

# Mississippi University for Women Employment

## **EQUAL EMPLOYMENT OPPORTUNITY**

### **MUW NON-DISCRIMINATION POLICY (CHANGED) (IHL 801.02 and AFFIRMATIVE ACTION) (Updated 8/13/10)**

Mississippi University for Women does not discriminate on the basis of race, color, religion, gender, age, sexual orientation, national origin, disability, or veteran status in admission, in treatment, in employment, or in access to its programs and activities.

The University complies with Section 504 of the Rehabilitation Act of 1973 and Public Law 101-336 (American Disabilities Act). The University provides academic adjustments and auxiliary aids to individuals with disabilities (as defined under the law) who are otherwise qualified to meet the University's academic and employment requirements. Those needing assistance may contact the Center for Academic Excellence, 102 Reneau Hall, 1100 College Street MUW-1633, Columbus, MS 39701-5800.

It is the responsibility of all persons making employment decisions to support this policy as established in the University Affirmative Action Compliance Program.

### **RECRUITING (IHL 801.05 and AFFIRMATIVE ACTION)**

Although the Office of Human Resources has the major responsibility of staff personnel recruiting, attracting new employees to the University is everyone's responsibility. Employees are encouraged to tell their friends about working at the University and to refer them to the Office of Human Resources. Open positions will be posted on bulletin boards throughout the campus and the MUW website.

### **HANDBOOK DISCLAIMER (NEW)**

The University reserves the right to modify or amend any statements contained in the Handbook without notice. The sections in this Handbook are intended only to be guidelines for employment at Mississippi University for Women and they do not create any contractual rights.

Page updated 9/8/06.

All sections in the Handbook are subject to federal and state laws and IHL policies and must be interpreted in a manner consistent with those laws and policies. To the extent any conflict exists, those laws and policies govern over the Handbook's sections.

This handbook is the property of Mississippi University for Women and must be returned to the Office of Human Resources upon an employee's termination from the University.

**NOTICE: EMPLOYMENT "AT-WILL"** - Unless an employee has a written contract for a definite term, employment shall be "at-will."

## EMPLOYMENT POLICIES

### TYPES OF STAFF EMPLOYMENT (CHANGED)

1.	Regular Full-time employees -- Benefits Eligible	These employees work 40 hours per week.
2.	Regular Part-time employees – Benefits Eligible	These employees work 20 hours or more per week but less than 40 hours.
3.	Regular Part-time employees – Non-Benefits Eligible	These employees work less than 20 hours per week.
4.	Temporary employees (may be full-time or part-time) -- Non-Benefits Eligible (but do accrue leave)	These employees are hired to fill a position for a short term (less than 4 1/2 months). Part-time work while in student status is not classified as temporary employee.

### 90-DAY PERFORMANCE REVIEW PERIOD (CHANGED)

90-Day Performance Review Period - All new non-faculty, non-contractual employees are subject to a 90-Day Performance Review Period (based on calendar days). The performance review period is an opportunity for the department head to observe the employee's performance, strengths, weaknesses, failures, adjustments, and other work habits.

An employee who does not meet the specific standards may be terminated or the employee may elect to terminate with the University without the usual notice and without cause. The 90-Day Performance Review Period can be extended up to 180 days at the division/department head's request.

All University policies and conditions of employment, except the grievance procedure, apply during the 90-Day Performance Review Period.

It is the responsibility of the division/department head to complete the 90-Day Performance Review Form and forward the completed and signed copies to the Office of Human Resources.

Successful completion of the 90-Day Performance Review Period, as determined by the division/department head, does not alter the "at will" employment policy of the University and does not create contractual rights.

**EMPLOYMENT OF RELATIVES (IHL 801.03)**

The University and its employees are subject to the provisions of state law and IHL policy dealing with nepotism. No individual shall be employed in a department or unit under the supervision of a relative who has or may have a direct effect on the individual's progress, performance or welfare. For the purpose of this policy, relatives are defined as husbands, wives, parents and children, brothers, sisters, and any in-laws of the foregoing within the third degree.

**EMPLOYMENT OF MINORS**

Minors, other than MUW students, who have reached their sixteenth birthday may be employed by the University upon the recommendation of the Office of Human Resources and approval by the supervising executive committee member.

**RE-EMPLOYMENT**

Former staff employees with good records are eligible for rehire. Every consideration will be given to such applicants who wish to be re-employed at the University.

**TRANSFER AND PROMOTION**

The University has a transfer and promotion policy to give employees, on the basis of their skills, education and experience, the opportunity to advance to more responsible positions. Therefore, when a vacancy occurs, it is filled by qualified applicants from within the University when possible. This allows the development of careers within the University and enables the University to retain trained, experienced and loyal employees.

# BENEFITS

## HOLIDAYS (IHL 805.08)

The following holidays\* are observed by the University through the closing of all administrative and academic offices:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Easter Holiday (*Mid-Semester Break*) – one to be designated
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the day after
- Christmas Break (*Winter Break*) – Exact days to be determined by the University President

Additional holidays may be designated by the University President, not to exceed a total of fifteen days a year.

\*See Holiday Pay section under Payroll/Compensation.

## IDENTIFICATION CARDS

Picture identification cards are issued to regular employees by ID Card Services. The ID card should be relinquished upon termination of the employee. Lost identification cards should be reported to the Human Resources Office and arrangements made for a replacement card.

## LEAVE ALLOWANCES (IHL 802 and 803 and MISS. CODE § 25-3-91)

Full-time employees are entitled to full leave benefits. Part-time employees are entitled to leave benefits on a pro rata basis. (See charts below)

Employees who work less than 20 hours per week are **not** eligible to accrue leave.

- Staff employees who are employed between the first through the fifteenth and work through the end of the month and who work 20-39 hours per week will accrue leave on a pro rata basis using the following charts as a guideline.

Updated 7/9/07

- Staff employees who are employed between the first through the fifteenth of the month and work through the end of the month and work 40 hours per week and full-time faculty on a 12 month contract will accrue leave according to the following charts:

#### Personal Leave

Continuous Service	Accrual Rate Monthly	Accrual Rate Annually
1 month to 3 years	12 hours	18 days
37 months to 8 years	14 hours	21 days
97 months to 15 years	16 hours	24 days
Over 15 years	18 hours	27 days

There shall be no limit to the accumulation of personal leave.

#### Major Medical Leave

Continuous Service	Accrual Rate Monthly	Accrual Rate Annually
1 month to 3 years	8 hours	12 days
37 months to 8 years	7 hours	10.5 days
97 months to 15 years	6 hours	9 days
Over 15 years	5 hours	7.5 days

- Adjunct or temporary faculty and regular part-time faculty who work less than 20 hours per week are **not** eligible to accrue leave.
- Adjunct or temporary faculty and regular part-time faculty who are employed between the first through the fifteenth and work through the end of the month who work 20-39 hours per week will accrue medical leave on a pro rata basis using the chart below as a guideline.
- Adjunct or temporary faculty and regular full-time faculty who are not 12 month employees and who are employed between the first through the fifteenth and work through the end of the month who work 40 hours per week will accrue leave according to the chart below:

### Major Medical Leave for Less Than 12 Month Faculty

Continuous Service	Accrual Rate Monthly	Accrual Rate Annually
1 month to 3 years	13.33 hours	15 days
37 months to 8 years	14.2 hours	16 days
97 months to 15 years	15.4 hours	17 days
Over 15 years	16 hours	18 days

Divisions/Departments should maintain Monthly Attendance/Leave records for **all "Leave" eligible employees** as defined above (including temporary employees).

Nine-month faculty who teach summer school do not earn major medical leave during those summer months.

There shall be no maximum limit to major medical leave accumulation. Upon retirement from active employment each faculty member who is employed on a nine-month basis shall receive credit and be paid for not more than 240 hours of unused major medical leave for service as a state employee. All unused/unpaid major medical leave shall be counted as creditable service for the purposes of the Public Employee's Retirement System. No medical leave benefits can accrue when an employee is on extended leave without pay.

Major medical leave may be used for the illness or injury of an employee, only after the employee has used one day of personal leave for each absence due to illness, or leave without pay if the employee has no accrued personal leave. Faculty members on a nine-month basis may use major medical leave for the first day of absence due to illness. Major medical leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or a hospital for the continuing treatment of a chronic disease, as certified in advance by a medical doctor.

Major medical leave may be used for the illness or injury of a member of the employee's immediate family after the employee has used one day of personal leave (except nine-month faculty). An immediate family member is a spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son- or daughter-in-law, mother- or father-in-law, brother- or sister-in-law. For each absence due to illness of 32 consecutive working hours, medical verification is required. Major medical leave may be used

for immediate family members, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or a hospital for the continuing treatment of a chronic disease, as certified in advance by a physician.

To qualify for major medical leave, the employee must:

1. Be ill.
2. Notify the appropriate administrator in charge immediately of the reason for absence.
3. For each absence due to illness of 32 consecutive working hours (combined personal leave and major medical leave), major medical leave shall be authorized only when certified by a medical doctor.

### **DEATH IN THE FAMILY (IHL 805.04 and MISS. CODE § 25-3-95 (3))**

An employee may use up to three days of earned major medical leave for each occurrence of death in the immediate family requiring the employee's absence from work. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose. The immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son- or daughter-in-law, mother- or father-in-law or brother- or sister-in-law.

