

Berea College

EMPLOYEE HANDBOOK

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CHAPTER 1 – INTRODUCTION

WELCOME TO BEREA COLLEGE

Dear Berea College Employees:

Greetings! I am happy to welcome you to Berea College, a unique school, community and workplace. Founded in 1855 by abolitionists, Berea was the first interracial and coeducational college in the South and, throughout its history, has been dedicated to serving the needs of the economically disadvantaged youth of the Appalachian region. Today, Berea College continues and extends its founding legacy as an inclusive community that welcomes “all peoples of the earth” to study and work at the College.

Berea’s Biblical motto, “God has made of one blood all peoples of the earth,” expresses well the College's non-sectarian Christian tradition. Our inclusive Christian identity recognizes that a diversity of faiths, backgrounds, nationalities, and ethnicities provides a strong foundation not only for student learning, but for a creative, collaborative workplace as well. The College’s mission is summarized in its eight Great Commitments, and the Berea College Workplace Expectations are, in turn, a direct expression of those Commitments. It is through our collective enthusiasm for learning; integrity and caring; valuing of all people; teamwork; service to others; plain and sustainable living; and celebration of work well done that we are able to extend the founding principles of Berea College in our work today.

As part of an integrated learning community, employees are expected to apply these Workplace Expectations to their position responsibilities, their interactions with co-workers and students, and their personal and professional growth. Through Berea’s unique Labor Program, many staff members also contribute to the education of Berea students as their supervisors.

As you read through the Berea College Employee Handbook, I invite you to reflect on Berea’s powerful mission and the Workplace Expectations in the context of the talents and learning opportunities you bring to our vibrant community. Again, I welcome you to the rich working and learning environment of Berea College.

Warmest regards,



Lyle D. Roelofs
President

ABOUT THIS HANDBOOK

This Handbook has been prepared to answer some of the questions you may have concerning the College and its policies. Please read it carefully and retain it for future reference. The policies stated in this Handbook are subject to change at the sole discretion of the College. From time to time, you may receive updated information concerning changes in policy. Should you have any questions regarding any policies, please ask your supervisor or a member of the College's Office of People Services for assistance.

This Handbook and its contents *do not constitute an express or implied contract of employment*. Unless otherwise provided in an express written contract, employment at the College is *at will* and may be terminated for any reason, with or without notice, by the College or by you, as an employee. Only the President of the College or his/her designee is authorized to bind the College to a written contract of employment.

In this Handbook, the College has endeavored to provide you with an overview of the policies and procedures that will promote positive employee relations and a productive workplace of which we all can be proud. With the distinctive educational mission of the College and the full-tuition scholarship provided to every student at Berea, it is even more imperative that each and every staff member performs the duties assigned to them and do so effectively, congenially and collaboratively. Creating an atmosphere where all who come to the College are welcome to work, learn and serve together requires all of us to demonstrate the high levels of courtesy and respect for one another and the many students, community members, visitors, and friends of the College with whom we have contact on a daily basis.

This Handbook is designed to provide information that will make it easier for you to develop and maintain successful relationships as a member of the Berea College staff. It provides a general view of the College's employee benefits, your responsibilities as an employee, and work rules at the College. The Handbook should also help you answer the most commonly asked questions about employment at the College. It is impossible to write policies that will cover every possible situation and it is also highly unlikely that existing policies will not require some modification over time. Consequently, the College reserves the right to interpret, modify or make exceptions to its policies and procedures at any time, and to terminate existing policies or add new ones as necessary.

SCOPE AND APPLICATION

This Handbook and the policies stated herein are applicable to all employees of Berea College, including administration, staff and faculty. Provided, however, in the application of this Handbook to members of the College faculty, should there be an express conflict between any provision of this Handbook and the Faculty Manual, then the latter shall have precedence. In addition, certain policies such as the General Harassment Policy and the Sexual Harassment Policy are applicable to all members of the College community.

FROM THE OFFICE OF PEOPLE SERVICES

Suite 100, Fairchild Hall

The Office of People Services serves as a resource center for the staff and faculty of Berea College. Compensation, benefits, employee activities, learning and training opportunities and various recognition efforts are managed through this office. You are encouraged to alert the People Services staff if you have a question, a concern or a complaint with which they may be able to assist you. Go to <http://www.berea.edu/people-services/staff/> for a list of People Services staff members and their contact information.

ABOUT THE COLLEGE

Berea's History and Distinctive Mission

Since its founding in 1855, Berea College's spiritual foundation, "God has made of one blood all peoples of the earth," has shaped the institution's culture and programs. Founder John G. Fee, an ardent abolitionist, asserted that Berea was founded "in the midst of many privations and persecutions to preach and apply a gospel of impartial love..." Guided by this inclusive Christian message of impartial love, Berea's founders held fast to their radical vision of a college and a community committed to interracial education, to the Appalachian region, and to the equality of all women and men from all "nations and climes." This spiritual heritage compelled Berea College to serve all persons regardless of race, creed, color, gender, or class and led the College to draw its students from two immediate constituencies: African-Americans freed by the American Civil War and "loyal" white mountaineers. Guided by a self-help philosophy, Berea's distinctive character has long been its commitment to seek out promising low-income people in the mountains of Central and Southern Appalachia and provide them a tuition-free education. A significant distinction in the Berea mission is that rather than following the typical tuition-based model, the College early on developed a work program so that its students could take advantage of a private liberal arts education—a tuition free education otherwise unaffordable to them. Today, 80 percent of Berea's students come from Kentucky and the Appalachian region; the remainder come from the rest of the United States and from around the world. In recent years, more than 18 percent of the College's students are African-Americans; 4 percent are Hispanic; 1 percent are Asian; in 2013, international students who represent over 55 countries comprise 7% percent of the student population. Such diversity reveals Berea's openness to all people and prepares Berea students for living in a multicultural world. Likewise, supporting single parents in their academic and personal development echoes Berea's history of rejecting divisions based on class and gender. Recognizing the College's remarkable mission, former President William J. Hutchins described Berea as a place where students build "bridges to the stars."

Revised: 2/2013

Committed to excellence in education

"Berea's motto and commitments invite... deep learning. A deep learning that fills the head and the heart so that we might serve others... A deep learning that stems from ancient roots but serves well our modern imperatives." The core of Berea's general studies program that is required of all students is distinctly liberal arts in nature, and the liberal arts pervade the design of the College's pedagogy and curriculum. Frequently ranked as the South's finest regional liberal arts college, the College was from the beginning, as former President Francis Hutchins observed, "...both academic and practical. Thus the utilitarian and the practical, the scientific and the spiritual, have always been part of our heritage." In keeping with the College's mission of life-long learning, faculty and staff are provided with professional development opportunities in the classroom and in the workplace. Endowed chairs provide exemplars of excellence in teaching and leadership and ensure key faculty positions in perpetuity.

Committed to work

From the beginning, the College's charter promised "opportunities for manual labor as an assistance in self-support." Whether they are assisting in the computer center or maintaining the campus grounds, Berea students integrate productive work, disciplined learning, career exploration, and personal development by working 10 to 15 hours per week in any one of 130 labor departments that range from food service, to handicrafts, to technology, and academic research. Beyond its practical goal of self-help, the College's work program is grounded in the belief that all work has "dignity as well as utility" and that work is service in community. In addition, Berea students really "earn" a portion of their education costs.

Committed to service

As President John Stephenson wrote, "Berea is, as it has always been, more than just a college. It is ... an opportunity school for all those ... who need what we have to give." Throughout its history, the College has found innovative avenues of service. In earlier days, a mule-drawn book wagon spread literacy and good reading into nearby mountain counties. The original "Opportunity School" provided enrichment in literature, music, and handicrafts for adults in small, remote communities. The "contrast house" was a model home that promoted inexpensive building and interior design, using local resources and traditions.

Today, Berea students, faculty, and staff work together to address the needs of our communities—both local and national. In combining service and academic activities, faculty and students may develop intellectual, physical, and spiritual characteristics that translate into committed action. Berea's new Center for Excellence in Learning Through Service (CELTS) assists in coordinating and expanding curricular and co-curricular efforts to encourage students and employees to serve others, whether it be tutoring at risk students, reaching out to mentally and physically challenged persons, assisting in local schools, or other forms of community service. The Brushy Fork Institute cultivates local leadership in Appalachian counties aimed at economic, community, and educational development. The Entrepreneurship for the Public Good Program, which complements the College's internship program, fosters skills in creative problem-solving, collaborative leadership, and calculated risk-taking through classroom instruction as well as internships with small non-profit and community organizations.

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Committed to stewardship of Appalachia

For generations, Appalachia has been associated with the coal and timber industries, industries that have devastated the environment and produced an uncertain economy. Agriculture has often been merely a subsistence rather than a commercial enterprise. At Berea College, a new Sustainability and Environmental Studies program combines an interdisciplinary curriculum with experiential learning and internships to prepare students for their stewardship of a regional and global environment of finite and fragile resources. In addition, the Agriculture and Natural Resources Department has placed new emphasis on small farming and sustainable agriculture methods that reflect the realities of the Appalachian region. Recent building renovations on campus have incorporated environmental concerns with the use of geo-thermal heating/cooling systems, and future work is being addressed through a chair of ecological design, a field that explores the design of structures to reduce their impact on the environment. An ecological village for student families provides opportunities for living out lessons learned in the classroom. Berea's commitment to plain living is made tangible through these new and innovative programs.

Committed to perpetuate its legacy

Because of its outstanding academic program, Berea College has continued its legacy to identify and respond to the urgent educational, social, and economic needs of the Appalachian region. Berea's strategic plan, *Being and Becoming*, reaffirmed the College's mission to educate students "to be service-oriented leaders for Appalachia and beyond." In responding to the challenges posed by globalization, information technologies, the environment, and a rapidly changing society, Berea College seeks to strengthen existing programs and to launch new initiatives. As the College moves into the new century with several new programs, it will simultaneously exploit the potential of new information and new technologies to remove constraints on teaching and learning and to perpetuate a bold, distinctive mission in higher education. As former President Willis Weatherford said, "The historic ideals of Berea are our great heritage. Their future realization is our task." Berea's continuing commitments to excellence in learning, to meaningful work, to an ethic of service to the Appalachian region and beyond, and to moral

leadership strategically place the College to prepare students for the external realities and opportunities of the information age and global economy-and form a covenant with "all peoples of the earth."

