate circumstances, take equity positions in companies licensed to market or use Intellectual Property.

#### **6. Use of Kentucky Wesleyan Names, Logos and Marks**

Faculty, staff, and students may use the Kentucky Wesleyan name, logos, and marks to identify themselves (John Doe, Professor of Physics, Kentucky Wesleyan College). Kentucky Wesleyan’s name, logos, and marks shall not be used by individuals or entities in a manner that implies College endorsement or responsibility for particular activities, products, or publications for commercial purposes, or by any individual or group promoting itself, without the express written permission of the College.

11-28-06

Appendix B

Kentucky Wesleyan College  
Sexual Harassment & Assault Policy

# Kentucky Wesleyan College

## Policy & Procedure Manual

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### Sexual Harassment & Assault

Approval: Vice President for Finance

Policy Type: College

Policy Owner: Vice President for Finance

Responsible Office: Human Resources

#### Revision History

Approval Date: June 2012

Modified:

Next Review: June 2015

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#### 1. Contents

#### 2. Purpose

2.1. The purpose of this policy on sexual harassment is: 1) to increase the awareness of, and sensitivity to, problems associated with sexual harassment; 2) to prevent sexual harassment at Kentucky Wesleyan College; and 3) to provide a process to redress grievances concerning, and complaints of, sexual harassment. Furthermore, this policy is adopted and implemented with the express purpose of providing protection and relief for victims of sexual harassment, while at the same time insuring fair treatment for those accused of sexual harassment. Additionally, this policy is intended to establish equitable procedures for filing complaints, investigating charges, and resolving complaints of sexual harassment.

#### 3. Scope

3.1. All members of the College community are required to comply with the policy and procedures outlined to address complaints. In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education, Office for Civil Rights. Any complaint of sexual harassment filed under this KWC policy shall be processed even if the complainant also files a complaint or suit with an outside source. Retaliation against anyone who makes a complaint or participates in the complaint process will not be tolerated.

#### 4. Policy

##### 4.1. Sexual Harassment

4.1.1. KWC is committed to providing a working and learning environment that is free from sexual harassment and it is the policy of the College that sexual harassment in any form will not be tolerated. Management and supervisory personnel, at all levels, are

responsible for taking reasonable and necessary action to prevent sexual harassment. All members of the College community, employees, and students are required to promptly report conduct that could be in violation of this policy.

- 4.1.2. KWC will take measures to periodically educate and train employees and volunteers regarding conduct that could constitute a violation of this policy. All management and supervisory personnel are expected to participate in such education and training and to be knowledgeable concerning the policy.
- 4.1.3. The College will (1) respond to every complaint of sexual harassment reported, (2) take action to provide remedies when sexual harassment is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4) to the extent possible, protect the privacy of all those involved in sexual harassment complaints. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

#### 4.2. Sexual Assault

- 4.2.1. KWC is committed to providing an atmosphere of higher learning in which students can achieve their goals and potential. The College is committed to creating and maintaining a community in which all persons who participate in college programs and activities, as well as all guests and visitors while on college property, can work together in an atmosphere free from all forms of assault, exploitation, or intimidation, including that which is sexual in nature. Because the personal safety of the students, staff and faculty is a priority, KWC will not tolerate sexual assault or sexual misconduct. Kentucky state law also prohibits such conduct. Perpetrators of this behavior are subject to disciplinary action as well as criminal and civil penalties. Guests and visitors are held responsible for their actions while on College property and students are responsible for the supervision of their guests.
- 4.2.2. Sexual assault is an act of violence. The victim of an assault may be in a state of shock and disbelief, and may be feeling a variety of emotions such as fear, anger, helplessness, shame, and/or guilt. A victimized person may not know who to trust or where to turn for help. Any person who has been sexually assaulted has many options in seeking assistance. A number of resources are available both on and off campus to assist assault victims. Although it is the person's option whether to seek legal, medical, and/or psychological services, persons are encouraged to utilize these resources in order to make the most informed choices regarding prosecution, physical safety, and emotional recovery. Please see Addendum 2 for additional support information.

- 4.3. Dissemination -- This policy will be made available to all employees and students. Periodic notices sent to students and employees about KWC's Sexual Harassment and Sexual Assault Policy will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information.

#### 5. Definitions

- 5.1. **Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - 5.1.1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience;