### **REQUESTS FOR PERSONAL AND MAJOR MEDICAL LEAVE**

All requests for personal leave are subject to the approval of an employee's supervisor. In order to minimize disruptions to the work environment, employees, except in emergency situations, shall request approval for personal leave at least 24 hours in advance. In addition, whenever possible, an employee is encouraged to provide his/her supervisor with advance notice when he/she is aware of a future need for major medical leave.

### **MILITARY LEAVE (IHL 805.05)**

Regular employees who are called to active military duty on short notice as the result of national emergencies may be granted a military leave of absence (without pay) beginning on the date of the call to military service. A leave of absence with pay may be granted for no more than 15 work days per calendar year to a regular employee who, as a member of the National Guard or official militia of Mississippi or a member of any of the reserve components of the armed forces, is ordered to active duty.



A copy of the military orders should be filed in the individual's personnel folder.

### **TERMINAL LEAVE (IHL 801.09 and MISS. CODE § 25-3-95)**

Eligible employees who are retiring or otherwise terminated are entitled to payment of their unused portion of personal leave up to a maximum of 240 hours.

### **JURY DUTY (IHL 805.01 and MISS. CODE § 25-3-92)**

If an employee is called to serve as a juror or subpoenaed as a witness, he or she **may** be granted special leave with pay. Jury or witness fees shall be retained by the employee. Leave with pay **may** be granted for attendance if the employee is the defendant or engaged in personal litigation.

### **LEAVE OF ABSENCE WITHOUT PAY (IHL 805.06)**

1. Request for leave of absence without pay must be approved by the administrative head of the employee's respective area.
2. When a leave of absence without pay is approved, the supervisor may be allowed to fill the position on a temporary basis, with the approval of the administrative head, until the individual granted the leave returns. An employee may return to duty before the expiration of his/her approved leave without pay only with the approval of the division/department chairman or supervisor.
3. Employees on leave of absence without pay are **NOT** entitled to **ANY** University benefits while on such leave except as provided in the Family and Medical Leave policy.\*
4. If, at the expiration of a leave of absence, the employee has not returned to his/her position and the leave has not been extended, he/she shall be considered to have resigned from his/her position at the close of business on the day following his/her last day of leave.

\*Participation in certain University insurance programs may be continued during brief intervals of non-service. Employees who do not receive paychecks during leaves of absence must make necessary arrangements and their payments to the Office of Human Resources for the interval of non-service. Employees must incur the full premium for coverage while on leave without pay status.

**TRANSFER OF LEAVE (MISS. CODE § 25-3-97)**

All accrued leave, both personal and major medical, shall be transferable between state institutions. A statement of accrued leave shall be furnished at the time of transfer.

**USE OF PERSONAL LEAVE PRECEDING RETIREMENT**

Employees may be granted a maximum of thirty days personal leave within the six-month period immediately preceding retirement. This leave can be taken only with approval of the employee's supervisor and may be denied if such leave causes a major problem in the workload distribution within the division. Any exceptions to this must be approved by the President. Unpaid personal and major medical leave shall be counted as creditable service with the Public Employee's Retirement System.

**FAMILY AND MEDICAL LEAVE ACT OF 1993 POLICY (Updated 2/11/09)**

Family and Medical Leave will be granted in accordance with the Family and Medical Leave Act of 1993. All full-time and part-time employees who have been employed by the University for at least one year and for at least 1,250 hours during the preceding 12-month period are eligible for Family and Medical Leave. For purposes of this policy, part-time employees shall be those who work 20 hours or more per week but less than 40. Employees will be returned to the same or to an equivalent position upon their return from Family and Medical Leave. For employees not eligible for Family and Medical Leave, the University will review department considerations and the individual circumstances involved.

1. Family and Medical Leave may be taken for the following reasons:
  - (1) the birth of the employee's child and in order to care for the child;
  - (2) the placement of a child with the employee for adoption or foster care;
  - (3) to care for a spouse, child or parent (but not a parent-in-law) who has a serious health condition;
  - (4) a serious health condition that renders the employee incapable of performing the functions of his or her job; or
  - (5) to permit a spouse, son, daughter, parent, or next of kin to take up to 26 weeks of leave to care for 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.

The National Defense Authorization Act (NDAA) also permits an employee to take FMLA for any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

## 2. Birth or Placement of a Child for Adoption

The entitlement to leave for the birth or placement of a child for adoption of foster care will expire twelve months from the date of the birth or placement.

## 3. Use of Accrued Personal/Medical Leave

An employee may choose to use all of his or her accrued personal and major medical leave prior to going on unpaid leave of absence status if the leave is for an employee's own serious health condition or to care for a spouse, child or parent who has a serious health condition, or if the employee is requesting leave for the birth of employee's child and in order to care for that child, or for the placement of a child with employee for adoption or foster care.

All eligible full-time employees may be granted a total of twelve weeks per **fiscal year** of unpaid leave of absence and paid personal and major medical leave combined. **All eligible part-time employees are entitled to the same leave on a pro-rata basis.**

## 4. Intermittent Leave

Leave taken for an employee's own serious illness or that of a family member may be taken intermittently or on a reduced leave scheduled when medically necessary and coordinated with the employee's supervisor. Upon exhaustion of accrued paid leave or at the choice of the employee to use unpaid leave of absence status, both exempt and non-exempt employees will have their pay docked for intermittent or reduced schedule leave.

## 5. Request for Extension of Leave

Leave may be extended beyond the twelve-week period upon request of the employee and approval by the University for up to a combined maximum of twelve months. However, if an employee chooses to extend his or her leave beyond the 12 week-period, depending on the circumstances, the University may not be

required to reinstate the employee to the same or equivalent position upon the employee's return.

#### 6. Effect of Both Spouses Being Employed at the University

If both spouses are employed by the University, both are eligible for this leave. However, for the birth or placement of a child or for the care of a sick parent, the husband/wife together are limited to only one 12-week period during any fiscal year. However, if leave is for a seriously ill spouse or child or for the employee's own serious illness, each is entitled to a 12-week period.

#### 7. Benefits Coverage During Leave

The University will continue to pay the eligible coverage for the employee only contribution to the State and School Employees' Health Plan for up to twelve weeks, whether the leave is paid or unpaid. If additional paid or unpaid leave is granted, the employee must contact the Office of Human Resources to determine the effect upon continued health care coverage.

At the time an unpaid leave of absence begins, the employee must make arrangements with the Office of Human Resources for continuation of benefits coverage, including health, life, dental and other applicable insurances.

Service time in the Public Employees' Retirement System of Mississippi or the Optional Retirement Plan is not earned for any period of unpaid leave of absence. Also personal and major medical leave days are not earned during the unpaid portion of leave of absence, nor are University holidays considered a paid holiday during an unpaid leave of absence.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the University for payment of all insurance premiums during the Family and Medical Leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.

#### 8. Restoration to Employment

Upon return from an approved Family and Medical Leave of absence, an employee -- with the exception of an employee designated as "key" -- will be restored to his or her old position or to

a position with equivalent pay, benefits and other terms and conditions of employment.

Under specified and limited circumstances, where restoration to employment will cause substantial and grievous economic injury to the University, the University may refuse to reinstate certain “key” employees after using Family and Medical Leave. A “key” employee is a salaried eligible employee who is among the highest paid ten percent of employees.

## 9. Failure to Return from Leave

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of Family and Medical Leave due to the continuation, recurrence or onset of his or her own serious health condition, or onset of a serious health condition of the employee’s spouse, child or parent, must submit a request for an extension, in writing, to the employee’s immediate supervisor. This written request should be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period.

### Procedures:

#### 1. Application for Leave

In all cases, an employee requesting leave must complete an “Application for Leave” noting whether the employee wishes to use accrued leave or unpaid leave on the back of the form and return it to his/her supervisor for forwarding through appropriate channels to the Office of Human Resources.

#### 2. Notice of Leave

In order to minimize disruptions to the work environment, employees are encouraged to provide their supervisors with as much advance notice as possible when there is a need for Family and Medical Leave.

An employee intending to take Family and Medical Leave because of an expected birth or placement, or because of a planned medical treatment must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate

supervisor and to the Office of Human Resources as soon as the necessity for the leave arises.

### 3. Medical Certification of Leave

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

In the case of childbirth or placement of a child through adoption or foster care, documentation by the attending physician in the case of childbirth or court/attorney verification in the case of adoption or foster care placement may be required.

If the University questions the validity of the certification provided, the employee may be required, at the University's expense, to obtain the opinion of a second health care provider designated or approved by the University. The selected health care provider cannot be an employee of the University.

### 4. Return From Leave

An employee must complete a "Notice of Intention of Return" form before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of Family and Medical Leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

After a period of leave due to their own serious health condition, employees must present medical certification to indicate their ability to return to work.

#### Definition:

A **serious health condition** is defined as: (a) inpatient care in a hospital, hospice, or residential medical facility, including any period

of incapacity or subsequent treatment, (b) a period of incapacity of more than three consecutive days that also includes treatment two or more times by a health care provider or such treatment on at least one occasion resulting in a regimen of continuing treatment, (c) incapacity due to pregnancy or for prenatal care, (d) chronic conditions requiring treatments, (e) permanent/long-term conditions requiring treatment, or (f) multiple treatment for non-chronic conditions.

## **TEMPORARY DISABILITY LEAVE (IHL 804)**

### **1. General Policy**

For those employees who do not qualify for family and medical leave under the Family and Medical Leave Act of 1993, the University's temporary disability leave policy may be applicable.

The intention of the policy is to provide, upon University approval, leave for any temporary disability of an eligible employee that normally has a reasonable predictable time frame, encompassing an onset and an end of the condition. Leave necessary for the purpose of childbearing is included under this policy. This policy does not guarantee an entitlement for any employee who is absent from work on a frequent and/or regular basis and whose attendance habits are such that the employee fails to accomplish assigned job responsibilities.