THE GREAT COMMITMENTS

The Great Commitments are Berea College's formal proclamation of its purpose and mission. They define what this College is all about. First written in the 1960's to capture the historic aims of the College, these statements serve to connect the inspiration of Berea's early history with the ongoing plans and activities of the College today.

Berea College founded by ardent abolitionists and radical reformers, continues today as an educational institution still firmly rooted in its historic purpose "to promote the cause of Christ."

Adherence to the College's scriptural foundation, "God has made of one blood all peoples of the earth," shapes the College's culture and programs so that students and staff alike can work toward both personal goals and a vision of a world shaped by Christian values, such as power of love over hate, human dignity and equality and peace with justice. This environment frees persons to be active learners, workers and servers as members of the academic community and as citizens of the world.

The Berea experience nurtures intellectual, physical, aesthetic, emotional and spiritual potentials and with those the power to make meaningful commitments and translate them into action.

To achieve this purpose, Berea College commits itself:

- To provide an educational opportunity primarily for students from Appalachia, black and white, who have great promise and limited economic resources.
- To provide an education of high quality with a liberal arts foundation and outlook.
- To stimulate understanding of the Christian faith and its many expressions and to emphasize the Christian ethic and the motive of service to others.
- To provide for all students through the labor program experiences for learning and serving in community, and to demonstrate that labor, both mental and manual, has dignity as well as utility.
- To assert the kinship of all people and to provide interracial education with a particular emphasis on understanding and equality among blacks and whites.
- To create a democratic community dedicated to education and equality for women and men.
- To maintain a residential campus and to encourage in all members of the community a way of life characterized by plain living, pride in labor well done, zest for learning, high personal standards, and concern for the welfare of others.
- To serve the Appalachian region primarily through education, but also by other appropriate services.

WORKPLACE EXPECTATIONS

The Workplace Expectations translate the mission of Berea College into seven guiding standards for the Berea College workplace. Inspired by the Being and Becoming strategic planning process, the Workplace Expectations define how Berea's workforce should go about its business. By incorporating these expectations into their daily work, every Berea College worker brings the Great Commitments to life over campus and helps create a workplace today that connects with Berea's proud historical legacy.

As a continuous learning environment built upon Berea's Great Commitments and Common Learning Goals, Berea College expects all workers "to be active learners, workers and servers," and seeks to be a place where the Christian values of human compassion, dignity, and equity are expressed and lived.

Therefore, workers are expected to:

- Exhibit enthusiasm for learning

- Act with integrity and caring
- Value all people
- Work as a team
- Serve others
- Encourage plain and sustainable living
- Celebrate work well done

Berea College Organizational Chart

Please go to: <http://www.berea.edu/publications/inst-org-chart/>.

CHAPTER 2 – EMPLOYMENT POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

The College provides equal employment opportunity to all employees and applicants for employment regardless of their race, color, sex, sexual orientation, religion, age, national origin, political affiliation, disabling condition, or service in the uniformed services, in accordance with applicable law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

NONDISCRIMINATION POLICY

Berea College, in light of its mission in the tradition of “impartial love” and social equality, welcomes “all peoples of the earth” to learn and work here. It is the policy of Berea College not to discriminate on the basis of race, color, religion, national or ethnic origin, age, sex, handicap, or sexual orientation in its educational programs, admissions practices, scholarship and loan programs, athletics and other school-administered activities or employment practices. This policy is in compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, regulations of the Internal Revenue Service, and all other applicable federal, state and local statutes, ordinances and regulations.

The College has appointed compliance officers regarding handicap and sex discrimination. The Section 504 Coordinator (contact 985-3131) oversees activities and facilities to insure that they are accessible to disabled persons and that the College is in full compliance with the Rehabilitation Act of 1973 and subsequent related legislation. The Title VII/IX Coordinator (contact 985-3006) is charged to assist all elements of the College to eliminate any vestiges of discrimination based on gender, and to monitor institutional compliance with Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972 and related legislation. These coordinators are available to receive inquiries and complaints; all complaints are thoroughly investigated and appropriate action taken. See Directory for a current listing.

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RECRUITING & HIRING PROCEDURES

Purpose

This policy is intended to strengthen and systematize the recruitment and hiring of Berea College employees. First, this policy informs each hiring unit (e.g., department, office, etc.) of the procedures required to hire new staff. Second, this policy seeks to improve the quality and diversity of applicant pools and selected candidates. Third, this policy seeks to align recruitment and hiring practices with Berea’s institutional mission. If there are any questions about the intent or application of the following policies and procedures, please contact the Office of People Services.

Prior to Recruiting

1. Review the primary duties and responsibilities of the position and consider any necessary changes. Determine what duties and responsibilities are essential for the employee to perform and what abilities are reasonably required for these tasks. Eliminate unnecessary criteria that might narrow the pool. Non-essential duties should not be included.

2. A new or revised Position Description Form is required whenever a position is requested for recruitment. (All forms referenced in this policy may be obtained on the People Services web page or in the Office of People Services).
3. Complete the Staffing Request Form justifying the need for recruitment and submit it to the appropriate department head and Vice President or Dean for initial review and endorsement. Next, submit the endorsed Staffing Request Form along with the Position Description Form to the Administrative Committee for review and approval.
4. With approval notification from the Administrative Committee, the recruiting process begins. The Secretary for the Administrative Committee will provide official notice to the People Services Department when positions are approved. The nature of the search committee's responsibilities (e.g., recruiting, screening, selecting, etc.) should be determined in consultation with the appropriate Vice President or Dean of the Faculty.

Recruiting

1. Employment advertising will be developed collaboratively between the hiring department and People Services. Advertising will be carefully placed to increase diversity within the potential employment pools. Consider where to advertise as well as venues where qualified diverse applicants could be notified and recruited. Undertake concerted efforts to reach applicants from historically under-represented groups. Enlist current employees for assistance whenever appropriate. Use professional networks to increase the diversity of the pool. Advertising will be approved and placed by People Services or by the appropriate Vice President or Dean of the Faculty in consultation with People Services.
2. In seeking applicants from historically under-represented groups, it is important to identify the population being recruited and identify areas where applicants from these groups are present. Applicants will be afforded an opportunity to provide voluntary demographic information which will be confidentially maintained by People Services. The overall applicant pool will be assessed by People Services for its quality, depth, and diversity. If the applicant pool is determined to be inadequate based on this information, People Services will consult with the hiring department and the appropriate Vice President or Dean of the Faculty to determine how the recruitment effort should proceed.
3. All applicants to Berea College are required to complete an application.
4. Prescreening, interviewing, and documentation methods (e.g. notes, etc.) are discussed with those who are involved in the interviewing process. All applicants considered for hire must be able to perform the essential duties of the position and meet the minimum requirements of the position. Additionally, People Services will be responsible for administering various assessment tools prior to interviews being scheduled. Attention will be paid to affording diverse candidates full consideration.
5. All materials received directly by hiring departments must be forwarded to People Services for appropriate recording and processing. At the appropriate time, People Services will provide the applications to the hiring department or search committee for review. The Director of People Services or the appropriate Vice President or Dean of the Faculty will assist the department or committee in determining candidates to be interviewed.

Interviewing

1. Each College employee who will participate in the interview process will receive a copy of the current Interview Guide from People Services and must become familiar with its contents.
2. In preparation for the interview, interviewers must read the Recruiting & Hiring Procedures and the Interview Guide and should consider ways of making all applicants feel welcome before, during, and after their visit.
3. During the interview, each applicant should be asked questions about the Workplace Expectations (e.g., teamwork, integrity, etc.). Attention should be paid to the applicant's background and experience relevant to the particular duties of the position, including experience working with or mentoring people of different races, cultures, and genders. Ask for examples of the desired behaviors. (See the Interview Guide.)

4. Ask the candidate the required questions found in the Interview Guide. Ask for any questions the applicant may have about the College and the position.

Staff Hires

Staff hires at Berea College are overseen by members of the Administrative Committee (AC). The individual managing a particular hire is referred to as the “Responsible Supervisor” in the following. Members of the AC may also designate a direct report to serve as the Responsible Supervisor for hiring in particular areas. Such delegation may be reasonable when the direct report in question supervises a unit of significant size and specialized purpose. In such cases, accountability for all aspects of the search and appointment remains with the responsible member of the AC, and, in particular, that member of the AC must approve proposed salary offers.

Reference Checks

The Responsible Supervisor is to conduct reference checks on the selected candidate.* References are very important in helping to determine if the selected candidate will be a great fit for the role and the particular work group. A minimum of three work-related references are to be done to gather both:

- Hard data– confirmation of the candidate’s track record, skills, and competencies, including information about the role the candidate played within the organization, specific responsibilities, and performance; and
- Qualitative data – tangible examples that allow a better understanding of the candidate’s management and communication style, track record, and both strengths and areas for improvement, including more qualitative questions about the individual’s style, interpersonal interactions, and approach to work.

The references on the selected candidate are to be forwarded to People Services for the HR file.

Applicant and search records are to be maintained for two years and then destroyed.

Prior to Offer

1. Once an applicant is recommended for hire, a criminal background check comprised of a social security number verification, county criminal record, national criminal database record, national sex offender registry, and Kentucky Administrative Office of the Courts searches is secured.
2. To select an applicant for employment, the hiring supervisor will discuss with the Director of People Services, and with the Responsible Supervisor, the appropriate salary to be offered to the applicant. Salary determinations will be made based on the applicant’s relevant experience and only after conducting a review of similar positions within the department and across the College. Regional and national salary comparisons will be used as appropriate and available.
3. Once the salary determination is made and approved by the AC member, an offer of employment will be extended on behalf of the College most often by the Director of People Services, but occasionally by the President or the Responsible Supervisor.
4. Offers should be extended in writing in the form of a letter agreement including all terms and conditions of employment. People Services or the Responsible Supervisor can inform the candidate via phone or email to expect an official offer in the form of a letter.