- 5.1.2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
  - 5.1.3. Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work or academic performance by creating an intimidating, hostile, or offensive working or educational environment.
  - 5.1.4. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College's educational mission.
- 5.2. **Sexual Misconduct/Sexual Abuse** - Attempting or making sexual contact with a person against his/her will OR with a person who is physically, mentally, or legally unable to give consent. Sexual misconduct includes, but is not limited to, inappropriate touching or fondling of intimate body parts.
  - 5.3. **Sexual Assault / Rape** – Sexual intercourse or penetration (anal or vaginal) with another person by means of forcible compulsion, or with a person incapable of consent by reason of age and/or mental or physical incapacity. Physical/Mental incapacity includes, but is not limited to, persons who are unconscious, under the influence of drugs or alcohol, or otherwise unable to communicate consent.
  - 5.4. **Consent** - The positive cooperation in an act; an attitude in accordance a behavior; an exercise of free will. The person giving consent or permission must act freely and voluntarily AND have knowledge of the nature of the act involved.
  - 5.5. **Forcible Compulsion** – Includes physical force or the threat of physical force, expressed or implied, which places a person in fear of immediate death or physical injury or kidnap of self or another person. A victim is not required to fight back. Placing a person in a continual state of fear and/or subjecting that person to an environment of emotional, verbal, or physical duress is sufficient to constitute force.
6. **Procedures**
    - 6.1. **Amendments to Procedures**
      - 6.1.1. The College specifically reserves the right to modify and/or amend any or all of the procedure(s) outlined herein at any time, at its discretion. In the event KWC determines that circumstances warrant modification and/or amendment of any part of these procedures, timely notice of same shall be delivered, in writing, to all relevant and affected parties.
      - 6.1.2. KWC has adopted procedures to promptly and fairly address concerns and complaints about sexual harassment. Complaints may be submitted informally or formally. If a complaint implicates or involves both this policy and any other College complaint or grievance policy or procedure, the College may, in its discretion, suspend the procedures relating to other complaints or grievance policies pending completion of the sexual harassment complaint procedures.

## 6.2. Reporting Suspected Sexual Harassment

- 6.2.1. Any individual who believes he/she may have experienced sexual harassment, or who believes that he/she has observed sexual harassment taking place, should report this information immediately to the Sexual Harassment Officer, appointed by the President. If the complainant does not feel comfortable reporting the matter to the Title IX/Sexual Harassment Officer, he/she may also report the alleged harassment to any one of the following: Vice President of Student Services, Vice President of Academic Affairs or the Director of Human Resources. All reports/complaints, whether informal or formal, received by any of these individuals must, in turn, immediately be reported to the Title IX/Sexual Harassment Officer. Unless otherwise provided herein, investigation of sexual harassment complaints shall be the responsibility of the Title IX/Sexual Harassment Officer (the "Investigator").

## 6.3. Investigation of Complaints

- 6.3.1. Unless otherwise provided herein, responsibility for the investigation of both formal and informal sexual harassment complaints shall be with the Sexual Harassment Officer (the "Investigator"). The President has the authority to appoint, in his/her sole discretion, an alternate investigator as circumstances require. The procedures outlined herein shall control in the event an alternate investigator is appointed under any provision of this policy.
- 6.3.2. Complaints will be addressed as confidentially as possible, considering the specific circumstances of the allegations, to protect the rights of both the complainant and the person accused. The Investigator may gather information from any source deemed necessary in an effort to fully investigate and resolve the complaint.

## 6.4. Investigator Conflict of Interest

- 6.4.1. The complainant, alleged offender and/or the Investigator may allege that the Investigator has a substantial conflict of interest. In that event, details supporting the alleged conflict of interest must be submitted in writing to the President within five (5) business days of the date the person alleging the conflict has notice of the Investigator's identity. The President will determine whether a conflict may exist, and, if so, he/she shall appoint an alternate investigator in an expeditious manner. The President's decision is final. In the event a request for an alternate investigator is made and/or an alternate investigator must be appointed, the specific time lines provided in the policy shall be suspended pending that appointment.

## 6.5. Informal Complaint Process

- 6.5.1. An individual who feels he/she has been sexually harassed may desire to resolve his/her complaint informally (i.e., without formal disciplinary action being taken against the accused individual and without the formal investigation process). An example of an informal complaint is one where the complainant requests only that an appropriate university official counsel the accused individual to cease and desist the alleged conduct, and requests no other specific action(s) be taken against the accused.
- 6.5.2. Persons making informal complaints of sexual harassment agree and understand that no formal disciplinary action will be taken against the alleged offender based on an informal complaint. If the complainant chooses, he/she may at any time prior to resolution of the

informal complaint amend the informal complaint to a formal complaint. The timeline for resolving the complaint may be revised when it is changed from an informal to formal complaint.

- 6.5.3. If the alleged offender elects not to participate in resolving an informal complaint, the nonparticipation will not be considered as damaging evidence but will not change or waive KWC's responsibility to investigate and to make decisions based on available information.
- 6.5.4. The Investigator may, if the circumstances warrant, request that the alleged offender's immediate supervisor counsel him/her regarding the alleged conduct, and/or may recommend counseling, training, education, and/or other non-disciplinary actions be implemented or undertaken. Attempts to resolve an informal complaint will be completed within 60 days from the date of receipt of the complaint by the Investigator. The complainant and the alleged offender will be informed in writing of the outcome of the informal process. An informal complaint resolution may not be appealed, but a formal complaint on the same incident may be filed after an informal complaint has been resolved.
- 6.5.5. Note: The College will attempt to balance the wishes of a complainant who does not want to file a formal complaint with the College's responsibility to respond to serious allegations and take prompt, appropriate corrective action. A complainant who chooses not to proceed with a formal complaint will be asked to state that preference in writing.