The respective universities and agencies reserve the right to require medical statements in support of uses of benefits under this policy as well as to support the universities' and agencies' needs to determine that employees be permitted to work. Failure to provide requested necessary documentation may result in a "non-pay" status for the period of time in question and/or dismissal (although accrued personal and major medical leave exist).

### **2. Entitlement**

Any regular full-time employee who has successfully completed the University's 90-Day Performance Review Period and who suffers temporary sickness or disabilities thus making him or her unable to perform assigned duties, may be granted leave for a reasonable time but not to extend normally beyond a twelve-month period.

- a. Accrued major medical leave and/or personal leave must be used to cover work days falling within the period of entitlement. Once the accrued leave is exhausted, the leave will be without pay.

- b. The **beginning date of disability will be determined by the employee's physician** and at the discretion of the institution may have to be approved by the institution's health service.
  - c. The ending date of disability shall end when determined by the employee's physician and at the discretion of the institution may have to be approved by the institution's health service. When the employee returns to his or her duties, the employee **shall present a statement from his or her physician stating the ability to resume work.**
  - d. Upon returning to employment, the employee will be returned to his or her former position or to an equivalent position.
  - e. Any employee not returning to work at the expiration of the leave under this section is eligible for terminal personal pay, provided the days have not been taken.
3. Effect of Temporary Disability Leave on Benefits
- a. Any eligible employee on a paid leave status will be credited with major medical leave and personal leave entitlements earned during such paid leave upon his or her return to active employment.
  - b. No refund of retirement contributions will be made during a temporary disability leave, since the return of the employee is anticipated.
  - c. An employee's group insurance plan will be kept in force as long as major medical leave or personal leave entitlements are paid. It may be kept in force thereafter through direct contribution by the employee not receiving pay under major medical leave or personal leave but continuing on a temporary disability leave. Arrangements for this service must be made by the employee with the Office of Human Resources prior to the date that such contributions should be made.

### **GROUP HEALTH INSURANCE (IHL 712.04 and MISS. CODE § 25-15-3)**

The University contributes one hundred percent toward the cost of employee only health insurance for all regular active employees. A detailed brochure describing benefits is available in the Office of Human Resources.

#### Eligibility

##### 1. Employees



- All regular employees of Mississippi University for Women who work fifty percent or more
- Students and temporary personnel are not eligible for Group Insurance

## 2. Dependents

- Spouse
- All unmarried dependent children from birth to age 19 or age 25 while full-time students (12 or more semester hours or its equivalent) attending an accredited high school, college, or university and solely dependent upon the employee for support
- No age limit for unmarried dependent children who are permanently physically handicapped or mentally handicapped and incapable of self-support where such handicap occurred prior to the attainment of the maximum age

If employees do not elect to enroll within thirty days after becoming eligible, Evidence of Insurability will be required and the carrier will determine the effective date of coverage.

Legislation provides that each state employee receive the “Employee Only” contribution toward health insurance coverage unless a valid waiver is executed.

## **GROUP LIFE INSURANCE (IHL 712.04 and MISS. CODE § 25-15-3)**

The University has made available to regular benefits eligible employees a program of group life, accidental death and dismemberment insurance benefits. All University employees working one-half time or more who are paid by or through the University are eligible to participate.

The amount of Group Life Insurance coverage is twice an employee’s annual salary rounded to the next \$1,000 (minimum of \$30,000 and a maximum of \$100,000). The employee’s cost is \$0.15 per \$1,000. The University pays an equal \$0.15 per \$1,000. As the employee’s salary increases, coverage will increase automatically, if affected.

The policy can be converted to an individual one if the employee terminates. If the employee becomes disabled, claim forms for waiver of premium may be obtained in the Office of Human Resources.

## **OTHER ELECTIVE INSURANCE AND BENEFITS**

- Hospital Supplements
- Dental Insurance

- Vision Insurance
- Cancer/Intensive Care Insurance
- Life/Accident Insurance
- Salary Protection Insurance
- Medical Reimbursement Accounts
- Dependent Care Reimbursement Accounts
- United States Savings Bonds
- MUW Apartments
- MUW Employees' Federal Credit Union
- MUW Foundation
- Internal Revenue Code Section 125 (Cafeteria Plan)
- MUW Tuition Remission Program – Forms available in the Financial Aid Office
- Sodexo Meal Ticket Plan - contact Sodexo
- Use of University Physical Fitness Facilities
- MUW Counseling Center
- MUW Health Center

For more information about the elective benefits, contact the Office of Human Resources.

## **CREDIT UNION**

Employees of the University formed the Credit Union, which began operation during the 1964-65 session. Employees may deposit savings in the Credit Union. Loans may be made by any member providing they meet the terms required for borrowing. The Office of Human Resources will accept authorization for payroll deductions in order to purchase Credit Union shares or to make installment payments on loans.

## **FACULTY/STAFF TUITION REMISSION (updated 8/13/10)**

Mississippi University for Women provides a Tuition Remission Program that enables eligible employees to enroll in courses of study at the University in order to enhance personal and professional development. The Tuition Remission Program does not include laboratory fees, class fees, course materials, or housing fees. Also excluded are independent study courses, distance learning fees, and all self-supported institutional activities (e.g. short courses, institutes, and independent study courses or non-credit courses).

### **1. ELIGIBILITY**

#### **a. Employees**

- Regular full-time benefits - eligible employees are eligible to have tuition remitted for up to six (6)

undergraduate or graduate credit hours per semester (fall, spring, or summer) with a maximum of eighteen (18) credit hours per calendar year. Employees are responsible for certain required fees. Employees are eligible for this benefit on the first day of their regular employment provided the employment began on or before the last day to add courses.

- Regular part-time benefits - eligible employees (20 – 39 hours per week) are eligible for up to three (3) undergraduate or graduate credit hours per semester (fall, spring, or summer).
- Employees who are adjunct, temporary status or less than 20 hours per week are not eligible for the Tuition Remission Program.
- Leave of Absence - Regular benefits - eligible employees on an approved leave of absence may continue to be eligible for the Tuition Remission Program for the duration of the approved absence.

b. Retirees

- Retired employees who were eligible for the Tuition Remission Program at the time of their retirement may continue to be eligible under the same terms and fee schedule as regular employees. The term retirees shall mean employees who have attained official retirement status from the University. Retirees age 65 or older may enroll tuition-free at the University in scheduled courses on a first-come, first-serve, space-available basis.

## 2. GENERAL

- a. Employees may enroll for one 3-credit hour course during their normal working day with the prior approval of the responsible unit head provided the employee is not on flextime, and provided the time lost from work (including travel to and from class) is made up during the same work week, or, compensated for by the use of accrued personal leave or compensatory leave. Additional courses must be taken outside of the normal work day which, for most employees, is defined from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- b. Employees must gain admission/readmission to the University and complete the appropriate forms in Admissions and/or Financial Aid.

Employees will pay the actual tuition for those credit hours taken in excess of the limits specified in this policy.

**FACULTY/STAFF DEPENDENT CHILDREN TUITION REMISSION (Updated 8/19/08)**

The University provides a Tuition Remission Program, which enables dependent children of eligible employees of MUW to enroll in undergraduate courses of study at the University at reduced tuition. The Tuition Remission Program does not include laboratory fees, course materials, or housing. Also excluded are audit courses, independent study courses, distance learning fees, Culinary Arts fees, and all self-supporting institutional activities (e.g. short courses, workshops, institutes, and independent study courses or non-credit courses taught by the Division of Continuing Education). Forms and procedures are available in the Office of Financial Aid.

The scholarship is renewable on a semester-to-semester basis provided a 2.5 cumulative grade point average (GPA) is maintained. Students must re-apply prior to each semester.

**FACULTY/STAFF SPOUSES TUITION SCHOLARSHIP (Updated 12/15/10)**

Spouses of full-time faculty and staff members employed by MUW are eligible for a 50% tuition scholarship. Spouses will be responsible for all fees and are not eligible to receive other university general fund scholarships in conjunction with the 50% tuition scholarship.

The form for this scholarship may be obtained from the Office of Financial Aid. The employee must have been employed full-time prior to the end of the late registration process.

The scholarship is renewable on a semester-to-semester basis provided a 2.5 cumulative grade point average (GPA) is maintained. Students must re-apply prior to each semester.

**MISSISSIPPI DEFERRED COMPENSATION**

The Deferred Compensation Plan is designed with the current tax-saving incentives to supplement Social Security, State Retirement, other retirement plans and savings. Regular, benefits eligible employees are allowed to participate in the Deferred Compensation Plan under the Internal Revenue Code, Section 457. The employee's contributions are excluded from current income taxes when invested in the plan.

**PUBLIC EMPLOYEES' RETIREMENT (PERS) AND OPTIONAL RETIREMENT SYSTEM (ORP) (IHL 801.11)**

The Public Employee's Retirement System (PERS) enacted by the 1952 legislature, includes most employees of the University who work half-time or more. Teaching and administrative faculty hired after July 1, 1990, have the choice of PERS or the Optional Retirement Plan (ORP).

Additional information may be obtained on the retirement procedures and options from the Office of Human Resources.