Post Offer

1. The Request for Personnel Action (RPA) Form must be completed, signed, and forwarded to People Services prior to the proposed hire date.
2. An appointment letter will be sent to newly hired employees by the Vice President or Director of People Services or the Responsible Supervisor. If the letter is sent by the Director of People Services, a copy of the letter will be forwarded to the Responsible Supervisor.
3. A department-specific plan for orientation will outline how the new employee will be oriented and acquainted with staff, departmental procedures, policies, etc.

4. Newly hired staff members will be scheduled by People Services for benefits orientation and payroll enrollment normally within the first 48 hours of employment.
5. People Services or the Responsible Supervisor will correspond with the remaining applicants in the pool to inform them that the position has been filled.

*Approved by the Administrative Committee 11/25/03—Revised 11/30/04 and 08/20/13.
Effective Date: 08/20/13.*

ORIENTATION PROGRAM

During your first few days of employment, non-teaching staff members will participate in an initial orientation program conducted by Office of People Services and various members of their department, including their supervisor. During this program, newly hired staff members will receive important information regarding the following: performance requirements of the position, basic College policies, compensation and benefit programs, plus other information necessary to acquaint oneself with a new job and with Berea College. At this time, all necessary paperwork such as medical benefit plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms will be completed. All newly hired Berea College employees are required to present the Office of People Services with information establishing both identity and eligibility to work in the United States in accordance with applicable federal law.

Following this initial pay and benefits enrollment process, most new staff members will be assigned to attend an additional orientation program to learn more about the history, mission, and expectations of this unique workplace. Topics will include learning about the College's Christian Identity, its Great Commitments, the Workplace Expectations, the institutional commitment to Sustainability, the policy regarding sexual harassment, and the Annual Performance Evaluation process for staff.

The orientation program is the time to familiarize oneself with the College and the College's policies and benefits. We encourage you to ask any questions you may have during this program so that you will understand all the guidelines that affect and govern your employment relationship with us.

PROBATIONARY PERIODS FOR NEW HIRES OR TRANSFERRING EMPLOYEES

A probationary period of 90 days for new hires and those transferred to new positions is a helpful way to make certain that the orientation process and the staff member's work performance are in alignment with the goals and objectives of the department and the College. This allows for frequent communication and feedback to the employee by his or her supervisor/team leader and is intended to create opportunities for the discussion of actual work performance, the transition to the College campus environment and the identification of both short and long term goals.

OTHER PROBATIONARY PERIODS

In some situations, a probationary period may be necessary at other times during employment where performance or employee conduct do not meet the expectations of the work group or department. In situations where a "cautionary" probation period is identified, improvement is required if employment is to be continued. Such instances are documented in writing and explained to the employee by the employee's supervisor at the time the probationary status is communicated.

Due to the sensitive nature of employment as a Public Safety Officer and the extensive and complex duties performed, a probationary period of 180 days is standard for this category of employees. The

probationary period may be extended for up to 90 days at the discretion of the Public Safety Director in consultation with the Vice President of Labor and Student Life and the Director of People Services.

PERFORMANCE EVALUATION

One of a supervisor's responsibilities is to help his/her employees to grow professionally. Effective supervision involves regular observation, conversation, encouragement, instruction, and constructive suggestions to employees. This continuous supervision and feedback provides the employee an understanding of the work, the supervisor's expectations, acknowledgement of successes, and the opportunity to improve, both for achieving employees and those not meeting standards.

The main purpose of performance reviews is to help an employee improve his/her job performance and to identify growth opportunities. Ideally, we evaluate and review employee performance on an ongoing, day-to-day basis, and the formal written performance review is the summation of that process for the entire evaluation period.

Formal performance reviews are completed for all staff employees on an annual basis with the use of online software. The annual performance review consists of two parts – a self-evaluation and a supervisor's performance assessment. Performance indicators assessed include the College's Workplace Expectations and performance of position-specific duties.

TRIAL PERIOD

If you are hired as a full or part-time staff employee, your first ninety days of employment is a trial period. This provides you and the College with the opportunity to determine if the working assignment is mutually satisfactory. If, during this period, either you or the College decides the working arrangement is not satisfactory, either may terminate the relationship without notice. The completion of the trial period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a "just cause" termination standard.

HARASSMENT POLICY

Policy

Berea College, in light of its mission in the tradition of impartial love and social equality, welcomes all peoples of the earth to learn and work here. This means that the College welcomes all students and staff who seek to live and to learn at Berea in the context of the College's mission as expressed in the Great Commitments. But this does not mean that all behaviors are considered acceptable. Given Berea's inclusive welcome to all peoples of the earth, the College will not tolerate speech and acts that are harassing to anyone regardless of race, gender, age, religion, sexual orientation, national origin, or other such distinguishing characteristics.

(As adopted by the General Faculty, December 7, 2000)

Commentary:

Harassment prohibited by this policy includes verbal or physical conduct that, because of its severity and/or persistence, substantially interferes with the mutual respect and collegiality afforded all individuals at Berea College. In particular, harassment may include verbal or physical behavior directed at an individual that is abusive of that individual's distinguishing characteristics, including race, gender, age, religion,

sexual orientation, or national origin, to such an extent as to substantially interfere with the individual's work or education or adversely affect one's living conditions.

In prohibiting harassment in all its forms, Berea seeks to preserve and enhance academic freedom for all members of the campus community. Nothing in this policy is intended to limit the freedom of inquiry, teaching, or learning necessary to the College's educational purposes, or to inhibit scholarly, scientific, or artistic treatment of subject matter appropriate to an institution of higher education.

Reporting:

This policy applies to all persons enrolled or employed at Berea College and Berea College is committed to investigating and resolving all complaints of harassment. Such complaints should be directed via email to TitleIX@Berea.edu or by phone to 859-985-3006.

Reviewed by AC 6.15.11 and approved for inclusion in the Berea College Catalog and Student Handbook, the Faculty Manual, and the Employee Handbook.

Procedures: See *Procedures for Reporting, Investigating, and Hearing Alleged Violations of Certain College policies.*

SEXUAL HARASSMENT POLICY

All Berea College employees and students are expected to conduct themselves in accordance with the high human and spiritual values that arise from the College's commitments and traditions. The College is committed to study, reflection, work, and social interaction which manifest these high values and foster healthy human and spiritual development. This requires an environment of mutual respect free of religious, racial, or sexual discrimination and free from harassment.

Berea College specifically prohibits sexual harassment of students, employees, or visitors, and is committed to investigating and resolving all such complaints. Such conduct will result in disciplinary action up to and including dismissal, whether the offender is faculty, staff, administrator, student, or trustee. Student offenders will be disciplined in accordance with provisions of the Student Judicial Code. The policy applies also to vendors, contractors, or other persons doing business with the College, in which case appropriate recommendations and business decisions will be made. Also prohibited is retaliation through discrimination, intimidation, threat, coercion, or any other means against anyone who has reported sexual harassment or filed a grievance alleging sexual harassment. Procedures for reporting, investigating, and hearing complaints of sexual harassment are described in the Harassment Procedures.

In prohibiting sexual harassment in all its forms, Berea seeks to preserve and enhance academic freedom for all members of the campus community. Nothing in this policy is intended to limit the freedom of inquiry, teaching, or learning necessary to the College's educational purposes, or to inhibit scholarly, scientific, or artistic treatment of subject matter appropriate to an institution of higher education.

Explanation of Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended, by Title IX of the Education Amendments of 1972, and, in Kentucky, by the Fair Employment Practices Act, KRS 344.010 *et seq* and KRS 207.170.

Sexual harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical behaviors related to a person's gender, sexual identity, or sexuality when:

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

Items (1) and (2) above describe what is known as *quid pro quo* (this for that) harassment. This type of harassment involves promise of reward or threat of punishment, explicitly or implicitly, for sexual cooperation. In *quid pro quo* one incident is enough to constitute sexual harassment.

Item (3) above describes what is known as "hostile environment" harassment. Though this type of harassment is not always recognized, and often goes unreported and unpunished, it is nevertheless an offense under federal and College guidelines. Generally, a pattern of behavior is required to create a hostile environment, though such behavior may be so egregious that a single incident is enough to create such an environment.

Sexual harassment contains these two elements:

- Sexual harassment is behavior that is unwanted and unwelcome.
- Sexual harassment is behavior related to the gender, sexual identity, or sexuality of the person.

Sexual harassment is behavior that is unwanted and unwelcome by the recipient. Because sexual conduct only becomes unlawful when it is unwelcome, it is important to note that most courts have not considered the intent of the alleged harasser relevant in determining whether sexual harassment has occurred. Acquiescence is not evidence of consent. Acquiescence, especially to a person with authority to give or withdraw such things as employment or grades, or when the two individuals have unequal power, should not be considered evidence that the behavior is welcome. Sexual harassment often occurs in situations where one person is in a position of power or authority over another, but it can occur where there is no evident power differential. Both women and men can be harassed, and harassment can be same-sex harassment.

Gender harassment is sex-based behavior that is non-sexual in nature. Gender harassment does not involve sexual compliance but its effect is to dominate or degrade an individual or group of people. The Equal Employment Opportunity Commission guidelines recommend that the "totality of the circumstances" be considered in determining whether sexual harassment has occurred. Thus, the appropriateness or legitimacy of behavior or objects is largely determined by the context and purpose of their presence in a particular situation.

Harassment may be verbal, visual, or physical. Verbal harassment may include comments on one's appearance or body; questions about one's intimate relationships; graphic, obscene, degrading comments or jokes. Suggestive sounds, ridicule, written or oral invitations and advances that are inappropriate and unwelcome may be harassment. Visual conduct that can be harassing includes such actions as leering, staring at certain body parts, and displaying sexual objects, offensive posters or pictures. Physical harassment includes any unwelcome hugging or touching, and certainly pinching, fondling, or kissing. Forced sexual contact, the most extreme of which is rape, is clearly physical harassment.