## 6.6. Formal Complaints of Sexual Harassment

- 6.6.1. Formal and informal complaints must be delivered by the complainant to one of the reporting persons referenced above under 6.2.1. The formal complaint must be filed as soon as possible after the alleged incident occurred or after attempts to resolve the situation informally have been unsuccessful. A standard form for documenting and submitting the complaint is provided in Addendum 1 to this policy.
  - 6.6.1.1. The formal complaint must be in writing, signed by the complainant, and shall include the following information:
    - 6.6.1.2. Details concerning the incidents or conduct giving rise to the complaint;
    - 6.6.1.3. Dates and location of incidents;
    - 6.6.1.4. Any witnesses to the alleged incidents or conduct;
    - 6.6.1.5. Action requested to resolve the complaint and prevent future violations of the policy.
- 6.6.2. Notification to Person Accused/Supervisor: The alleged offender will be provided with a copy of the complaint by the Investigator within five (5) business days of the Investigator's receipt of said complaint. The Investigator may notify the supervisor of the accused person regarding the complaint, in order that the supervisor may take appropriate temporary and/or remedial actions during the investigation. (Example: temporary assignment, leave of absence, etc.)



### 6.6.3. Investigative Process

- 6.6.3.1. The alleged offender will be required to submit a written response to the complaint within five (5) business days of receipt of a complaint, a copy of which will be provided to the complainant by the Investigator.
- 6.6.3.2. The Investigator will interview the complainant and the alleged offender, may also interview witnesses, supervisors, and/or any other persons who may have information about the alleged incident, and may review personnel or other records relevant to the complaint. The complainant and the accused person shall be permitted to suggest witnesses and/or other evidence, which shall be considered by the Investigator. All individual interviews will be recorded.

### 6.6.4. Investigative Findings

- 6.6.4.1. Within sixty (60) days of receiving the formal written complaint, the Investigator will assess whether a violation of the policy has occurred and will submit findings in writing to the complainant and the person accused. If the Investigator finds by a preponderance of the evidence (that it is more likely than not) that the alleged sexual harassment has occurred, the Investigator shall notify the accused person, his/her immediate supervisor, if applicable, and the Vice President of Student Services, if the complainant or the accused is a student, the Director of Human Resources, if the complainant or the accused is a staff or faculty member, and the President.
- 6.6.4.2. The supervisor of the alleged offender shall be responsible for acting on the findings of the Investigator. In accordance with College disciplinary policies/procedures, the supervisor shall consult with and/or notify the appropriate College administrative official(s) regarding formal disciplinary actions to be taken against the person accused.

### 6.6.5. Disciplinary Action

- 6.6.5.1. Within ten (10) business days of receiving the Investigator's findings, the supervisor shall meet with the accused person to discuss the findings and recommendations and shall determine appropriate disciplinary action.
- 6.6.5.2. In making a decision regarding discipline, the supervisor shall consider properly established records of previous conduct and the seriousness of the violation. A complaint made more than twelve (12) months after the incident shall not be the basis for formally disciplining any person accused of sexual harassment. However, where there are allegations of sexual harassment made within the twelve (12) month period and a pattern or practice of sexual harassment exists or prior complaints of sexual harassment have been confirmed, the supervisor shall consider the totality of information in determining appropriate discipline, and may also take formal disciplinary action. The supervisor may also review any part of the investigative records. Appropriate discipline may range from an oral reprimand up to and including termination/dismissal for cause or any other appropriate remedial action.
- 6.6.5.3. Both the accused person and Investigator will be notified in writing of the decision of the supervisor. The Investigator will, in turn, notify the complainant

regarding the resolution of the complaint, what corrective action, if any, will be taken, and/or, in general, whether any discipline will be imposed.

#### 6.6.6. Conflict with Legal or Other Administrative Process

6.6.6.1. In the event a separate investigation is being conducted by persons not affiliated with KWC through other legal or administrative channels, the College reserves the right to postpone or defer final action pursuant to its Sexual Harassment Policy until such time as a final decision has been made with regard to the separate legal or administrative action. The College will inform the complainant and the accused in writing of the delay of any decision but will endeavor to complete the process in an expeditious manner, considering all the circumstances. Temporary disciplinary measures may remain in place in the interim.

#### 6.6.7. Appeal of Formal Complaint Resolution/ Disciplinary Action

6.6.7.1. Either the complainant or person accused may file an appeal of any decision concerning the resolution of the complaint. An appeal by either party must be made in writing and delivered to the Office of the President within five (5) business days of receipt of the notice of resolution/disciplinary decision. The written appeal must state in detail the reason(s) for the appeal and shall address one or more of the following:

6.6.7.1.1. If the appeal alleges the findings of the investigator included relevant, factual errors or omitted relevant facts, the appeal shall specify each and every alleged factual error, and/or details of each, and every relevant fact that was omitted from the investigation;

6.6.7.1.2. If the appeal alleges substantive procedural errors, the person appealing shall identify each and every instance of said substantive procedural error;

6.6.7.1.3. If the appeal alleges relevant and substantive issues or questions concerning interpretation of College policy, the person appealing shall state, in detail, the issues/questions supporting this allegation;

6.6.7.1.4. If the appeal alleges new information or evidence, the person appealing shall specify the reasons why said information was not available or provided to the Investigator during the investigation, including specific reasons ;

6.6.7.1.5. If the appeal alleges either that the action(s) or inaction(s) of the supervisor in response to the findings of the investigator will not prevent future violation(s) of this policy, the person appealing shall specify, in detail, the reasons and basis for this belief/allegation.