Updated 8/19/08

### **TAX SHELTERED ANNUITY**

Employees of the University are eligible to participate in a plan of tax sheltered annuities. Under provisions of Section 403b of the Internal Revenue code of 1954, as amended, employees are offered certain tax advantages in that part of their gross income may be excluded from current income taxes when used to purchase an annuity for additional retirement benefits. Amounts invested in an annuity under the Code would be taxed at the time the annuity matures and payment is made to the individual after retirement. This provision may result in considerable tax savings to the individual. The amount of annuities which an employee may authorize the University to purchase for him or her in lieu of a portion of the salary otherwise payable directly to him or her is determined by a formula prescribed by the Internal Revenue Code and Regulations. Employees who are interested in the purchase of tax sheltered annuities should contact the Office of Human Resources for a list of approved vendors. The University makes annuity premium payments from an employee's salary when authorized to do so but does not contribute funds to the individual's tax sheltered annuity plan.

### **WORKERS' COMPENSATION (IHL 712.03 and MISS. CODE § 71-3-5)**

The University maintains standard workers' compensation insurance coverage in accordance with Mississippi state laws. The program is for medical care, hospitalization and weekly compensation for the period of disability. Every injury should be reported within 30 days of the occurrence to the supervisor in charge and Human Resources.

## **PAYROLL AND COMPENSATION**

### **PAYROLL INFORMATION**

Salaried employees are paid on the last working day of each calendar month. Employees may choose electronic direct deposit or a paper check that will be sent to an address designated by the employee. Direct deposits are available on the last working day of each calendar month, and paper checks are mailed the day before the last working day of each calendar month.

Wage employees are paid every other Friday. The payroll period begins at 12:01 a.m. Sunday, ends at 12:00 midnight Saturday and includes two workweeks (excluding certified MUW Police Officers). Paychecks are issued every two weeks on Friday following the end of the payroll period. Health and life insurance deductions are withheld from the first wage payroll each month. All other insurance deductions are withheld from the second wage payroll each month. Paychecks are distributed by the department head or, if requested, mailed to an address designated by the employee.

### **PAYCHECKS (IHL 801.12) (Updated 8/13/10)**

Each paycheck has an attached pay stub which is a record of earnings and authorized deductions. Employees participating in electronic direct deposit may review the direct deposit stub on BannerWeb. Each paycheck/direct deposit stub should be examined to make sure that deductions have been properly made. Any errors should be reported immediately to the Human Resources Office.

Required deductions are:

1. Federal Income Tax
2. State Income Tax
3. Social Security (F.I.C.A.)
4. Retirement (if half-time or more)

Voluntary deductions include:

1. Insurance premiums – group and other
2. Credit Union savings or loan payments
3. United Way
4. U. S. Savings bonds
5. Tax Sheltered Annuities
6. MUW Foundation contributions
7. MUW Housing – if a resident

## 8. Mississippi Deferred Compensation

### **ADDITIONAL UNIVERSITY EMPLOYMENT POLICY (IHL 401.0103)**

1. Twelve-month faculty and staff with IHL Board contracts may not receive additional compensation for extra duties performed for the University, including, but not limited to, teaching, advising, special projects.
2. Nine and ten-month faculty with IHL Board contracts may receive additional compensation for work performed outside their normal contract duties provided the compensation does not exceed 10% of their contract salary. Board approval is necessary for additional compensation exceeding the 10% level. Normal duties are considered to include, but are not limited to, 12-credit hours per week course workload, office hours and committee work.
3. Non-exempt staff, without IHL Board contracts, can be paid for additional hours worked for the University as either overtime pay or compensatory time if the work falls within their normal job duties. If the work does **not** fall within their normal job duties they can receive compensation at an hourly rate. If the additional duties will result in the employee working for more than forty hours in a given work week, then **any** hours worked over forty must be compensated at the rate of time and a half.
4. Exempt staff, without IHL Board contracts, can be paid for additional services rendered to the University provided the services fall **outside the realm** of their normal job duties, as determined by the employee's supervisor. In addition, the work must be performed outside of the employee's regular duty hours or the employee must take personal leave.
5. If the services or work sought are the same type of services which the employee performs as part of his/her regular University job, the organization or department requesting the services must arrange and/or contract with the employee's department for the services. This should be done through an interdepartmental purchase requisition. The organization or department should not contract directly with an individual employee of a University department for services of the employee which fall within the employee's normal duties.
6. If all criteria have been met for compensating an existing employee for additional services rendered, official approval shall be sought using the Request for Personnel Action Form (PAF). The employee will be paid through the Office of Human Resources.

7. All PAFs or purchase requisitions must be approved before the services are rendered.
8. In accordance with state law, no state property may be used by an individual for personal gain. Therefore, no University equipment, materials, and/or resources of any kind shall be used to fulfill outside or additional employment, even if the outside employment is for another department of the University, without prior approval of the employee's supervisor. In the event approval is given, the employee may be required to reimburse the University for use of the equipment, materials and/or resources.
9. It is unethical and a conflict of interest for the University to contract with a company or firm owned by an employee or a member of the employee's immediate family.

## **HOLIDAY PAY (NEW)**

### **Regular Full-time Employees:**

- All regular full-time employees will receive regular pay during University holidays.
- Non-exempt employees who are required to work during a University holiday (other than the federally observed holiday) will be given compensatory time in the amount equal to the amount worked plus regular pay.
- Non-exempt employees who work on the **federally observed holiday** will be paid double time. For example: An employee who is required to work for 8 hours on the federally observed Christmas day will be paid for 16 hours unless the 8 hours worked results in an overtime situation. In an overtime situation, the employee would be paid for 20 hours (time and one-half for the hours worked plus 8 hours of holiday pay).

### **Regular Part-time Employees (20-39 hours per week):**

- All regular part-time employees will receive regular pay during University holidays. For example if a part-time employee is regularly scheduled to work 30 hours per week, he/she will be paid for the regular 30 hours per week.
- Non-exempt part-time employees who are required to work during a University holiday (other than the federally observed holiday) will be given compensatory time in the amount equal to the amount worked plus regular pay.



- Non-exempt part-time employees who work on the **federally observed holiday** will be paid double time. For example: An employee who is required to work for 8 hours on the federally observed Christmas day will be paid for 16 hours unless the 8 hours worked results in an overtime situation. In an overtime situation, the employee would be paid for 20 hours (time and one-half for the hours worked plus 8 hours of holiday pay).

#### **Regular Part-time Employees (less than 20 hours per week):**

- Part-time employees regularly scheduled for less than 20 hours per week are not eligible for pay during University holidays unless they actually work.
- Regular non-exempt part-time (< 20 hours/wk) employees who are required to work during a University holiday (other than the federally observed holiday) will receive regular pay.
- Regular non-exempt part-time employees (< 20 hours/wk) who work on the **federally observed holiday** will be paid double time. For example: An employee who is required to work for 8 hours on the federally observed Christmas day will be paid for 16 hours unless the 8 hours worked results in an overtime situation. In an overtime situation, the employee would be paid for 20 hours (time and one-half for the hours worked plus 8 hours of holiday pay).

#### **Temporary Employees:**

- Temporary employees are not eligible for pay during a University holiday unless they actually work or use accrued personal leave. The use of accrued personal leave should be approved in advance by the employee's supervisor.
- Non-exempt temporary employees who are required to work during a University holiday (other than the federally observed holiday) will receive regular pay.
- Non-exempt temporary employees who work on the **federally observed holiday** will be paid double time. For example: An employee who is required to work for 8 hours on the federally observed Christmas day will be paid for 16 hours unless the 8 hours worked results in an overtime situation. In an overtime situation, the employee would be paid for 20 hours (time and one-half for the hours worked plus 8 hours of holiday pay).

#### **PAY ADVANCES - Updated 1/18/07**

State law does not permit the University to offer pay advances. There may be occasions when emergency circumstances, defined as

unforeseen, unplanned and unavoidable events, demand immediate attention and require an employee to secure funds on short notice. In these very limited situations, an employee may be able to receive a pre-payment for an amount not to exceed the salary or wages earned to date, less taxes and other withholdings. The amount of the pre-payment received will be deducted from the subsequent paycheck. A faculty or staff member needing a pre-payment should submit the appropriate request form to his/her supervisor. If the immediate supervisor recommends the request be approved, he/she shall forward the request to the appropriate Dean (if applicable), and/or the supervising Cabinet member and the Vice President for Finance and Administration for final approval. The request forms are available in the Office of Human Resources.

### **WAGE AND HOUR LAW – OVERTIME (IHL 801.04)**

The University operates under the Federal Fair Labor Standards Act commonly known as the Wage and Hour Law. Generally, all faculty, executives, other professional, and administrative staff are “exempt” from the Wage and Hour Law.

(Please check with the Office of Human Resources if you are unsure whether a position in your department is exempt or non-exempt.)

Non-exempt employees under the law are entitled to paid overtime or compensatory time at the rate of time and one half for all hours worked in excess of forty (40) hours per week.

It is University policy to provide, whenever feasible, compensatory time rather than paid overtime for all non-exempt employees. However, certain jobs and circumstances do not lend themselves to compensatory time. In those instances, and upon approval of the supervising Executive Committee member, non-exempt employees working in excess of 40 hours per week are paid for their overtime.

Compensatory time taken must be approved by the employee’s supervisor in advance. An employee may accrue a maximum of 240 hours (public safety personnel up to 480 hours) compensatory time. After the maximum has been reached, any new overtime must be paid or taken.

At the time of termination of employment, accrued compensatory time will be paid at the rate of the average salary for the last three years or the final regular rate, whichever is higher.

Updated: 1/18/07

# EMPLOYEE RELATIONS

## INFORMATION SECURITY POLICY

It is the policy of Mississippi University for Women to view information as a business asset. Misuse, abuse, or intentional damage to information may be as costly to the University as would misuse, abuse, or intentional damage to physical property. An employee's responsibility for the protection of University information is outlined below.