(Approved by the General Faculty on February 16, 1995; adopted by the Board of Trustees on April 22, 1995.)

Illustrations of Sexual Harassment

The following types of conduct and situational examples illustrate only some of the ways in which sexual harassment may occur in violation of College policy:

Types of conduct such as:

- Physical assault;
- Direct or subtle solicitation of sexual activity;
- Direct or subtle solicitation of sexual activity or sex-related behavior coupled with a promise of reward or threat of punishment;
- Unwelcome physical contact such as touching, or physical interference which limits participation in or benefit from work or academic performance;
- Unwelcome remarks about a person's clothing or body;
- Explicit sexual questions, innuendoes, gestures, jokes, stories and anecdotes;
- Display or posting of sexually offensive posters, pictures, words, graffiti or messages;
- Introduction of sexually explicit materials into the classroom or workplace without an educational or work-related purpose.

Situational examples of conduct that may illustrate sexual harassment include: (BOX)

- Connie is attending a residence hall open house where a band is playing in a crowded room. She tries to move closer to see a couple of friends and encounters several male students who won't let her pass. Connie says: "Pardon me, I'm trying to get by to see my friends." As she moves past one of the male students, he turns his body next to hers and rubs across her breast. When she protests, he turns to his friends and laughs aloud saying: "She's a real ice queen."
- Matt walks into a crowded line at food service where he is pinched from behind by a female who says: "Nice buns!"
- A female student who has typically received A's and B's in all of her courses unexpectedly receives a poor grade on her essay. She makes an appointment with the professor and meets at his office after regular hours to discuss her concerns. The professor closes the office door and suggests that she might improve her grade if she "treats him right." The female student declines and she continues to receive poor grades. She complains to the department chair and her work is reviewed by another member of the department, resulting in the positive revision of her grades.
- Bob keeps a baseball bat in his residence hall room with the words "fag basher" painted on it. In an altercation with Jay, a gay student on the same floor, Bob grabs his bat and waves it around in an attempt to intimidate Jay and get him to leave the floor. Despite urging from his roommate, Jay decides not to report the altercation for fear of retaliation by Bob and his friends.
- While visiting his girl friend at a residence hall open house, Stuart sees a poster board on a wall with his name on it along with several other male students. Next to each name is a number from 1 to 10 with a caption stating "Stud Poll" reflecting the results of an informal floor ballot among female students on the sex appeal of the male students.
- A male labor supervisor is known for his inclination to make sexual advances or remarks to women, frequently trying to touch them if they are alone or in an out of the way place. Others in the workplace are aware of this behavior but ignore it or feel it is none of their business what the boss does. As a result, female staff members are forced to warn other women to avoid being caught alone or unawares with the supervisor.
- A male coach remarks to a female colleague: "You're awfully cranky today, must be that time of the month again."
- Residents of a female residence hall hang a poster in the lobby men's restroom stating: "Don't kid yourself - size DOES matter!"

PROCEDURES FOR REPORTING, INVESTIGATING, AND HEARING ALLEGED VIOLATIONS OF CERTAIN COLLEGE POLICIES

Berea College is committed to investigating and resolving all complaints of personal conduct violating the College's policies concerning: (i) harassment, (ii) sexual harassment, (iii) prohibited discrimination and (iv) the College's policy on consensual relationships between employees and students (any of the foregoing being referred to as a "Violation"). The College provides the following procedures for reporting and investigating allegations and hearing complaints involving members of the faculty, staff, or administration. The procedures contained in this document (the "Procedures") may also be used, at the discretion of the President of the College, in other matters involving alleged violations of College policy where no specific investigative or hearing procedures have been designated. Complaints involving only students fall under the jurisdiction of the Student Conduct and Judicial Codes. Claims of harassment, etc. directed toward third parties such as College contractors or vendors are not within the scope of these Procedures and will be addressed administratively or otherwise.

A person who believes that he or she has been the victim of a Violation or desires to report a Violation may choose to pursue and resolve the situation privately without invoking these Procedures. The

College may also explore administrative resolutions that involve both parties (i.e., accuser and accused). However, pursuing the matter administratively or privately does not preclude subsequent use of these Procedures. Students or employees of the College seeking information or having questions related to these Procedures may contact the Title IX Officer.

Reporting

1. If a person (a) who believes that he or she has been the victim of a Violation, or (b) has firsthand knowledge of a Violation (such person being referred to as the “complainant”) chooses to pursue the allegation through the administrative or formal hearing processes described below, he or she begins by making a complaint to the College’s Title VII/IX Compliance Officer. (A “complaint” is defined as a written communication from a complainant that leads to investigation and action.)
2. A complainant may wish to make a record of the behavior constituting the Violation, including the date and a description of exactly what happened, who said or did what, and any other observations. The names of any witnesses to the incident may also be recorded. Such a record is best made promptly to ensure its greater reliability.
3. A person accused of a Violation (the “respondent”) may elect to report the matter to the Compliance Officer or the respondent’s supervisor, and is encouraged also to keep a record of the incident upon which the allegation was based.

Investigation

1. The Compliance Officer will investigate any complaint of an alleged Violation and inform the respondent as soon as this is appropriate during the investigative process.
2. If the Compliance Officer determines that the alleged Violation is not likely to have occurred, the complainant, the respondent, and any appropriate administrator or other staff member who has been involved in the investigation will be so informed and the complaint dismissed. The complainant may, within 5 calendar days of such a dismissal, appeal to the President for review of the Compliance Officer’s action. The decision of the President on any such appeal is final and binding.
3. If there is an initial determination that there is a reasonable basis to believe that the alleged Violation has occurred, the Compliance Officer will report the matter to the appropriate senior administrator (usually the vice president of the College division in which the respondent is employed), will advise the complainant of his or her options in pursuing the complaint. The Compliance Officer will also inform the respondent of the complaint if this has not already occurred during the investigation.

Actions

A complaint not dismissed by the Compliance Officer can be handled either administratively or through a hearing process utilizing these Procedures.

Resolving Complaints Administratively

1. The complainant, whether student, faculty, staff member, or administrator, may request to have the matter informally resolved by the senior administrator (usually the vice president of the division in which the respondent is employed) to whom the respondent reports. The respondent must also be informed of this choice of process. If the parties cannot agree on an informal process, the complaint will be acted upon as provided in these Procedures.
2. The processes followed during informal administrative resolutions may vary, depending on the circumstances surrounding the complaint, but the senior administrator who is asked to examine the complaint must begin the process as soon as possible after he or she has received the complaint but in no case more than 15 calendar days after the incident is reported.
3. In resolving complaints informally, the senior administrator must consult with the Compliance Officer regarding appropriate action in order to provide fair and consistent responses to similar matters across campus.

4. If the complaint is informally resolved to the satisfaction of the complainant, respondent, and senior administrator, the administrator shall provide a statement of resolution in writing, including any terms of the agreement, to the complainant, respondent and the Compliance Officer.
5. At any point in the administrative process, either party may choose to move directly to the formal hearing process. If the complaint being handled administratively cannot be resolved, a formal hearing may be requested (as described below).

Resolving Complaints through the Formal Hearing Process

1. In order to initiate a formal hearing, the complainant must state in writing the charge(s) that the panel will hear. Such charge(s) shall contain a recitation of the specific facts and circumstances constituting the alleged Violation. The respondent shall be given a copy of the charging document describing the Violation.
2. Formal complaints will be heard by a panel chosen from the pool of elected members of the Campus Conduct Hearing Board. The panel shall consist of three persons selected by the President of the College according to policy governing the Campus Conduct Hearing Board. The President shall name the panel's chairperson. The hearing process should begin as soon as possible and the panel must ordinarily conclude its work no less than 15 calendar days after the complaint has been submitted to the panel. Once the panel is appointed and organized, the panel's chairperson or the appropriate administrator shall give the complainant and respondent at least 2 calendar days' notice of the time and place of the hearing.
3. Except in extraordinary circumstances, the respondent is entitled to confront his or her accuser and any witnesses at the hearing. The right of confrontation may be waived by the absence or gross misconduct of the respondent. The complainant and the respondent may each have one personal advisor present at the hearing. Such advisor(s) must be a full-time member of the faculty, staff, or administration of the College. Persons not directly involved in the hearing are not allowed to attend.
4. Other than the complainant and respondent, those who may testify are normally limited to witnesses or persons with personal knowledge of the incident or those who investigated the incident. Character witnesses are not permitted either for the complainant or respondent. Any available documentary evidence (e.g. email, letters, written documents or other records) that the parties intend to introduce should be submitted to the panel Chair in advance of the hearing.
5. The standard of proof in a formal hearing is whether, based on all the evidence presented, a reasonable person would conclude that it is more likely than not that the alleged Violation did occur.
6. The Compliance Officer, the Director of People Services, or another member of the faculty, administration, or staff of the College appointed by the President, will serve in an advisory capacity to the hearing panel and may be present for the formal hearing, but such advisors may not participate in the deliberations, findings or recommendations of the hearing panel.
7. Both the complainant and the respondent shall be kept informed of the status of the formal process by the Compliance Officer.
8. If the hearing panel concludes that the alleged Violation has occurred, the Compliance Officer then shall provide whatever information there may be to the panel about other Violations involving the respondent of which the respondent has been previously informed and any disciplinary action taken. The Compliance Officer may be asked to provide a recommendation regarding disciplinary action that may be warranted in a given case.
9. Following the hearing, the panel must submit its conclusions within 15 calendar days in the form of a written report of its findings and its recommendation(s) to the President. The President shall provide a copy of this report to both the complainant and the respondent.
10. If the respondent is a member of the College Faculty and believes that the underlying facts of the alleged Violation and findings of the hearing panel for the complainant have been based upon speech or behavior in classroom, laboratory, public lecture, or comparable environment that is protected by academic freedom, he or she may appeal the findings in writing to the Faculty Appeals Committee within 15 calendar days, showing cause for the claim of academic freedom. If accepted, the Faculty

Appeals Committee must hear the claim as soon as possible and submit its findings to the President and respondent within 15 calendar days after the conclusion of its hearing.