6.6.7.2. No disciplinary or other action based on the complaint shall be taken against the alleged offender during the appeal process, although temporary, interim measures may remain in place. As indicated herein, the College, in its discretion, may at any point in the complaint process elect to place the alleged offender on disciplinary probation, if a student, or on administrative leave, with or without pay, or implement a temporary reassignment, if an employee, staff or faculty member.

#### 6.6.7.3. Sexual Harassment Appeal Committee

- 6.6.7.3.1. Appeals shall be submitted to a Sexual Harassment Appeal Committee whose members shall be selected and appointed by the President. The Committee will include at least one male and one female and be composed of an odd number of members to insure a majority consensus is feasible.
- 6.6.7.3.2. Member Appointments: Both the complainant and the alleged offender shall be provided with an opportunity to submit written objections within 5 business days to the appointment of any Committee member(s) on the basis of that member's inability to act impartially. If the President determines that a Committee member cannot act impartially, then an alternate appointment shall be made. The Committee shall be appointed in a timely manner, considering all relevant circumstances. The President's decision regarding Committee appointments is final.
- 6.6.7.3.3. Hearing/Committee Recommendation: The Committee will conduct a formal hearing and will allow the complainant and the accused person ("the parties") to present information which, in the Committee's discretion, is relevant to the allegations. If the appeal involves allegations described in "Filing an Appeal" above, the Committee will likewise consider the statement(s) of the supervisor. The Committee shall have sole discretion regarding the personal appearance of any witness, whether to consider only the parties' statements and review only the written record, or any other matter regarding the conduct of the hearing. The hearing will not be considered a judicial hearing but rather an internal hearing at which the complainant and the alleged offender are present. Legal counsel will not be permitted to be present during any part of the Committee hearing. The formal hearing shall be recorded.
- 6.6.7.3.4. The Committee's deliberations shall be closed to all persons other than the Committee members and shall not be recorded. Its recommendation will be determined by a majority vote, shall be in writing, and delivered to the President. It may be accompanied by a minority opinion. The appeal will be conducted and completed in an expeditious manner, considering all the circumstances.
- 6.6.7.3.5. President's Review and Recommendation: The President shall review the recommendation and may either affirm, amend, or return the recommendation for further deliberation and recommendation by the Committee. The President's review and decision will be conducted in an expeditious manner, considering all the circumstances, shall be a final decision, and will be reported in writing to the complainant, person accused, the supervisor, and the Investigator.
- 6.6.8. Written Record of Complaints, Investigations, and Resolutions/Decisions
- 6.6.8.1. Written records, as well as any investigative recordings, related to complaints will be marked "CONFIDENTIAL" and will be retained in a separate and secure (locked) file in the office of the Sexual Harassment Officer. Records shall be retained as required by state law.
- 6.6.8.2. Written records relating to a finding that sexual harassment has occurred may be placed in an accused student's/employee's official file and may include: (1) any document that has been mutually agreed to by the College and the person accused of harassment; (2) a letter issued by the responsible administrator to the accused person

at the conclusion of a formal investigation, which notifies the accused of actions, decisions and/or other recommendations concerning the complaint; or (3) a settlement agreement between the parties.

- 6.7. If follow up is required pursuant to the final action/recommendation, procedures should be implemented to notify or remind the appropriate persons of any future review or action to be taken.
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ADDENDUM 1  
KENTUCKY WESLEYAN COLLEGE  
SEXUAL HARASSMENT & ASSAULT  
COMPLAINT FORM

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If you believe you have been sexually harassed or assaulted by any member of the college community or while participating in a college sponsored activity, you are encouraged to bring it to the attention of the Title IX/Sexual Harassment Officer (SHO), and/or other person listed in the KWC Sexual Harassment/Sexual Assault Policy. This form is to be used for reporting to the Title IX/Sexual Harassment Officer. If you would like to also initiate a criminal investigation of a sexual assault, call the local Police Department, 911 or (270) 687-8888 as soon as possible.

The Title IX/SHO is available to provide you with answers to questions you may have about the process and your options, advice and/or referrals. You are not obligated to use your name; however, should you want disciplinary action taken, if appropriate, in response to your allegations(s), your name is essential to the process. If you feel strongly about confidentiality, the Title IX/SHO can put the person "on notice" and attempt to stop the behavior through an educational process on the law and policy on sexual harassment and the inappropriateness of the person's conduct. Whatever your decision, the Title IX/SHO or any other college official is available to assist you in stopping the unwelcome and unwanted conduct.