1. Employees may use University information and third-party, proprietary information (i.e. information obtained from individuals or entities having a contractual relationship with MUW) in their custody only for the performance of official University business.
2. Employees may not alter, destroy, or in any way change University information, except as required in the performance of their duties as employees of this University.
3. Employees may not divulge University or third-party information to anyone, including MUW employees, who do not have a need to know. Employees should maintain a secure workstation environment.
4. Employees should not attempt to gain access to information or facilities to which they are not specifically authorized.
5. Employees should not use the data processing equipment or facilities of the University to pursue non-university interests for their own personal financial gain. Exception: data processing equipment and facilities may be used for preparation of scholarly works and community service projects.
6. Employees may not maintain information for businesses other than the University on University computing equipment.
7. Any user IDs or passwords assigned to an employee or that he or she may have knowledge of as a result of his/her position at MUW is to be used only by that employee and is not to be divulged to any other party without proper authorization.
8. Failure to comply with any of the above conditions may subject an employee to disciplinary action. The University retains the right to pursue prosecution when misuse, abuse, or intentional damage to its information and computing resources is suspected.

(This policy was approved on January 31, 1996 by the Mississippi University for Women Administrative Council.)

## OUTSIDE EMPLOYMENT (IHL 801.07)

In accordance with regulations established by the Board of Trustees of the State Institutions of Higher Learning, employees are permitted to engage

in outside employment provided it will not interfere with the institutional duties of the individual and permission has been obtained from the President.

In addition, employees are precluded in engaging in a business or profession that would be considered a conflict of interest relative to the position held within the University.

#### FACULTY:

- a. From time to time faculty members receive requests for consulting services, part-time teaching or other employment from business and industry, various agencies, institutions or individuals. The University wishes to cooperate in and facilitate such endeavors whenever possible. Requests to engage in such activities must be reviewed and approved by the Division Head, the Provost and Vice President for Academic Affairs, and the President. Application forms are available in the Office of Human Resources.
- b. Faculty positions, unless otherwise stated, are considered full-time positions. Before accepting outside employment, faculty members should determine and document that the said outside employment will interfere in no way with their instructional duties.
- c. Requests to engage in outside employment, including consulting activities, must be submitted on approval forms through channels to the President.

#### **POLITICAL PARTICIPATION AS A CANDIDATE (IHL 801.10)**

Participation by employees in various community and public affairs is expected; however, it is expected that time given such activities will not interfere with the regular duties of an employee. Political activities by an employee will not be prohibited at such times as the employee would not be ordinarily required to render services to the institution or if the employee elects to take and the institution grants a leave of absence without pay.

#### **WORK SCHEDULE**

The established regular hours of work comprising full-time employment for staff of the University shall be forty hours per week. Normal duty hours are from 8:00 a.m. until 5:00 p.m., with one hour for lunch, Monday

through Fridays except on official University holidays. The President may approve exceptions to this schedule as deemed appropriate.

## **FLEX TIME (NEW)**

Each division/department head, with the assistance of direct supervisors when appropriate, should provide the division/department flex time plan to the supervising executive committee member for approval.

Plans must consider the following:

- Flex time must serve the overall interests of the university. If flex time interferes with those interests, changes will have to be made to the flex time arrangement.
- State law currently requires that each office be open from 8-5 Monday through Friday.
- Each full-time employee must work a 40-hour workweek (workweeks **cannot** be averaged over a two-week period).

The plan should define any limitations that the division/department will experience during hours that are not fully staffed. The plan should also specify hours that will not be fully staffed.

Example:

The Office of ABC will be staffed from 7:00 a.m. until 6:00 p.m. Monday through Friday. During the hours of 7:00 – 8:00 a.m. and 5:00 – 6:00 p.m. staffing will be limited to one person. All regular services provided by the Office of ABC will be available between the core hours of 8:00 a.m. and 5:00 p.m.

## **TERMINATION**

Terminating employees will receive final paychecks on the following scheduled payroll date after their termination and upon presentation of a completed clearance form to the Office of Human Resources.

## **PERSONNEL RECORDS**

The Office of Human Resources maintains an individual record of personal and payroll data for each staff employee. It is important that this information be accurate. Any changes in personal data should be reported immediately to Human Resources. Changes that should be reported include name, marital status, number of dependents, telephone

number and address. Also, any beneficiary changes should be handled promptly.

Requests for personnel information, such as salary, etc., will only be released with a written statement from the employee. No telephone inquiries will be honored.

## **PARKING REGULATIONS (IHL 1106)**

Parking permits must be obtained by all University employees who park on campus. Applications for permits should be made through the MUW Police Department. The employee will be furnished with a copy of the parking regulations when the hang tag is issued. Each employee should be familiar with the regulations and abide by them.

## **RESPONSIBILITY OF ALL EMPLOYEES**

University employees are expected to serve the University as they would any other efficient and progressive organization. During work hours, use of time for matters not pertaining directly to employment is not the University policy and is strongly discouraged. Being on time for work and notifying the supervisor in instances of tardiness or absence is also expected.

The image of the University is presented by the employees who deal with an individual whether student, guest or colleague. Employees are expected to deal with the public and co-workers in a courteous, tactful and cooperative manner.

## **WORK RULES**

The general work rules prohibit the following actions on the part of the employee, which if committed, may be the cause for disciplinary action including termination of employment. ***The actions listed below are examples of unacceptable behavior but do not include all actions that are unacceptable.***

1. Unauthorized possession of firearms or explosive materials on University premises.
2. Unauthorized use of University identification cards. (Permitting another person to use the employee's identification card.)
3. Refusal to obey public safety officers or other proper authority in emergencies.
4. Willful or negligent damage to University property.

5. Failure to observe posted safety rules and procedures.
6. Smoking in areas designated as "No Smoking."
7. Disorderly conduct on University campus.
8. Drinking or being under the influence of alcohol while on the job.  
Possession or being under the influence of illegal drugs on university premises.
9. Gambling in any form on University campus.
10. Threats, pressure, or physical action against another employee.
11. Dishonesty, theft, or commission of any crime on University property.  
Removal of University property without proper authorization.
12. Falsifying time records or any other University records.
13. Refusal to accept instruction, including failure to perform work assigned.
14. Careless performance of duties, including continued failure to maintain established standards of productivity.
15. Failure of employees to report to their place of work at the beginning of their work period. Leaving work prior to the end of their work period.
16. Failure of absent employees to notify their supervisor on the first day of absence.

#### **MUW FACULTY AND STAFF DRUG AND ALCOHOL POLICY (IHL 806, MUW PS 6704)**

This policy statement is intended to express the commitment of the Board of Trustees of State Institutions of Higher Learning and Mississippi University for Women to maintaining a drug and alcohol-free workplace and school in Conformity with state and federal laws as set forth in the Uniform Controlled Substances Law of the State of Mississippi, the Drug-Free Workplace Act of 1988, and the Drug Free Schools and Communities Act Amendment of 1989.

The Board of Trustees of State Institutions of Higher Learning and Mississippi University for Women acknowledge and support the laws of the State of Mississippi as set forth in Sections 41 - 29 - 101 to - 185 of the Mississippi Code, which prohibit the sale, distribution, manufacture, possession, or use of a controlled substance in this state. As a result of this law and of the policy that this Institution of Higher Learning facility be a drug-free workplace and school, staff and faculty members are specifically prohibited from using, selling, distributing, or in any other way involving themselves with controlled substances except as permitted in the relevant legislation. In addition, staff and faculty members are prohibited from being under the influence of alcohol while on the job.

1. Mississippi University for Women will make available to all staff and faculty members a copy of this policy and will notify staff and faculty

members that, as a condition of employment, they must abide by the requirements of this policy.

2. Staff and faculty members are reminded that confidential assistance with substance abuse problems is available through several centers for alcohol and drug education in the greater Columbus area.
3. Supervisors must confidentially refer for counseling any person under their supervision who appears to be having difficulty with substance abuse.
4. Any staff or faculty member who has been convicted of a criminal drug statute violation occurring in the workplace must notify his/her immediate supervisor no later than five days after the conviction.
5. Upon notification of such a conviction, Mississippi University for Women will initiate appropriate personnel action (see "Sanctions" below) within thirty days of such notification.
6. Upon notification of such a conviction, Mississippi University for Women is required by law to notify the applicable funding agency(ies) within ten days if the staff or faculty member is working in a position that is funded by federal monies.
7. Mississippi University for Women's Office of Human Resources has information available for Drug Awareness. This information includes limited on-campus drug counseling through the Counseling Center for any employee and confidential referrals for drug problems.

### **Health Risks Associated with Substance Abuse**

The substance abuser faces many health risks if abusive behaviors continue. Physical as well as psycho-social problems may be present as a result of the continued use of alcohol or drugs.

#### **Physical:**

- Long-term substance abuse may lead to heart muscle damage, increase the risk of heart disease, and lead to heart failure.
- Liver destruction
- Severe damage to the digestive tract
- Damage to the reproductive system
- Can cause birth defects if alcohol or drugs are used during pregnancy
- Physical dependence with abuse of certain substances
- Malnutrition
- Blood disorders
- Risk of AIDS or Hepatitis if drugs are injected

#### **Psychological:**

- Mood swings
- Mental disorders
- Depression



**Social:**

- Personal tragedy
- Family violence
- Divorce
- Loss of friends
- Ruined career
- Legal problems
- Financial problems
- Accidents e.g. motor vehicle accidents, drowning, poisoning, overdosing

**Drug and Alcohol Programs in the Community**

**COMMUNITY COUNSELING SERVICES** -- (CCS) provides outpatient therapy for substance abusers and their families. In addition, CCS administers two residential treatment programs. 1001 Main Street, Columbus, Mississippi 39701, 328-9225.