11. The President weighs the recommendations of the hearing panel (and when appropriate, the Faculty Appeals Committee) in arriving at a decision. As soon as possible, that decision is conveyed in writing to the complainant, the respondent, the chairperson of the panel, and anyone else the President believes should be informed. The President may provide such information in the written statement, including details from the panel's reports, as he or she deems appropriate.

General Guidelines

1. In the reporting, investigating, and hearing of alleged Violations, every effort shall be made to ensure confidentiality and the privacy of the parties involved, but complete confidentiality cannot be guaranteed, particularly if formal charges are filed. At all stages, investigations, administrative hearings, and formal hearings complaints are to be handled discreetly and expeditiously. Every effort will be made to contain hearsay and to minimize the potential for harmful effects on the individuals involved and the College community.
2. Both the complainant and the respondent shall be assured of fair treatment throughout the investigation, administrative hearing and formal hearing processes. Retaliation or intimidation by either party will not be tolerated. Any such retaliation or intimidation is subject to disciplinary action up to and including termination or expulsion.
3. Fabricated charges of alleged Violations or false testimony are serious offenses. Persons found to have fabricated charges or testified falsely will be subject to disciplinary action up to and including termination or expulsion.
4. At least annually, the Compliance Officer shall inform the President of reports of alleged Violations and the results of any investigations or complaints.
5. All references in these Procedures to "calendar days" shall mean all days except those days officially designated as College-wide holidays each year by the College's Office for People Services.

Disciplinary Measures

When a Violation has been determined to have occurred, disciplinary measures are to be appropriate to the severity of the incident. Discipline may include one or more of the following actions: warning, reprimand, required letter of apology, changed assignment, relocation of office, required counseling, suspension, demotion, loss of salary, and other appropriate penalties, up to and including termination.

Appeals of Findings and Final Decisions on Findings and Sanctions

1. Either the complainant or the respondent involved with the alleged Violation may appeal to the President the findings of the panels of either the Campus Conduct Hearing Board or the Faculty Appeals Committee. Appeals are limited to two circumstances: (1) the discovery of new evidence bearing on the complaint; and (2) indications that improper procedures were employed in the investigation or in the formal hearing. The appeal must be made in writing within 5 calendar days after the parties have received the original report of findings from the President.
2. The decision of the President on the findings and sanctions in any case is final and binding.
3. The decision of the President on any appeal is final and binding.

Options Beyond the College

Individuals may have legal recourse beyond these Procedures after they have been exhausted. In particular, a complainant dissatisfied with the disposition of his or her complaint of unlawful discrimination or sexual harassment may pursue the matter by filing a formal complaint with the Office of Civil Rights (OCR) under Title IX (for students) or with the Equal Employment Opportunity Commission (EEOC) under Title VII (for employees).

Approved by the General Faculty Assembly on October 20, 2011, and adopted by the Board of Trustees on October 22, 2011.

EMPLOYMENT OF RELATIVES

The College permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the College, create actual or perceived conflicts of interest. For purposes of this policy, "relative" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relation. The College will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

- Individuals who are related by blood or marriage are permitted to work in the same College department, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary, or career progress could be influenced by the other relative.
- Employees working in the same department as of 12/1/04, are "grandfathered" in for purposes of this policy. However, after this date, no relatives are permitted to work in the same work group or in any other positions in which the College believes an inherent conflict of interest or other employment difficulties may exist.
- Additionally, employees who marry while employed are treated in accordance with these guidelines (except for those "grandfathered" in prior to the date of this policy). That is, if, in the opinion of the College, a conflict or an apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.

This policy applies to all categories of employment at the College, including full-time, temporary and part-time classifications

OUTSIDE EMPLOYMENT

It must be realized that full-time employment with the College is the employee's primary responsibility. Outside employment should be discussed with the immediate supervisor and fully disclosed to avoid any conflict of interest. Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime. Should the outside employment cause or contribute to any of these situations, it must be discontinued. Under no circumstances should an employee conduct outside employment business during the normal College work hours.

CONFLICT OF INTEREST

Policy

Berea College requires that any employee who has, or whose relative has, a *substantial interest* in any contract, sale, lease, purchase, the provision of services or any other transaction by or with the College shall disclose said interest to the Audit Committee of the Board of Trustees. If such an interest exists, the employee shall refrain from participating in the decision, contract, sale, or purchase in any manner.

What is the Purpose and General Thrust of the Conflict of Interest Policy?

The purpose of the College's Employee Conflict of Interest Policy (the "Policy") is to remove or control the possibility of personal influence that might bear upon an individual's decision in his or her capacity as an employee of Berea College.

Who are Employees and Relatives?

Employees are all persons who are employed by Berea College on a full-time, part-time, or contract basis (including student employees). Relatives of employees are defined to include spouse, children, grandchildren, parents, grandparents, brothers, sisters (including half-brothers and half-sisters), brothers and sisters-in-law, parents-in-law, and children-in-law of the employee, a person living in a committed

relationship with the employee, or any other person living in the same household as the employee. If any substantial interest is present in a relative, that interest will be considered to be that of the employee. (For example, an employee does not have a conflict of interest if a brother or sister is being considered for employment at Berea College.)

What is a Substantial Interest?

A *substantial interest* is any interest, which cannot be defined as a remote interest and which confers a financial or proprietary interest, either direct or indirect. A *remote interest* means:

1. That of a non-salaried officer of a nonprofit corporation.
2. That of a landlord or tenant of the contracting party.
3. That of an attorney of a contracting party.
4. That of a member of a nonprofit cooperative marketing association.
5. Ownership of less than five percent (5%) of the shares or equity of a corporation or other for profit business entity, provided the total annual income from dividends or other distributions, including dividends payable in stock, received from that corporation or business entity does not exceed five percent (5%) of the total annual income of the employee and further providing that any other payments from that corporation or business entity do not exceed five (5%) percent of the total annual income of the employee.
6. That of an employee in being reimbursed for expenses incurred in performance of official duty.

What are the Affirmative Responsibilities of Employees?

Any employee of the College who has or whose relative has a substantial interest in a contract, sale, purchase or other transaction by or with the College shall make known that interest on the appropriate disclosure form provided by the College. The employee shall thereafter refrain from voting or participating in any manner the College's decision to enter into such contract, sale, purchase or transaction. The Office of the Purchasing Manager shall forward the completed disclosure form to the Administrative Committee for determination of a conflict of interest. All instances reported will be forwarded to the Audit Committee of the Board of Trustees for review. It will be the responsibility of each employee to keep the disclosure current. Disclosure forms may be obtained from and shall be filed with the Office of the Purchasing Manager.

May an Employee Supply Equipment, Material, Supplies, or Services to the College Who Has or Whose Relative Has a Substantial Interest?

Yes. An employee who has or whose relative has a substantial interest may supply equipment, material, supplies, or services to the College, provided that the following occur:

1. the interest is previously disclosed to and approved by the Audit Committee of the Board of Trustees;
2. the contract is with the employee and the contract is awarded after review and approval by the appropriate Vice President or the Administrative Committee of the College; and
3. the employee refrains from voting or participating in any manner in the College's decision to enter into the contract, sale, purchase, or other transaction involving the interest.

(For example, employees that provide consulting or other products and services must declare a conflict of interest and refrain from participating in the selection process of the vendor.)

What are the College's Remedies in Event of Violation?

Any contract or transaction entered into in violation of the Policy is voidable or subject to cancellation at the sole option of the College acting through the Audit Committee and/or duly appointed officer(s) of the College. In addition, the College shall have all of the remedies available to it at law and in equity, including referral of such matters to the civil authorities for investigation and/or prosecution as appropriate.

What are the Penalties in Event of Violation?

Without limitation, an employee found to be in violation of the Policy is subject to institutional disciplinary action by the appropriate vice president or the dean of the faculty, in consultation with the Administrative Committee of the College, up to and including termination from his or her employment.

(This policy was approved by the Board of Trustees at the February, 2004, meeting.)

Revised: 2007

PERSONNEL FILES

The College maintains confidential personnel files on each employee in People Services. These files contain documentation regarding various aspects of the employee's tenure with the College, such as performance appraisals, pay adjustment letters, any disciplinary actions taken, and letters of commendation. If you are interested in reviewing your file, contact the Office of People Services to schedule an appointment.

To ensure that your personnel file is up-to-date at all times, notify your supervisor **and** the Office of People Services of any changes in your name, telephone number, home address, marital status, number of dependents, beneficiary designations, professional or scholastic achievements, the individuals to notify in case of an emergency, and any other pertinent changes.

SMOKING AND TOBACCO USE POLICY

The purpose of this policy is to confine smoking and the use of tobacco and certain nicotine products to designated areas to protect the health of our students, employees, and visitors. This policy applies to:

- smoking (tobacco or tobacco-free products, that might be smoked via cigarettes, pipes, water pipes, and hookahs)
- smokeless tobacco (including snuff, snus, and chew)
- vaping or other use of unregulated nicotine products (such as electronic cigarettes)

Smoking and other forms of tobacco use are not only a hazard to smokers or users, they are also a health risk to others. While Berea continues to welcome both smokers and nonsmokers as students and staff, smoking and the use of tobacco and certain nicotine-related products is strictly limited to designated areas.

- Smoking is prohibited in College buildings, vehicles, walkways, grounds, the farm and forest, and all other areas not specifically designated as smoking areas.
- Where smoking is allowed, students and employees are required to use the provided receptacles to guard against fire and maintain good housekeeping. Smoking is permitted in gazebos that are adjacent to the following buildings:
 - Fairchild Hall
 - Hutchins Library (near the Draper side)
 - James, Seabury, and Kettering residence halls
 - Kentucky and Talcott residence halls
 - Phelps Stokes Chapel
 - Science Building
 - Seabury Center

Anyone observing a person smoking in a prohibited area should politely inform the offender that the area is a nonsmoking area and inform him or her of the location of the nearest designated smoking area.