Name of person filing complaint: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Date of Birth (if minor): \_\_\_\_\_

Alleged Offender at who this complaint is directed:

\_\_\_\_\_

Date(s) and Location(s) of incidences: \_\_\_\_\_

Details concerning the incidents or conduct leading to the complaint (additional details may be provided on an additional sheet of paper)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witnesses to the incidents: \_\_\_\_\_

Did you attempt to resolve the complaint by contacting the individuals(s) against which the complaint is directed (not required for making complaint): YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, how? \_\_\_\_\_

**Complainant's Choice of Resolution Option**

After reviewing a copy of the KWC Sexual Harassment & Assault Policy, I choose to pursue resolution of my complaint through the following process: (initial one space)

\_\_\_\_\_ Informal Complaint

\_\_\_\_\_ Formal Complaint

\_\_\_\_\_ I do not wish my complaint to be pursued; however, I have been advised that, because the college is legally required to investigate all egregious acts of sexual harassment, the college reserves the right to investigate my complaint if it is deemed necessary to protect the interests of the college or the community. I will be advised if the college elects to conduct an investigation.

I understand that I must submit my complaint in writing before any review or other action takes place.

I declare that the facts set forth in this complaint form are true and accurate pursuant to the penalty of perjury under the laws of the State of Kentucky.

Signature of Complainant: \_\_\_\_\_

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

*Send form to: KWC Title IX/Sexual Harassment Officer, 3000 Frederica Street, Owensboro, KY 42301*

**ADDENDUM 2**  
**KENTUCKY WESLEYAN COLLEGE**  
**SEXUAL HARASSMENT & ASSAULT**  
**CRISIS RESPONSE**

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Sexual assault is an act of violence. The victim of an assault may be in a state of shock and disbelief, and may be feeling a variety of emotions such as fear, anger, helplessness, shame, and/or guilt. A victimized person may not know who to trust or where to turn for help. Any person who has been sexually assaulted has many options in seeking assistance. A number of resources are available both on and off campus to assist assault victims. Although it is the person's option whether to seek legal, medical, and/or psychological services, persons are encouraged to utilize these resources in order to make the most informed choices regarding prosecution, physical safety, and emotional recovery.

If you are the victim of a sexual assault, please know that you are in no way to blame for the criminal behavior. If you notice behaviors in other persons that indicate Sexual Harassment or Assault may have occurred, you are required to report the suspicion to the Sexual Harassment Officer.

Here are some guidelines to help you in the aftermath of a sexual assault:

1. **GO TO A SAFE PLACE** as soon as possible.
2. **TRY TO PRESERVE ALL PHYSICAL EVIDENCE.** Do not wash, bathe, use the toilet, or change clothing if it can be avoided. If changing clothes is a must, put all clothing worn at the time of the assault in a paper bag, *not plastic*. A plastic bag can be used if paper is not available. However, do not seal the bag tightly, as that can cause a breakdown of the evidence.
3. **IF YOU BELIEVE YOU WERE GIVEN A DATE RAPE DRUG,** wait to urinate until you arrive at the hospital. However, if you can't wait, collect your first urine in a clean container with a lid and take it to the emergency room or police station with you. Also, be sure to tell the emergency room personnel your symptoms and that you believe you were given a date rape drug so they can take the necessary sample.
4. **CONTACT SOMEONE** for support and information (family, friend, Resident Life staff member, College staff, College Chaplain, or campus security). For on-campus services, contact Health Services at (270) 852-3288 or the Student Life Office at (270) 852-3285. For off-campus counseling and support services, contact Counseling Associates at (270) 686-7999, Rape Victim Services at (270) 926-7273, or OASIS (Abuse/Assault) at (270) 685-0260.
5. **SEEK MEDICAL ATTENTION** to address physical health needs, to ensure that you are disease- and injury-free, and to collect important evidence in the event of a later decision to take legal action. Hospital emergency rooms provide evidentiary exams, which include testing and treatment for sexually transmitted infections, pregnancy, and physical trauma. For the purpose of effective evidence collection, physical examination at a local emergency room must take place as soon as possible and no later than seventy-two (72) hours after the assault. Emergency medical care can be received at Owensboro Mercy Hospital Emergency Department call (270) 688-2000. For victims assaulted in the Commonwealth of Kentucky, these exams are free of charge. Should you need transportation, Campus Security (270) 929-8609 can assist you. If you choose not to have an evidentiary exam conducted, please consider an appointment at a health department, Health Services ((270) 852-3288, or with your regular physician.

6. **CONSIDER COUNSELING** for support and to help you deal with a variety of feelings that often follow an assault. Contact Counseling Associates at (270) 686-7999, Rape Victim Services at (270) 926-7273, or OASIS (Abuse/Assault) at (270) 685-0260 for confidential counseling services.
7. If you choose to **REPORT THE ASSAULT**, you can contact law enforcement by calling 911 or campus security at (270) 929-8609. A call to campus security does not mean that you must bring criminal charges. The decision to file an official police report is yours to make. If the assault did not occur on campus, campus security can assist you in determining how and where to file a police report. Timely notification helps the police in conducting their investigation and it provides a better chance of successful prosecution. You are encouraged to report the sexual assault and have it documented, even if you are not sure about filing formal criminal charges. Regardless of whether you report the incident to the police, you are still encouraged to seek medical attention to ensure your own personal safety.

Reporting an assault and receiving medical treatment does not require that the victim press charges. It does, however, allow the collection of data and information that can be used should the victim choose to press charges.