**THE PINES** - A residential treatment program administered through CCS for male substance abusers. Inpatient care is provided for a minimum of six (6) weeks and is based on the individual's ability to pay. Self-referrals may be made; however, other referrals may be through family members or the courts. 108 10th Street North, Columbus, Mississippi 39701, 327-7916.

**CADY HILL** - A residential treatment program administered through CCS for female substance abusers. The type of care, cost, and the referral systems are the same as The Pines. 1011 Main Street, Columbus, Mississippi 39701, 327-0682.

**ALCOHOLICS ANONYMOUS** - Provides help and support to people who have problems with drug and alcohol abuse. AA also sponsors Al-Anon which is a program designed for the family of the abuser. For more information about meeting times and locations contact AA at 327-8914.

**RECOVERY HOUSE** - Provides information, intervention, assessment, outpatient treatment, referrals, family counseling, and employee assistance programs. Main Office: Golden Road, or P.O. Box 2590, Columbus, MS 39704. Phone number: 329-4333

**Local, State and Federal Penalties**

City of Columbus penalties may change, and county, state and federal penalties will vary from those listed for the city. General penalties are:

Allowing Consumption of Alcoholic Beverage After Hours (67-3-53A)	\$250.00
Selling Alcoholic Beverage After Hours (67-3-69A)	\$250.00

Consuming Alcoholic Beverage in Public Place (4-31)	\$85.00
Consuming Alcoholic Beverage on City property (4-10)	\$85.00
Minor in Possession of Alcoholic Beverage (67-1-81)	
Mandatory Court Appearance	\$100.00
Sale of Alcoholic Beverage to a Minor (67-1-81)	
Mandatory Court Appearance (2 days)	\$250.00
Minor Under Age of 21 Making False Statement to Obtain Beer	
Mandatory Court Appearance	\$200.00
Minor in Possession of Light Wine	
Mandatory Court Appearance & 5 days Public Service	\$100.00
Possession of Untaxed Whiskey (67-1-9)	\$350.00
Sale of Beer or Light Wine after Hours (67-3-53)	\$253.00
Contributing to the Delinquency of a Minor (43-23-25)	\$250.00
DUI (63-11-30)	
Mandatory Court Appearance & Attend MASEP	\$755.00
DUI (2nd Offense) (10 days in Jail & 10 days Community Service & S. I. Course	\$1,155.00
DUI (3rd Offense)	Felony
Possession of Marijuana (41-29-139)(d)	
All Offenses Mandatory Court Appearance	\$300.00
(2nd) Offense - within 2 years, not less than 5 days nor more than 60 days & drug Ed)	\$400.00
(3rd) Offense - within 2 years, not less than 5 days nor more than 60 days & drug Ed)	\$550.00
Possession of marijuana in a motor vehicle	\$1,050.00
Possession of Paraphernalia (41-29-139)(d)	\$500.00

### Sanctions

- A. Depending upon the facts relating to any drug conviction or use, the employee may be: suspended pending further investigation; required to participate in a drug abuse assistance program; issued a written warning; terminated; or allowed to continue in a work status. For terminations, the applicable termination procedure will apply, based upon the status of the employee. Any action will be initiated within thirty days after the facts become known by the University.
- B. If an employee employed on a federal contract or grant fails to notify his/her immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five working days after such conviction, he/she will be suspended pending investigation with termination possible.
- C. If an employee is suspected of violating any criminal drug statute in the workplace, the Security Department will be called to begin investigation of the case.

- D. If an employee is found to be under the influence of alcohol while on the job, that employee may be subject to disciplinary action including possible termination of employment.

**The Drug Free Schools and Communities Act Amendment of 1989  
Sec. 1213**

Sec. 1213. (a) Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal programs, including participation in any federally funded or guaranteed student loan program, unless it certifies to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum includes --

- (1) the annual distribution to each student and employee of:
  - (A) standards of conduct that clearly prohibit, at minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;
  - (B) a description of the applicable legal sanctions under Local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
  - (C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
  - (D) a description of any drug or alcohol counseling, treatment, rehabilitation or re-entry programs that are available to employees or students; and
  - (E) a clear statement that the institution will impose sanctions on students and employees (consistent with Local, State, and Federal law), and a description of those sanctions up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (1)(A); and
- (2) a biennial review by the institution of its program to (a) determine its effectiveness and implement changes to the program if they are needed; and (b) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

**WEAPONS ON CAMPUS POLICY (IHL 1106)**

According to State law, effective July 1, 1994, a person possessing or carrying any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on University property is guilty of a felony. It is also a felony to cause, encourage or aid

a minor who is less than eighteen years of age, to possess or carry such a weapon. Any person violating either of these laws will be arrested and turned over to the appropriate civil authorities in Columbus. In addition, if such person is a staff or faculty member, he/she may be subject to disciplinary action and/or termination of employment. If the person is a student, he/she will automatically be suspended from his/her Residence Hall with the right to a hearing before the Vice President for Student Affairs. A student violator also may face suspension or expulsion from school depending upon the outcome of the criminal charges.

## **GRIEVANCE PROCEDURES - (IHL 405 and 403.02)**

The grievance procedure does not modify the University's at-will employment doctrine policy or create contractual rights.

The purpose of these procedures is to provide for the prompt and equitable resolution of an employee's grievance. A grievance is a work-related condition that an employee alleges to be (i) unfair, inequitable, or a hindrance to the employee's effective performance or (ii) discriminatory on the basis of race, color, religion, gender, age, national origin, disability (when reasonable accommodations can be made), disabled veteran status or veterans of the Vietnam era status.

## **CONFIDENTIALITY**

Procedures for prompt, appropriate corrective action are an essential part of the University's effort to deal with grievances. All reasonable steps will be taken to assure that the complainant and the alleged offender are protected by the highest degree of confidentiality possible. Both parties are advised, however, that once an inquiry or an investigation has begun, anonymity may be impossible.

## **HEARING PANEL POOL**

The Hearing Panel Pool shall consist of twenty-four members selected annually. Six members of the pool (three women, three men) shall be selected by each of the following groups: Faculty Senate, Administrative Council, Student Government Association, and Staff Council. At the beginning of the fall semester, the Director of Human Resources will request the selections from each group and will notify the Hearing Panel Pool members of their selection.

The Hearing Panel Pool is available for selection as necessary by the President for non-academic employee grievance hearings and sexual

harassment hearings. The composition of a hearing panel is noted under the Grievance Procedure – Non-academic Employees and Sexual Harassment Policy and Procedure for Faculty, Staff and Students that follow in this handbook.

## **GRIEVANCE PROCEDURE – Non-academic Employees (CHANGED)**

### INFORMAL RESOLUTION

The best interests of both the university and its employees are served by regular, forthright communication. An employee who believes a justifiable job-related complaint exists should take steps as soon as possible to resolve the problem in a discussion with the immediate supervisor.

Should informal attempts at resolution prove unsatisfactory, the employee and the supervisor may seek the assistance of the Director of Human Resources to mediate the problem.

Human Resources representatives may be contacted for informal discussion if the employee believes he or she cannot approach the supervisor with the problem. A Human Resources representative may meet with the employee, the supervisor, or both as may be appropriate, to assist in amicably resolving their differences. Human Resources will also provide information on matters of policy interpretation and use of the formal grievance procedure.

### FORMAL PROCEDURES

#### DEFINITIONS

1. **Working Day:** Monday through Friday of each week and excludes holidays listed in the university bulletin or as designated by the president.
2. **Complainant:** Person filing the grievance.
3. **Respondent:** Person against whom the grievance is filed.

Any regular employee, except new employees within the 90-Day Performance Review Period, student employees, and temporary employees, can pursue a grievance by following these procedures.

1. Filing the Complaint

The formal grievance process begins when a written, signed complaint is filed with the Director of Human Resources. The complaint must be filed within 10 working days of the occurrence that gave rise to the grievance or when the basis for the grievance became known or reasonably should have been known to the employee. The complaint must include the specific factual basis for the grievance.

## 2. Hearing

The purpose of the hearing is to afford the parties a meaningful opportunity to be heard before an impartial panel.

### a. Composition of Hearing Panel

The grievance hearing panel shall be selected by the president from the pool of members appointed annually to the university's Hearing Panel Pool. Students are not eligible to serve on an employee grievance hearing panel.

1. Generally, there are three categories of employees at the University: faculty, staff supervisors and staff employees.
2. Two members of the panel should be of the same category as the complainant.
3. Two members of the panel should be of the same category as the respondent.
4. The panel chair is appointed by the President and should be from a category not yet represented.
5. No member of the hearing panel should be from the same division or department as the parties.

### b. Advance Exchange of Evidence

At least one week before the hearing is scheduled, each party must furnish the chair

of the hearing panel two copies of a list of witnesses who may testify at the hearing on his or her behalf and two copies of any documents that may be introduced in evidence. If either party attempts to introduce evidence not properly disclosed in advance to the other party, the hearing panel may decide either to exclude the evidence or give the other party additional time in which to respond.

c. Advisors

Each party may have an advisor throughout this process. At the hearing, however, the advisor's role will be limited to observing and providing counsel to the party being advised. The advisor will not be permitted to participate in the hearing process.

d. Hearing Procedures

All hearings will be closed to the public. Only those individuals directly involved in the case can be present.