- Students and employees who desire to quit smoking may obtain information on smoking cessation programs from the Wellness Director.
- Information concerning the hazards associated with smoking and other tobacco use can be found at: <http://www.cdc.gov/tobacco/index.htm>
- Beginning with the 2015/2016 fiscal year, all benefits-eligible employees who are non-smoking/non-tobacco users as described above, will be eligible for a discount on their medical insurance premiums.

Revised: 4/13/2015

DRUG AND ALCOHOL ABUSE PREVENTION EMPLOYEE PROGRAM

Berea College has a vital interest in providing a workplace free from recognized hazards. To maintain a safe environment for all, it is essential that you are not impaired in any way upon arrival at work or during the course of your scheduled work time. Employees are, prohibited from arriving for or being at work in the illegal possession of or under the influence of alcohol or drugs. Failure to adhere to this policy will result in discipline up to and including immediate discharge from employment.

Policy Statement

As required by the Federal Drug-Free and Communities Act Amendments of 1989, and Section 120 of the Higher Education Opportunity Act (HEOA), this will serve as notification to you by Berea College that the following constitute prohibited conduct on Berea College property or at College-sponsored activities:

- 1. unauthorized distribution, possession, or use of any alcohol, controlled substance or illegal drug, as defined and proscribed by federal or state laws and the policies of Berea College;**
- 2. providing alcoholic beverages to individuals under 21 years of age, or possession or use of alcoholic beverages by individuals under 21 years of age; or**
- 3. unauthorized possession of an open container of an alcoholic beverage, public intoxication, or unauthorized distribution of alcoholic beverages for purposes of distribution.**

Federal and State laws prohibit the illegal possession or misuse of drugs such as marijuana, barbiturates, amphetamines, prescription tranquilizers, LSD compounds, mescaline, psilocybin, DMT, narcotics (including cocaine), and opiates. Berea College does not condone the illegal possession or use of drugs and cannot and will not protect employees from prosecution under State and Federal laws. In addition, possession on campus of paraphernalia for the use of drugs is a violation of Federal and State laws as well as College regulations and is sufficient reason for disciplinary action against those who are responsible for its presence or allow it in their workplace, vehicles or elsewhere on Berea College property.

Required Reporting for Drug Related Convictions

In addition to imposition of disciplinary sanctions under College procedures, any employee of the College convicted of a criminal drug offense is required by law to notify the College within five (5) days of the conviction, as applicable, under the provisions of the Drug-Free Workplace Act of 1988.

Health Risks Associated with Alcohol and Drug Abuse

The health risks associated with the misuse and abuse of mind-altering drugs, including controlled substances and alcohol, include but are not limited to the following: physical and psychological dependence; damage to the brain, pancreas, kidneys and lungs; high blood pressure, heart attacks and strokes; ulcers; birth defects; a diminished immune system; and death.

Resources for Education and Treatment

The College provides an Employee Assistance Program (EAP) at no cost to employees, providing counseling services to deal with such issues.

Internal Penalties and Sanctions

Berea College has a “zero tolerance” level regarding illegal possession or misuse of drugs or alcohol, or knowingly being in the presence of those who possess or misuse drugs or alcohol. Employees who engage in such activities are subject to disciplinary action up to and including termination of employment. As a condition of employment, each employee of the College agrees to abide by the terms of this statement. Independent of a decision to impose discipline, the College reserves the right to require that an employee who engages in prohibited conduct participate in, and successfully complete, a drug abuse assistance or rehabilitation program.

Kentucky State Laws and Penalties Regarding Alcohol and Other Controlled Substances

The College provides the following information concerning state laws regarding the use, sale, and possession of alcoholic beverages and controlled substances, and also to warn of the serious legal penalties to which employees may be subject if they violate the laws. Please note: the City of Berea and all unincorporated areas of Madison County, Kentucky are “dry territory.”

All references are to the Kentucky Revised Statutes and are subject to change:

KRS 222.202-Alcohol intoxication or drinking alcoholic beverages in a public place.

For the full text of this statute, see <http://www.lrc.state.ky.us/KRS/222-00/202.PDF>

KRS 244.085-Minors not to purchase liquor or to misrepresent age.

For the full text of this statute, see <http://www.lrc.ky.gov/KRS/244-00/085.PDF>

KRS 242.230-Traffic in alcoholic beverages in dry county prohibited.

For the full text of this statute, see <http://www.lrc.ky.gov/KRS/242-00/230.PDF>

KRS 242.250-Distributing, soliciting or receiving contracts or orders in dry territory prohibited.

For the full text of this statute, see <http://www.lrc.ky.gov/KRS/242-00/250.PDF>

KRS 189A.010-Operating a Motor Vehicle while under the influence of alcohol or other substance which may impair driving ability is prohibited.

For the full text of this statute and applicable penalties, see:

<http://www.lrc.ky.gov/KRS/189A-00/010.PDF>

KRS Chapter 218A–Definitions, prohibited acts and penalties relating to the possession, use, and trafficking concerning controlled substances and paraphernalia.

For an index and full text of these statutes, see <http://www.lrc.ky.gov/KRS/218A00/CHAPTER.HTM>

KRS 222.990-Involuntary Treatment for Alcohol and other Drug Abuse.

For the full text of this statute and applicable penalties, see <http://www.lrc.ky.gov/KRS/222-00/990.PDF>

Federal Laws and Penalties Regarding Drug Trafficking

Federal laws also apply to trafficking in controlled substances. An outline of the penalties for violations of these laws may be found at: <http://www.justice.gov/dea/agency/penalties.htm>.

Distribution of Policy: Measuring Effectiveness

Annually, Berea College will inform employees of the dangers of drug and alcohol abuse, the existence of this Policy and its penalties for violations, and of available drug and alcohol counseling, rehabilitation and assistance programs through (i) annual electronic notices of this Policy, (ii) dissemination of this Policy and information about resources and assistance regarding drug and alcohol abuse at new-hire orientation. Biennially, the College will review this program to determine effectiveness and to ensure that the College’s disciplinary sanctions are consistently enforced.

DRUG AND ALCOHOL TESTING

As part of the College's employment procedures, certain positions within the College community require that an applicant undergo a pre-employment alcohol and drug screening conducted by a physician designated by the College. Any offer of employment that an applicant receives from the College is contingent upon, among other things, satisfactory completion of this screening. (Examples of positions requiring a drug and alcohol test include any position that requires a Commercial Driver's License –CDL— or a Public Safety Officer.)

As a condition of continued employment, employees may also be required to undergo periodic alcohol and drug screenings, if the employee is involved in an accident at work or while driving a College vehicle or at the discretion of the College. All College-required alcohol and drug screenings are paid for in full by the College.

Questions about alcohol and drug screenings should be directed to your supervisor or to the Office of People Services.

CONTROLLED SUBSTANCES, ALCOHOL USE AND TESTING POLICY FOR COMMERCIAL DRIVERS EMPLOYED BY BEREA COLLEGE

Applicability

This policy applies to all employees required to maintain a Commercial Driver's License (CDL) in the performance of their duties at Berea College (the "College). Employees covered by this policy include anyone hired to work as a bus [or van] driver to transport students.

Purpose

To provide a general policy statement to maintain compliance with the Federal Motor Carrier Safety Regulations regarding controlled substance and alcohol testing of CDL drivers.

General Policy

Berea College will comply with all Federal and State laws and statutes. CDL drivers employed by the College must comply with all applicable regulations and will be required to submit to controlled substance and alcohol testing. Testing will be conducted on a random basis as outlined in the Federal Motor Carrier Safety Regulations. Testing is also required following any accident that meets the criteria for post-accident testing or if the College has reasonable suspicion the driver has violated the prohibitions of the regulations involving drugs and alcohol. Pre-employment testing is required for controlled substances before a driver is allowed to operate a vehicle requiring a Commercial Driver's license. Up to date regulations will be maintained in the office of the Director of Public Safety, the office of the Director of People Services, and the office of the Director of Environmental Health and Safety.

Enforcement and Accountability

The Safety Committee will ensure that the College is in compliance with all CDL requirements and will report annually to the Administrative Committee of the College regarding the compliance of the testing program. The Director of Public Safety, the Director of People Services and the Director of Environmental Health & Safety, will jointly supervise the procedural requirements necessary for compliance and will educate the staff about those requirements. In conjunction with a Medical Review Officer named by the Safety Committee, all drug and alcohol testing will be conducted as required. An employee's failure to comply with testing will constitute mandatory grounds for immediate discharge.

Notifications

The Office of People Services will formally advise each employee subject to the Federal Regulations about the requirements for compliance. Employees will receive written instructions regarding the following: how the testing will be conducted; by whom the testing will be done; and, how the results will be communicated to the employee and the supervisor. Any supervisor of a CDL driver will receive the necessary education as mandated by the Federal guidelines.

Revised: 2/2013

COMPUTER AND NETWORK POLICY

Introduction

Berea College is dedicated to a mission of learning, labor and service. In support of this mission, the College provides access to information resources, including computer equipment, computer networks and telecommunications to its students, faculty and staff (collectively, the “College Community”).

The Berea College Computer and Network Policy (the “Policy”) contains the College’s policy and guidelines governing use of its Information Technology Resources by all members of the College Community. “Information Technology Resources” means, without limitation, all computers, printers, scanners, networks, Internet portals, telecommunications equipment and lines, together with all other hardware and software owned or utilized by the College. Information Technology Resources also includes any privately owned hardware or software which is connected to any of the College’s computers, hardware, networks or telecommunications equipment. The College expects each member of the College Community to use these resources responsibly, ethically, and in compliance with this Policy, state and federal laws, and all contractual obligations of the College and third parties with respect to any component of the College’s Information Technology Resources.