If you **NEED ASSISTANCE OR ADVOCACY**, contact your Residence Life staff member, Student Life at (270) 852-3285, College Chaplain (270) 903-1102, or Counseling Associates at (270) 686-7999 for accompaniment to medical and/or legal proceedings and/or referral for other support services.

#### **Medical Assistance to Sexual Assault Victims**

If you have been assaulted, it is recommended that you call 911 immediately to get medical assistance and protection.

Please seek medical attention to address physical health needs to ensure that you are disease and injury-free as well as to collect important evidence in the event of a later decision to take legal action. Hospital emergency rooms provide evidentiary exams, which include testing and treatment for sexually transmitted infections, pregnancy, and physical trauma. For victims assaulted in the Commonwealth of Kentucky, these exams are free of charge. Should you need transportation, campus security can assist you. If you choose not to have an evidentiary exam conducted, please consider an appointment at a health department, Health Services, or with your regular physician to address issues relating to sexually transmitted infections, pregnancy prevention counseling and physical trauma.

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**ADDENDUM 3**  
**KENTUCKY WESLEYAN COLLEGE**  
**SEXUAL HARASSMENT & ASSAULT**  
**Legal or Judicial Reporting Options and**  
**College Reporting Procedures**

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Pursuit of disciplinary action against an alleged assailant (if the accused is also a KWC student) may result in disciplinary action if the assailant is found to be in violation of this policy. For assistance, please contact the Office of Student Life at (270) 852-3285, the Title IX Coordinator, or refer to the Student Grievance Procedure contained herein.

**Criminal Prosecution**

Reporting a sexual offense to the police begins the legal process for prosecution. The sooner an assault is reported to the police, the more likely valuable evidence can be collected. If you decide to file a criminal report, please contact campus security ((270) 929-8609 or the local law enforcement agency where the crime occurred. For Owensboro, contact the Owensboro Police Department at (270) 687-8888, the Daviess County Sheriff at (270) 685-8444 or the Kentucky State Police at (270) 685-3927.

**Civil Complaint**

A civil suit for damages may be brought against the assailant regardless of whether criminal or campus judicial charges are pursued. If you wish to explore this option, please contact a private attorney.

**Reporting Requirement**

Although you are not *required* to report sexual assault to the police, you are encouraged to give serious consideration to this option. Please be aware that if you go to the hospital, the staff will most likely report the assault to the police. It is up to you, however, to decide if you want to talk to the officer or not. Reporting an assault to the police does not mean you have to prosecute. You may not wish to prosecute or you may not feel prepared to make that decision right now. However, a delayed report could result in loss of physical evidence which would be vital in the court proceedings should you change your mind about prosecution.

**Risk Reduction**

KWC recognizes the need for healthy and successful relationships. Prevention of sexual assault begins with those who are committing the offenses, but can be supplemented by the use of methods to reduce the risk of potential victimization. All persons can play a role in combating sexual assault by holding perpetrators accountable for their actions, supporting the rights and choices of those who have been assaulted, and making full use of campus resources to educate themselves on this serious problem. Unfortunately, sexual assault can still happen, even when you take all the necessary precautions. The following guidelines can significantly decrease your risk of assault. **It is important to realize that if you have been sexually assaulted and you did not follow these guidelines, the assault is still not your fault.**

- Know your sexual limits and communicate them clearly.

- Avoid the use of substances, including alcohol that may cloud your judgment of a situation or a person. If you should choose to use alcohol or drugs, please be aware of your limits and develop a safety plan before engaging in an activity.
- Be assertive and confident. Confrontational words and behaviors can effectively deter some assailants.
- When someone pressures you sexually, don't be afraid to say "No."
- Be as direct as possible about your intentions/expectations. If you feel you are being misinterpreted, restate your position.
- Have a heightened awareness of your surroundings, particularly in new or unfamiliar situations.
- Try to determine potential threats or challenges to your personal safety and mentally prepare yourself for a variety of intervention strategies: make a scene; alert a friend; leave the situation, etc.
- Trust your intuition. If a particular person or situation makes you feel uncomfortable, unsafe, or uncertain, choose an alternative.
- IF YOU DECIDE TO FIGHT BACK, remember that the vulnerable targets of an assailant's body are the eyes, nose, throat, stomach, and groin. However, please be aware that physical resistance is not always a wise option, as it may further aggravate the assailant.
- Never leave your beverage unattended or accept a drink from an open container. When you go to a party or club, go with a group of friends. Arrive together; watch out for each other; and leave together.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don't hesitate to state your feelings and get out of the situation. A few minutes of social awkwardness or embarrassment are better than the trauma of a sexual assault.

Because sexual misconduct can have serious social, academic, and legal consequences for the perpetrator as well as the victim, reduce your risk of committing a sexual offense by following these simple rules:

- Avoid use of substances that may cloud your judgment. Also, avoid sexual activity with someone whose judgment is impaired by drugs or alcohol.
- Be aware of others' limits and expectations. Respect their boundaries.
- If someone says No to your sexual advances, recognize that it is not a rejection of you as a person.
- Make sure you have a person's complete consent before engaging in sexual activity. Never pressure or force a person to have sex.
- If you feel you are getting "mixed messages" from a potential sex partner, ask for clarification.