The hearing begins with the chair's summary of the grievance. The chair then gives the parties an opportunity to make an opening statement.

After the opening statements, the hearing panel may question the complainant. The respondent may then question the complainant or submit written questions to the hearing panel which he or she wishes to have presented. The complainant may then call witnesses and present documentary evidence. The hearing panel may limit the number of witnesses. A witness may attend the hearing only while testifying.

After the complainant's case has been presented, the respondent may present testimony, witnesses, and documentary evidence. The complainant and hearing panel may then question the respondent.

After the presentation of all evidence on behalf of the complainant and respondent, each party has the opportunity to make a brief closing statement. After the closing statements, the panel begins its deliberations in private.

e. Finding of the Hearing Panel

The hearing panel shall base its findings solely on evidence presented at the hearing. After considering the evidence, the hearing panel decides whether a preponderance of the evidence supports the grievance.

The hearing panel prepares a written report of its findings of fact and its decision.

The hearing panel sends a copy of its report to the President, with a copy to each party. The report must be accompanied by all documentary evidence presented at the hearing, and the recording of the hearing.

3. Decision of the President

Either party may respond to the report of the hearing panel by written letter to the President. This letter, which is limited to three single spaced pages, should contain arguments as to why the decision of the hearing panel should be accepted or rejected by the President. The President shall consider both the report of the hearing panel and the responses of the respective parties in making the final decision. When that decision is made, the President shall inform the hearing panel, parties, and all appropriate administrative officers of the decision.

## **GRIEVANCE PROCEDURE B Employees with Academic Rank\* (Other Than Administrators)**

An employee holding academic rank who feels aggrieved should use the following procedures in seeking to resolve the grievance within ten working days of the grievance. \*\*



- Step 1: The grievance should be discussed with his/her immediate supervisor.
- Step 2: If the grievance is not resolved at the above level, the employee may request a meeting with the Head of his/her Division or immediate supervisor to discuss the matter.
- Step 3: If the outcome of Step 2 is not satisfactory, the employee may request a meeting with the Chief Academic Officer, the Head of his/her Division, and his/her immediate supervisor.
- Step 4: If the procedures followed in Step 3 do not resolve the grievance the employee may request a meeting with the Faculty Appeals Committee. The procedure to be followed is set forth in MUW Policy Statement # 3528. The purpose of this meeting is fact-finding and provides the grievant opportunity to fully discuss his/her grievance. It is not intended to be a full-fledged evidentiary hearing.
- Step 5: If the employee is not satisfied with the recommendations of the Appeals Committee, the Chief Academic Officer will report the matter to the President for final action at the University level.

\* Procedures in the *Faculty Handbook section* should be followed in grievances involving termination appeals by tenured and non-tenured faculty.

## **SEXUAL HARASSMENT POLICY AND PROCEDURE FOR FACULTY, STAFF AND STUDENTS**

Mississippi University for Women seeks to foster an atmosphere of respect for all members of the University community. To this end, the University is committed to maintaining a work and learning environment free of sexual harassment.

Sexual harassment is a violation of federal law, as well as the rules and regulations of the University. Sexual harassment by faculty, staff, or students will not be tolerated at the University. Offenders may be subject to appropriate University disciplinary action up to and including dismissal or expulsion.

As used in this policy, the term "faculty" or "faculty member" includes all instructional staff, including graduate students with teaching responsibilities.

#### DEFINITION AND EXAMPLES

Sexual harassment is defined for purposes of this statement as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive learning or employment environment.

In order to constitute sexual harassment, it is essential that the behavior be unwelcome. Examples of sexual harassment include, but are not limited to, the following:

1. physical harassment, including rape, assault, and unwelcome touching;
2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, academic status, or letters of recommendation;
3. direct propositions of a sexual nature;
4. subtle pressure for sexual activity;
5. a course or pattern of conduct, particularly, comments of a sexual nature or sexually explicit questions, jokes or anecdotes, which embarrass or humiliate a student or employee;

6. a course or pattern of conduct which causes discomfort or humiliation to a reasonable person at whom the conduct was directed, including one or more of the following:
  - (a) unnecessary touching, patting, hugging, or brushing against a person's body;
  - (b) remarks of a sexual nature about a person's clothing or body;
  - (c) remarks about sexual activity, sexual prowess, or sexual deficiencies;
  - (d) repeated or unwanted requests for dates.
7. sexually degrading or vulgar words to describe an individual;
8. leering, whistling, touching, pinching, brushing the body, suggestive or obscene comments or gestures;
9. gratuitous display of sexually suggestive objects, pictures, posters, or cartoons;
10. verbal abuse of a sexual nature.
  - Sexual harassment does not refer to occasional compliments; it refers to behavior of a sexual nature which interferes with the work or education of its victims and their co-workers or fellow students.
  - The display of sexually suggestive materials in the course of academic instruction should be considered within the context of the subject matter being taught.

#### PROTECTION AGAINST RETALIATION

Retaliation against a complainant, whether by the alleged offender or from another source, is considered harassment. Retaliation against any individual for reporting sexual harassment will not be tolerated and will be treated with the same strict discipline as the harassment itself. Retaliation is a serious violation of this policy and should be reported immediately.

## CONSENSUAL RELATIONSHIPS

The educational mission of the Mississippi University for Women is promoted by professionalism in faculty-student and supervisor-employee relationships. This professionalism is fostered by an atmosphere of mutual trust and respect. Actions of students and faculty members and supervisors and their employees that tend to harm this atmosphere undermine professionalism and hinder fulfillment of this University's mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the academic community.

Faculty members exercise power over students and supervisors exercise power over their employees, whether in giving them grades or promotions, praise or criticism, evaluating them or making recommendations for future employment, or conferring other benefits on them. Amorous relationships between students and faculty members or employees and their supervisors are obviously inappropriate when the faculty member or supervisor has professional responsibility for, and thus power over, the student or employee. Such situations greatly increase the probability that the faculty member or supervisor will abuse this power and sexually exploit the student or employee.

Given the fundamentally asymmetric nature of, and the "power differential" inherent in, such relationships, any appearance of voluntary consent on the part of the student or employee is suspect. Moreover, others in the department may be affected by such unprofessional behavior because it places the faculty member or supervisor in a position to advance or favor one student's or employee's interests at the expense of others, and implicitly makes obtaining benefits contingent on amorous or sexual favors.

The University therefore views it as unethical for faculty members to engage in amorous relationships with students who are enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship.

A consensual relationship between a supervisor and an employee reporting directly to the supervisor is also viewed by the University as inappropriate and unethical, regardless of whether both parties appear to have consented to the relationship.

Consensual Relationships Within the Instructional Context - No faculty member shall have an amorous relationship (consensual or otherwise) with any student who is enrolled in a course being taught by the faculty

member, or whose academic work (including work as a teaching assistant) is being supervised by the faculty member.

Consensual Relationships Outside the Instructional Context - Amorous relationships between students and faculty members, even those occurring outside the instructional context, are suspect by nature and may lead to difficulties. Particularly when the student and the faculty member are in the same academic unit or in units that are academically allied, relationships both parties view as consensual may appear to others to be exploitative. If a complaint of sexual harassment is made in such a situation, it will be exceedingly difficult to prove immunity on grounds of mutual consent.

Further, in such situations (and in others that may occur in the future, which neither party can anticipate,) the faculty member may face serious conflicts of interest. In certain instances, it may be necessary for a faculty member to withdraw from participation in activities or decisions that tend to reward or penalize the student involved. A faculty member who fails to recognize such conflicts of interest and withdraw accordingly may reward or penalize a student with whom the faculty member has had an amorous relationship. In such cases, the faculty member has violated her or his ethical obligations to the student, to colleagues, and to the institution. Moreover, actions that occur after the breakup of such relationships may cause problems; e.g. the lack of a favorable recommendation for the student from the faculty member may be viewed as retaliation for "breaking up" and may be actionable.

For all of these reasons, therefore, the University considers consensual relationships between faculty and students, even if outside the instructional context, as unwise and strongly discourages such relationships.

Consensual Relationships Within a Supervisor-Employee Context - For the reasons cited above, the University considers a consensual relationship between a supervisor and an employee within the supervisor's scope of authority to be imprudent and unprofessional and strongly discourages such relationships.

#### OBLIGATION TO REPORT

Should an administrator, supervisor or faculty member have knowledge of conduct involving sexual harassment or receive a complaint of sexual harassment, the administrator, supervisor or faculty member must take immediate steps to promptly report the suspected conduct or complaint to the appropriate Affirmative Action Grievance Officer (AAGO) (see INFORMAL PROCEDURES following) so that the proper procedures may be implemented.

Due to the potential naivety of some students, faculty members, in particular, should be sensitive to and, if appropriate, report situations in which one student appears to be sexually harassing another student.

## CONFIDENTIALITY

Procedures for prompt, appropriate corrective action are an essential part of the University's effort to deal with sexual harassment. The University has established two procedures to address complaints of sexual harassment: an informal process and a formal process. All reasonable steps will be taken to assure that the complainant and the alleged offender are protected by the highest degree of confidentiality possible. Both parties are advised, however, that once an inquiry or an investigation has begun, anonymity may be impossible.

## INFORMAL PROCEDURES

Any individual who feels that she or he has been sexually harassed should make a complaint and seek relief through one or both of the following options:

- Option 1. Discuss the alleged violation with the immediate supervisor of the alleged offender; or
- Option 2. Report the alleged violation to any academic or administrative officer of the University, including any vice president, dean, executive director, department director, head, supervisor, or faculty member.