The use of Berea College’s Information Technology Resources is a privilege. If a member of the College Community fails to comply with this Policy, relevant laws or contractual obligations, that member’s privilege to access and to use the College’s Information Technology Resources may be revoked.

By adopting this Policy, Berea College recognizes that all members of the College Community are bound not only by the Policy but also by state and federal laws relating to electronic media, copyrights, privacy and security. Other College policies that relate to this Policy include the Berea College Student Handbook, the Berea College Faculty Handbook, and the Berea College Personnel Policy [staff] Handbook. Each member of the College Community is expected to be familiar with the relevant policies. All questions of interpretation of this Policy should be addressed to the Chief Information Officer.

Objectives

This policy is intended to:

- Maximize the effectiveness and efficiency of the College’s Information Technology Resources for all members of the College Community.
- Promote an equitable sharing of resources among all authorized users.
- Protect each individual’s privacy and freedom of expression.

At the same time, the College wishes to:

- Encourage exploration and learning.
- Help people learn how to become more self-sufficient in using computers and computer networks.
- Provide information technology resources to support the educational, labor and service missions of the College.

General Use

- Any member of the College Community with a valid Berea College ID Card (a “User”) may use any of the computers in the student public access areas, except when these areas have been reserved. Users may also apply for and receive a network mail account. Temporary access to Information Technology Resources may also be extended on a limited basis to campus visitors. The College reserves the right, in its sole and absolute discretion, to refuse access to its Information Technology Resources to any person who is not a member of the College Community.
- All Users are responsible for helping to maintain a sound computing environment. Acts which serve to degrade Information Technology Resources, whether deliberate or otherwise, are prohibited. Berea College has the right to monitor, limit, or restrict specific technologies that disrupt or degrade Information Technology Resources.

- Information Technology Resources are made available primarily for academic and administrative activities. Unauthorized use of Information Technology Resources for commercial purposes is prohibited.
- Academic use of Information Technology Resources takes precedence over non-academic use.
- Individuals should report any reasonable suspicion of computer security problems to the IS&S Service Center or the Director of Network Services.
- Software applications licensed by Berea College may not be copied except according to the applicable license agreement. Illegal copying of licensed software is prohibited.
- The following statement was adopted by the Faculty on May 14, 1992 and forms an integral part of this Policy:

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

Because information stored on electronic media is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in electronic environments, such as computer, VCR, etc. As members of the academic community, we value the free exchange of ideas. However, just as we do not tolerate plagiarism, we do not condone the unauthorized copying of software, including programs, personal files, applications, databases, and codes. Violations will be handled in the same manner as all other acts of dishonesty.

(Adapted from a statement developed by EDUCOM, an organization of over 2000 colleges and universities.)

- Current state and federal laws regarding obscenity and pornography, libel and slander, and misuse of the mails for threats and anonymous letters apply to electronic mail, Internet and bulletin boards. Users are expected to use common courtesy, avoiding vulgarity, obscenity and profanity.
- The general codes of conduct for students and employees apply to all users of Information Technology Resources.
- Berea College reserves the right to limit or restrict any individual user's access. An Officer of the College or the Chief Information Officer may, without notice, authorize immediate removal of any data, file or system resource that may undermine the authorized use of the Information Technology Resources.

Electronic Communications

- When creating electronic messages, users should be conscious that electronic information is easily duplicated and may be shared widely.
- Using electronic communication for any form of harassment is prohibited.
- Initiating or continuing electronic chain letters is prohibited. A chain letter is "a letter instructing the recipient to send out multiple copies so that its circulation increases in a geometrical progression as long as the instructions are followed." (American Heritage Dictionary, 1995).
- Spamming is prohibited. Spamming is defined as the act or acts of flooding mailboxes, bulletin boards and multiple mail lists with unsolicited messages.
- The purpose of local bulletin boards is to share campus-wide information. Outdated messages not removed by the posting User will be removed by the administrator.
- There is one official Berea College web site <http://www.berea.edu/> containing information about Berea College with links to departments' and organizations' resources. Allocations of space for Internet resources (web sites, FTP servers, etc.) may be obtained by application to the Chief Information Officer.
- Technical resources placed on or connected to the College's Information Technology Resources are subject to all other College policies, standards and procedures. Copyrighted materials may not be displayed on the network or Internet resources without written permission from the copyright holders.

Freedom of Expression & Misconduct

Freedom of Expression and an open environment in which to pursue scholarly inquiry and share information are encouraged, supported and protected at Berea College. Censorship is not compatible with the goals of the College. While the College rejects censorship, behavior that constitutes misconduct as defined in this policy will not be protected. It must be remembered that “misconduct” within the framework of the College’s Information Technology Resources may also constitute a violation of general college regulations and of state or federal law.

User Privacy

Unauthorized users are obviously not entitled to privacy within the framework of the College’s Information Technology Resources, but even among authorized users, any violation of this Computer and Network Policy may also suspend the right of privacy. In such instances, an Officer of the College or the Chief Information Officer may, without notice, authorize Information Systems and Services personnel to access or disable such User accounts or files. Users should also be aware that User accounts, files and information may be disclosed upon subpoena or order of a court of competent jurisdiction.

However, all authorized users (members of the College Community and others) are entitled to privacy in all their authorized use of the College’s Information Technology Resources. Each User identity, log-in name, account name, or any other User ID and associated password belongs to an individual, office or department. No one should use a User identity, log-in name, any user ID, or account name and password without explicit permission from the owner thereof. No one should use aliases, nicknames, pointers, or other electronic means to attempt to impersonate, redirect or confuse those who use the network. No one should use aliases, nicknames, pointers, or other electronic means to capture information intended for others without the explicit permission of the intended recipient. In order to protect his/her privacy, each User should accept responsibility for the appropriate use and dissemination of his or her user identity, log-in name, user ID, and account name and password.

Information Systems and Services personnel have access to files belonging to Users, but this access may be used only when it is essential for the maintenance of a system or the network itself.

Effective Date: April 26, 2001

Revision Date: June 14, 2005

SOCIAL MEDIA POLICY

Introduction

Berea College welcomes the responsible use of social media technologies to support engaged and transformative learning and to reach out effectively to our broader community. Our rich and diverse use of social media also allows us to share, in a public way, the many qualities and strengths of our academic institution. From that perspective, Berea intentionally uses social media to advance the institution and build relationships with important constituencies like prospective and current students, donors and alumni. The venues to accomplish this are numerous and include social networking sites (like [Facebook](#), [Twitter](#), and [Ning](#)), content sharing (through [YouTube](#), [iTunesU](#), [BlogTalkRadio](#), [Ustream](#), [Flickr](#), and podcasts), and through the College’s web presence (including [www.berea.edu](#) myBerea portal and [BCnow](#)). Through these venues we can communicate important information and engage others in areas of mutual interest.

The College also recognizes the open nature of social media which is often used for both personal and professional purposes. Social media can also create a sense of role ambiguity. It may not always be clear when one is speaking on behalf of the College, sharing facts, or sharing personal/professional opinions. This policy is designed to help our employees navigate through this ambiguity and clarify certain responsibilities when posting material online. It is important to remember that we are subject to the same laws, professional expectations, and guidelines when interacting online as we would in-person with students, parents, alumni, donors, and the media.

Section 1: Laws, Regulations, and Policies that Govern What You Can Post Online

This section outlines governing regulations that apply to all users of Berea College social media when posting material online. In some cases, violations could lead to disciplinary action or termination.

1. Protect confidential and proprietary information:

Do not post confidential or proprietary information about Berea College students, employees, or alumni. All persons must follow the applicable federal requirements such as **FERPA** and **HIPAA**, as well as **NAIA** regulations. Adhere to all applicable institutional and legal privacy, confidentiality and property policies and laws.

2. Respect copyright and fair use:

When posting, be mindful of the copyright and intellectual property rights of others and of the College. For guidance, consult the Berea College Intellectual Property Rights Policy.

3. Use Berea College intellectual properties only with permission:

No user may establish social networking sites that use the Berea College logo or other intellectual properties such as photography, video, artwork, and publications copyrighted to the College without authorization from the College. It is a violation of social networking site policies to represent an institution without authorization.

4. Disseminating official information:

Public Relations and other designated offices are responsible for posting and publishing online official information on behalf of the College. The Employee Handbook includes a related policy for all employees, including students under the section titled “Release of Information to the Public Media”.

Section 2: Guidelines for Institutionally-Sponsored and -Moderated Social Media Sites

These guidelines apply to institutional accounts that are set up, maintained and moderated by Public Relations or Admissions on sites like Facebook, Twitter, and Ning. These guidelines also apply to department-moderated social media sites.

1. Institution-moderated social networking sites:

Berea College has institution-moderated social network sites managed by Public Relations and Admissions staff. These sites can be used by the campus community to disseminate information to various audiences including prospective students, donors, alumni, and visitors of the College. Individual departments may choose to establish a department-moderated site when these institution-moderated sites are not applicable for their needs. Departments are required to contact the Web Team at webteam@berea.edu to register these sites.

As part of the social media framework, Berea maintains an official presence on YouTube, BlogTalkRadio, Ustream, Vimeo, Flickr, and other similar sites for content sharing. These sites offer content to inform audiences about the mission and activities at the College and are often linked and accessed through our social media sites as well. Berea maintains an institutional presence on these sites with content produced or endorsed by the College. These sites are maintained by the Public Relations office to reach alumni and friends as well as by the Admissions Office to reach prospective students. They serve as a clearinghouse for content produced and/or endorsed by that College for these audiences. Other departments and offices may contribute content to these official sites when approved by Public Relations or Admissions.

2. If you operate a department-moderated social networking site:

Departments shall consider their particular audience, message and goals and have a strategy for keeping information on their social media site up-to-date. The intention and purpose of the department-moderated sites should be specific in order to protect the College’s institutional voice. Efforts shall be made to cross link to institution-moderated sites managed by Public Relations or Admissions and/or to College content on www.berea.edu when relevant. Use of images, naming conventions, pictures/graphics and posted content must directly relate to the particular department or activity to avoid confusion with institution-moderated sites.