- Pay attention to verbal indicators, tone of voice, body language, etc. If any one of these things indicates reluctance or uncertainty, STOP and walk away.
  - Know that a person who initially desires sex has the right to change their mind at any time, and you are obligated to respect that decision. While you may not be able to control your sexual desires, you ARE able to control your actions.
  - Don't assume that a person wants to have sex with you just because they dress provocatively or flirt with you. Also, don't assume that just because a person has had sex with you before, they are willing to have sex again.
  - Realize that a person can consent to kissing or other sexual activity WITHOUT consenting to intercourse and/or oral sex.
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ADDENDUM 4  
KENTUCKY WESLEYAN COLLEGE  
SEXUAL HARASSMENT & ASSAULT  
State Laws Pertaining to Sexual Offenses and Stalking

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The following are summaries of some of the laws in Kentucky relating to sexual offenses and stalking.

**First Degree Rape:** A person who engages in sexual intercourse with another person by forcible compulsion or engages in sexual intercourse with another person who is incapable of consent because he/she is physically helpless or is less than 12 years old, is guilty of first degree rape. The crime is punishable by at least ten (10) years but no more than twenty (20) years in prison, unless the victim is under the age of 12, or the victim is seriously physically injured, in which case the crime is considered a Class A felony, which carries a sentence of at least twenty (20) years but no more than fifty (50) years, or life, in prison.

**First Degree Sodomy:** A person is guilty of first degree sodomy when he/she engages in deviate sexual intercourse with another person by forcible compulsion or engages in deviate sexual intercourse with another person who is incapable of consent because he/she is physically helpless or is less than 12 years old. The punishment for first degree sodomy is at least ten (10) years but no more than twenty (20) years in prison, unless the victim is under the age of 12, or the victim is seriously physically injured, in which case the crime is considered a Class A felony, which carries a sentence of at least twenty (20) years but no more than fifty (50) years, or life, in prison.

**First Degree Stalking :** To stalk is to engage in an intentional course of conduct directed at a specific person or persons which seriously alarms, annoys, intimidates or harasses the person(s) and which serves no legitimate purpose. A person is guilty of stalking in the first degree when he/she intentionally stalks and makes an explicit or implicit threat with the intent to put the person(s) in reasonable fear of sexual contact, serious physical injury or death, and:

1. A protective order has been issued to protect the same victim and the perpetrator has actual notice of the protective order; or
  2. A criminal complaint is currently pending by the same victim, and the perpetrator has been given actual notice of the complaint; or
  3. The perpetrator has been convicted of or pled guilty within the prior 5 years to a felony or Class A misdemeanor against the same victim; or
  4. The act was committed while the defendant had a deadly weapon on or about his/her person.
- Stalking in the first degree is punishable by at least one (1) but not more than five (5) years in prison.

**Stalking in the Second Degree:** A person is guilty of stalking in the second degree when the person intentionally stalks another person and makes an explicit or implicit threat with the intent to place the victim in reasonable fear of sexual contact, physical injury, or death. Second degree stalking is a Class A misdemeanor and is punishable by at least 90 days to one (1) year in prison.

Appendix C  
**EMPLOYEE DRUG AND ALCOHOL USE/ABUSE POLICY AND PROGRAM**

As a church-related Christian college, Kentucky Wesleyan is concerned about the health and well-being of its employees, and recognizes the health hazards involved with the use of alcohol and illicit drugs. In an attempt to deter employees from the abuse of alcohol and illicit drugs, the College has adopted the following policies.

Information pertaining to the legal sanctions under Kentucky state law for the unlawful possession or distribution of illicit drugs and alcohol; the health risks associated with the use of illicit drugs and the abuse of alcohol; and drug and alcohol abuse counseling programs available to employees are also included in this policy.

I. Possession and/or Use of Alcoholic Beverages and Containers

Kentucky Wesleyan College strongly prohibits the possession and/or use of alcoholic beverages or possession of alcoholic beverage containers (either full or empty), and the possession, use and/or distribution of illicit drugs or drug paraphernalia on College public property.

Employees involved with the possession and/or abuse of alcoholic beverages or alcoholic beverage containers on College public property are subject to the following sanctions:

- A. A written warning for the first violation. An employee may be referred for counseling or participation in an appropriate treatment program if it is determined he or she may have an alcohol abuse problem.
- B. Termination from the college's employment for the second violation. (Subject to college dismissal procedures.)

Employees may also be referred to the civil authorities for the unlawful possession of alcoholic beverages on College public property.

II. Possession, Use and/or Distribution of Illicit Drugs or Drug Paraphernalia

Employees involved with the possession and/or use of illicit drugs or drug paraphernalia on College property or at College-sponsored functions are subject to the following sanctions:

- A. A written warning for the first violation and employees may be referred for counseling or participation in an appropriate treatment program if it is determined they may have a drug abuse problem.
- B. Termination from the college's employment for the second violation. (Subject to college dismissal procedures.)

Employees may also be referred to the civil authorities for the unlawful possession and/or use of illicit drugs on College public property or at College-sponsored functions.