Under Option 1 or Option 2, the supervisor or officer receiving the complaint of alleged harassment, will report it immediately to either the Vice President of Academic Affairs who serves as the Affirmative Action Grievance Officer (AAGO) for the academic area or the Vice President of Finance and Administration, who serves in the same capacity for the non-academic area, whichever is appropriate. Either or both will hold a discussion with the complainant to determine the nature of the complaint, assist the complainant in defining the complaint, and provide the complainant an explanation of the informal and formal procedures available to the complainant.

If it appears that the basis of the complaint may be alleviated by obtaining information or making inquiries, and if such resolution is agreeable to the complainant, the AAGO will attempt such actions. If the complainant is satisfied by the information or answers received, the AAGO will annotate and date the complaint accordingly, and the complaint will be considered settled.

If the complaint remains unresolved and the complainant so chooses, the AAGO will meet with the alleged offender, will assist him or her in interpreting the complaint, and will request information on the alleged offender's position. If desirable and agreeable to both parties, the AAGO may bring together the complainant and alleged offender and/or others who may be able to contribute to the resolution of the complaint.

If a resolution satisfactory to the parties is reached, the complaint will be concluded. The AAGO will write a statement indicating the agreement reached and sanctions or disciplinary actions, if any, taken. The statement will be signed and dated by the AAGO, the complainant and the alleged offender.

Where appropriate, an AAGO may appoint as his/her representative the Director of Human Resources, the Vice President for Student Affairs or other suitable individual to resolve through informal procedures a sexual harassment complaint.

## FORMAL PROCEDURES

Any individual who believes that she or he has been the object of sexual harassment may, either initially or after having sought a resolution through the informal procedure, bring a complaint through the formal complaint procedure as follows:

### 1. Filing the Complaint

The formal process is initiated when a written, signed complaint is filed with the appropriate AAGO. The complaint should include the name(s) of the individual(s) involved, a description of what occurred, and the time(s), place(s) and date(s) of the events. The complaint should also give the names of any witnesses, including individuals with whom either party discussed the event.

## 2. Notice to Parties

Within 72 hours of a complaint being received, the AAGO will notify both parties in writing of: the charge, including the names of both parties; the University's policy and procedure on sexual harassment; the name(s) of the person(s) who will conduct a formal investigation on behalf of the University; and the procedure for selecting a hearing panel and its chair. The notice should also inform each party that she or he has the right to invite another individual to serve as an advisor throughout the formal process.

## 3. Formal Investigation

The investigator(s) will first ask both the complainant and the respondent to submit a detailed statement describing what occurred at the time of the alleged incident and listing the names of any witnesses with a brief description of what each may have seen or been told. The investigator(s) will then furnish each party with a copy of the other party's statement. Within ten (10) days after receipt of the statement, each party will prepare and submit a detailed written response to the other party's statement. Each party may choose not to prepare a written statement but instead meet with the investigator(s) and give an oral statement; in that case, a summary of the oral statement, prepared by the investigator(s) and signed by the party, will constitute the written statement.

The investigator(s) may conduct interviews with witnesses. If possible, statements of witnesses should be in writing and signed; however, the investigator(s) may prepare written summaries of oral statements made by the witnesses. The investigator(s) must inform each witness that his or her statement will be furnished to each of the respective parties.

When the investigation is complete, the investigator(s) will prepare a draft of a written report to the hearing panel. The report should



describe the evidence in detail and attach a complete set of the written statements of the parties, statements of witnesses, interview summaries, and other relevant documents. If appropriate, the investigator(s) should include their opinions as to the credibility of witnesses interviewed. However, the investigator(s) should not offer legal opinions or recommendations for resolution or disposition of the complaint. It is of the utmost importance that the investigator(s) conduct a thorough and exhaustive investigation. However, in fairness to all of the parties concerned, every effort should be made to complete the investigation in a timely and efficient manner.

The complainant and respondent will have two working days in which to share their response to this draft report with the investigator(s). The investigator(s) will consider responses and prepare a final report to be sent to the hearing panel and each party.

The report of the investigator(s) and all attachments will be kept in strict confidentiality by the parties, the investigator(s) and the hearing panel.

#### 4. Formal Hearing Process

##### a. Composition of Hearing Panel

When a formal complaint of sexual harassment is received, the President shall select from the Hearing Panel Pool a chair and four other members to serve as a hearing panel in accordance with the following guidelines:

1. Generally, there are four categories of persons at the University: faculty, students, staff supervisors and staff employees.
2. Two members of the panel should be of the same category as the complainant.

3. Two members of the panel should be of the same category as the respondent.
4. The chair of the panel should be from a category not yet represented.
5. The resulting panel should be gender balanced and whenever possible, ethnically representative of the complainant and respondent.
6. No member of the hearing panel should be from the same department of the University as the complainant or respondent.

b. Advance Exchange of Evidence

At least one week before the hearing is scheduled, each party must furnish the chair of the hearing panel two copies of a list of witnesses who may testify at the hearing on his or her behalf and two copies of any documents that may be introduced in evidence. If either party attempts to introduce evidence not properly disclosed in advance to the other party, the hearing panel may decide either to exclude the evidence or give the other party additional time in which to respond.

c. Advisors

Each party may have an advisor of his or her choosing throughout this process. At the hearing, however, the advisor's role will be limited to observing and providing counsel to the party being advised. The advisor will not be permitted to participate in the hearing process in other than an advisory capacity.

d. Hearing Procedures

All hearings will be closed. Only those individuals directly involved in the case may be present. Those individuals include the

hearing panel, the parties, a recording secretary or court reporter, the investigator(s), the advisor of each party, and a consultant to the hearing panel, if one has been designated.

The hearing will begin with the chair giving a summary of the charges against the respondent and the evidence as set forth in the final report of the investigator(s). The chair will then give the complainant and respondent an opportunity to make an opening statement if either wishes to do so.

After the opening statements of the parties, the hearing panel may question the complainant. The respondent may then question the complainant or submit written questions to the hearing panel which he or she wishes to have presented. The complainant may then call witnesses and present documentary evidence. The hearing panel may limit the number of witnesses if it determines that testimony is redundant. A witness may attend the hearing only while testifying.

After the complainant has presented his or her case, the respondent may present testimony, witnesses, and documentary evidence in his or her behalf. The complainant and hearing panel may then question the respondent.

After the presentation of all evidence on behalf of the complainant and respondent, each party may be given the opportunity to make a brief closing statement. The hearing will then be ended, and the panel will commence its deliberations in private.

e. Findings of the Hearing Panel

The hearing panel shall base its findings solely on evidence contained in the final report of the investigator(s) and that

presented at the hearing. After considering the evidence, the hearing panel shall decide whether a preponderance of the evidence supports the allegation(s) of sexual harassment.

The hearing panel shall prepare a written report of its findings of fact and its determination. If the panel finds that sexual harassment has occurred, the report shall contain the recommended sanctions of the hearing panel, which may include censure, probation, suspension, dismissal or expulsion. In determining sanctions, the hearing panel may take into consideration prior proven sexual harassment sanctions issued. The hearing panel may also require (as a condition of probation or readmission) that the respondent present evidence that he or she has made efforts, through counseling or other means, to prevent a recurrence of the sexual harassment.

The hearing panel will send a copy of its report and recommendation of sanction to the President, with a copy to each party. The report should be accompanied by the report of the investigator(s), all documentary evidence presented at the hearing, and the recording of the hearing.

f. Decision of the President

Either party may respond to the report of the hearing panel by written letter to the President. This letter should contain arguments as to why the recommendation of the hearing panel should be modified, accepted, or rejected by the President. The President shall consider both the report of the hearing panel and the responses of the respective parties in making his or her final decision. When that decision is made, the President shall inform the hearing panel, parties, investigator(s), and all appropriate administrative officers of his or her decision.

## ANONYMOUS COMPLAINTS

In the event an anonymous complaint of sexual harassment is received by an officer of the University, that officer shall forward the complaint immediately to the appropriate AAGO who shall notify the accused person in a timely manner so that the accused person may respond, if he or she so desires.

## FALSE ALLEGATIONS

The University recognizes that the question of whether a particular course of conduct constitutes sexual harassment requires a factual determination. The University also recognizes that false accusations of sexual harassment can have serious effects on innocent persons. In the event that the allegations are unsubstantiated, all reasonable steps will be taken to restore the reputation of the accused if it may have been damaged by the proceedings. If an investigation results in a finding that a person who has accused another of sexual harassment has acted maliciously or has recklessly made false accusations, the accuser will be subject to appropriate sanctions, including discharge, or in the case of students, expulsion.

## SEXUAL HARASSMENT OF UNIVERSITY EMPLOYEES AND STUDENTS BY NONEMPLOYEES

Sexual harassment of University employees and students by nonemployees, such as contractors, vendors, etc., will not be tolerated. Any such harassing conduct should be reported by the employee or student to his or her supervisor, a faculty member or other University administrator. Should a supervisor, faculty member or other administrator have knowledge of conduct involving sexual harassment of an employee or student by a nonemployee or receive a complaint of sexual harassment of an employee or student by a nonemployee, the supervisor, faculty member or other administrator must take steps to immediately report the suspected conduct or complaint to the appropriate AAGO. Such complaints of nonemployee conduct will be promptly and reasonably investigated and addressed.

## RECORD-KEEPING

All written records generated through use of the formal procedure, including any transcripts of the hearing, shall be kept permanently in the office of the appropriate AAGO.