III. State Laws Pertaining to the Illegal Possession and/or Use of Drugs and Alcohol

Listed below are the state laws pertaining to the unlawful possession and/or distribution of illicit drugs and alcohol, public intoxication and driving under the influence.

- A. Unlawful Possession of Alcoholic Beverages - person under the age of twenty-one (21) are subject to a fine of up to one hundred dollars (\$100) if they:
  1. Enter a licensed premise to buy, or have served to them, alcoholic beverages.
  2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
  3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.Unlawful possession of alcoholic beverages is classified as a misdemeanor offense.
- B. Public Intoxication - Persons are subject to a fine of \$250 and a jail term of not more than ninety (90) days if they are found guilty of appearing in a public place manifestly under the influence of alcohol, a controlled substance, or other intoxicating substance, not therapeutically administered, to the degree that they may endanger themselves or other persons or property, or unreasonably annoy persons in their vicinity. Public intoxication is classified as a misdemeanor offense.
- C. Driving Under the Influence (DUI) - Persons will be considered driving under the influence if they are found operating a motor vehicle with a blood-alcohol level of 0.08 or higher or driving under the influence of other substances which impair one's driving ability. Driving under the influence is classified as a misdemeanor offense. The penalties for driving under the influence (without aggravated circumstances) are as follows:

First Offense - a fine of between \$200-\$500, and a jail term of not less than two (2) days nor more than thirty (30) days.

Second Offense - a fine of between \$350-\$500, and a jail term of not less than seven (7) days nor more than six (6) months.

Third Offense - a fine of between \$500-\$1,000, and a jail term of not less than thirty (30) days nor more than one (1) year.

Subsequent Offenses – guilty of a class D felony

- D. Possession of a Controlled Substance - It is unlawful for any person to knowingly or intentionally possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a physician, while acting in the course of their professional practice. Possession of a controlled substance is classified as a felony offense. The penalties for possession of a controlled substance are as follows:

First Offense - one (1) to five (5) years in jail, and/or a fine of between \$3,000-\$5,000.

Subsequent Offenses - five (5) to ten (10) years in jail, and/or a fine of between \$5,000-\$10,000.

- E. Trafficking in a Controlled Substance - It is unlawful for any person to distribute, manufacture, cultivate, sell or transfer any controlled substance of which they are prohibited from possessing. Trafficking in a controlled substance is classified as a felony offense. Penalties for trafficking in a controlled substance are as follows:

First Offense - not less than five (5) years and no more than ten (10) years in jail, and/or a fine of between \$5,000-\$10,000.

Subsequent Offenses - not less than ten (10) years and no more than twenty (20) years in jail, and/or a fine of between \$10,000-\$20,000.

#### IV. Health Risks Associated with the Use/Abuse of Illicit Drugs and Alcohol

There are many health risks associated with the use of illicit drugs and alcohol. The use of alcohol and illicit drugs places your body and nervous system in an abnormal state, and you may also develop a physical need for and/or psychological dependence on alcohol and illicit drugs. Other risks associated with the use of illicit drugs and the abuse of alcohol include: excessive use of and damage to body organs; heart and lung problems; damage to the liver and digestive tract; malnutrition; infection and hepatitis; birth defects; convulsions; coma; and damage to the bone marrow; impaired brain activity; permanent brain damage; impaired judgment and personality disorders. The abuse of alcohol and illicit drugs can ultimately lead to death.

#### V. Substance Abuse Treatment Programs

Kentucky Wesleyan provides written materials aimed at alerting its employees to the problems involved with the abuse of alcohol and/or the use of illicit drugs. However, the primary resources utilized for the prevention and treatment of substance abuse are the professionals, agencies and clinics located within the Owensboro/Daviess County area. Frequently used resources for the evaluation and treatment of substance abuse problems include:

Alcoholics Anonymous  
1 Hanning Lane  
Owensboro, KY 42301  
270-683-0371

Narcotics Anonymous  
270-686-2386

Counseling Associates  
1316 Frederica Street  
Owensboro, KY 42301  
270-688-9003

River Valley Behavioral Health  
1100 Walnut Street  
Owensboro, KY 42301  
270-683-4039

## Appendix D

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



WHD Publication 1420 - Revised February 2013

U.S. Department of Labor | Wage and Hour Division

Appendix E  
**DISCIPLINARY WARNING**

Employee name: \_\_\_\_\_ Position: \_\_\_\_\_

You are receiving a written warning due to:

- Excessive tardiness or early quit.
- Poor attendance/excessive absenteeism.
- Not calling in when absent from work.
- Insubordination or failure to follow the directions of your supervisor.
- Falsifying time sheets.
- Violating the confidentiality of employees or students.
- Excessive personal calls or working on personal matters.
- Carelessness or willful damage to College property or materials.
- Violation of safety rules.
- Other.

Include factual information about this warning:

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Supervisor: I reviewed this warning with the employee on \_\_\_\_\_.

\_\_\_\_\_  
Supervisor's signature

Employee: I have read this warning and understand it. (Signature does not imply agreement.)

\_\_\_\_\_  
Employee's signature

Forward the completed warning to Human Resources for placement in the employee's personnel file.