The web team may also encourage the department to use the College presence to offer an integrated user experience and to take advantage of certain additional features available. For example,

content from departments and programs could be published within a playlist on one of the College's institutional sites operated by Public Relations or Admissions. In addition, the College sites may offer additional benefits to the department in terms of content exposure and the size of videos that could be uploaded and the length of time these videos will remain on the site. "Alternate" accounts that appear to represent our official presence on these sites are not permitted.

3. Administrative access to Berea-sponsored social media sites:

A member of the Web Team (typically a PR representative by default) shall be included as an administrator on any social networking site that is moderated and maintained as an official presence of the college. There are several important reasons for this. We are assured that these networks are managed when staff members leave. This practice also allows us to communicate efficiently during an emergency and it allows us to track usage and quickly remove content that violates this policy. Site administrators are still responsible for their social media networks and the PR administrator typically serves as a backup.

4. Instructional use of social media sites:

Faculty do not need to use our official presence on various social media sites and can use these tools freely to support teaching and learning activities. Departments and programs that want to establish "official" presences on these sites shall register with the web team at webteam@berea.edu.

Official Clubs and Organizations: may create an official web presence in consultation with the group's advisor using social media or other web technologies as applicable. Students should consider their particular audience, message and group goals and have a strategy for keeping information on their social media sites up-to-date. These social media sites shall also be registered through webteam@berea.edu so that we can promote them in other media. Use of images, naming conventions, pictures/graphics and posted content must tie back clearly to the particular group or activity to avoid confusion with institution-moderated sites.

Section 3: Posting Online and When Using College-Moderated Sites

This section provides guidelines for all users of Berea College social media when posting material online.

1. Understand how your role may impact how others interpret what you say:

If you choose to list your work affiliation on a social network or identify your association with the College then you should regard all communication on that network as you would in a professional network. What you publish online should never be attributed to the College and shall not appear to be endorsed by or originating from the College, unless you are authorized to officially act in this capacity on behalf of the College. See also the [Academic Freedom and Responsibility policy](#) in the faculty manual. All social media sites must include the disclaimer "this site is not an official publication of Berea College".

2. When using College e-mail:

You are accountable for all activity conducted with your College e-mail address or when identifying yourself as a member of the College community. The "@berea.edu" address attached to your name may indicate to others that you are acting on the College's behalf so be clear when that is not the case.

3. Know the terms of service of your social media platform:

Be sure to understand and follow the terms of service of any social media platform you use. You are personally responsible for compliance.

4. Be accurate and transparent:

Have the facts before you post. If you post inaccurate information then correct it quickly. Social networks are successful when they offer authentic and direct communications via user-generated content. Social networks are interactive with a two-way flow of information. If you are representing Berea College when posting, acknowledge this *by including your name and job title or department as a signature to your post.*

5. Respect others' privacy:

Take care not to post private information concerning others such as an e-mail from a colleague or contact information. Please exercise good “netiquette.” Social networks are in the public realm and are not appropriate venues for the discussion or dissemination of private matters.

Additional care must be taken when participating in Berea sponsored and moderated social media sites. The below “best practices” (i.e. items 6 through 8) particularly apply to our moderated sites that are set up to reach specific audiences to carry out mission critical functions from fund raising to admissions.

6. Consider the intended audience when posting:

College moderated sites are frequented by prospective students, alumni, friends, and other interested parties. The College encourages thoughtful social media interaction and does not seek to censor contributions to these sites. However, profanity, racist, sexist, or derogatory remarks, content that incites hate or encourages unethical or illegal activities, comments on litigation involving the College, spam and off-topic remarks may be removed and the user could be banned from further participation on the site.

7. Be relevant and respectful:

Be thoughtful, accurate, relevant and respectful on Berea moderated sites. Our Berea-moderated social networks are successful when members contribute thoughtful and relevant content. Have a comment? Post it. Have a suggestion? Tell us about it. Have a different opinion? State it, respectfully. Want to locate alumni in your area? Do it. Want to offer a unique perspective? Share it. Want to air a grievance? Take care to ensure that your statements are relevant and do not violate confidentiality and others’ privacy. Social networks are often not the best forums for raising grievances that might be better addressed in other venues or handled privately.

8. Link to other College material:

Ideally, posts on College moderated sites should be brief; redirecting a visitor to content that resides within the Berea College site when applicable.

Section 4: Process for Resolving Concerns and Conflicts

Social media technology is evolving and no policy or procedure can address all of the particular situations and circumstances that may arise. Users can contact the web team at webteam@bereda.edu for guidance.

Effective Date: 8-19-2010

Approved by: Administrative Committee

E2 CAMPUS ALERT MESSAGING SYSTEM

Berea College is providing students, staff and faculty the opportunity to subscribe to the e2Campus service. E2Campus enables subscribers to receive alert messages as mobile phone text messages, e-mails, and/or phone calls. There is no charge for the service beyond the normal cost of mobile phone text messages. Messages will be issued as authorized under the Campus Emergency Response Plan.

Safety and emergency alert messages will be sent to all subscribers in the event of tornado warnings, an active shooter situation, a hazardous chemical spill or other emergencies where immediate notification may help avoid harm. Non-emergency warning messages will continue to be sent via campus e-mail to provide timely notification of threatening weather, a violent crime report or other potential dangers, but subscribers can choose to receive these warning messages via the e2Campus system as well.

TRAVEL AND BUSINESS EXPENSE REIMBURSEMENT POLICY

Please go to: <http://www.bereda.edu/wp-content/uploads/2014/12/Travel-Business-Expense-Reimbursement-Policy-Revised-1.1.15.pdf>

MOVING EXPENSE REIMBURSEMENT POLICY

Please go to: <http://www.berea.edu/vpf/files/Moving-Expense-Reimbursement-Policy.pdf>.

POLICY FOR USE OF COLLEGE FUNDS FOR MEETINGS AND ENTERTAINMENT

Please go to: <http://www.berea.edu/wp-content/uploads/2014/12/Use-of-College-Funds-for-Meetings-Entertainment-Revised-1.1.15.doc.pdf>

TRANSPORTATION POLICY (Use of College-Owned/Rented Vehicles)

Policy Purpose

The purpose of this policy is to promote the safe operation of Berea College owned or rented vehicles to ensure the safety of College drivers and passengers.

Policy Statement

It is Berea College's policy that each Berea College –owned or rented motor vehicle be operated in a safe and responsible manner. For the purpose of this policy, College Vehicle is defined as one owned or rented by the College. All vehicle operators must possess a valid state driver's license and, if under the age of 26, have a current Defensive Driving Card issued through Berea College. Only approved drivers shall operate a College Vehicle. Any driver found to be in violation of this policy shall not be eligible to operate a College Vehicle until such time that the driver in question can regain approval through the Department of Public Safety.

Use of Berea College Vehicles

College Vehicles shall be used only for Berea College business or academic activities that are in accordance with the policies of Berea College. Berea College business is defined as a departmentally approved activity that promotes the mission of Berea College through the areas of academic/nonacademic activities, labor and employment, education and occupational training, service, and Student Life activities including approved clubs and organizations. Personal use of College Vehicles is prohibited.

- Authorized drivers – employees, including part-time and student employees, and registered volunteers are the only individuals authorized to operate a College Vehicle. Students are authorized to operate a vehicle provided they have departmental approval and Defensive Driving Training. All use must be directly related to Berea College business or academic activities. A valid driver's license is required for all drivers.
- Each driver is responsible for the safe operation of the College Vehicle in their possession and shall observe all traffic laws. Drivers are personally responsible for all of their traffic violations and fines including parking violations.

Driver Responsibilities

- Present a current and valid state driver's license
- Submit a completed "Driver's Authorization Application Form" for approval for use of Berea College Vehicle. The Authorization Application can be found on the Public Safety bulletin board.
- Completion of a driving records check. Please allow for sufficient time (at least seven days) to complete a motor vehicle records (MVR) review.

- Completion of the Berea College Defensive Driving program (if under the age of 26 at the time a College Vehicle is being used)
- No manufacturer, college, or department installed safety device may be altered, modified or disabled by the driver or passenger in a Berea College Vehicle. Any motor vehicle modification including the addition or removal of safety devices must first be approved by the Department of Public Safety.
- Agree to operate College Vehicles in accordance with all laws and Berea College policies. This includes the following requirements:
 1. Driver and vehicle occupants must wear seat belts while the vehicle is in operation
 2. The driver is prohibited from using a cell phone, including texting, while the vehicle is in operation unless the vehicle has come to a complete stop and is out of traffic.(Kentucky Law prohibits texting on any electronic device)
 3. Use of all tobacco products is prohibited in College Vehicles.

Departmental Responsibilities

- Ensure that only approved and properly trained drivers operate Berea College Vehicles.
- Remove from service any departmentally owned vehicles that have become unsafe and have them repaired immediately. Repair documentation shall be maintained by the Department and a copy submitted to the Public Safety Department.
- Submit completed “Driver’s Authorization Application forms” to Public Safety for all prospective drivers within the department.
- The department head or person authorizing a trip will maintain a list of all persons going on the trip.
- Will not purchase or approve the rental of 15-passenger vans.

Enforcement

Failure to comply with the procedures detailed in this policy may result in disciplinary action, including but not limited to termination of motor vehicle privileges.

Insurance Requirements

- Vehicle Rental- When renting a vehicle through a rental agency, do not purchase the rental agency insurance. Insurance for the rented vehicle is covered under the College’s liability insurance.
- Personal Vehicle use- An individual who uses his or her personal vehicle for College business, program, or sponsored activity does so at their own risk. The College does not carry insurance on and assumes no responsibility for any damage to personal vehicles even when used for a college sponsored activity, business, or program. Personal auto insurance is primary and will respond to third party liability including liability for injuries to passengers in the vehicle.

Reporting

Report all accidents to Public Safety (859-985-3333), even if driving your personal vehicle for a college sponsored activity or program.

Use of Passenger Vans (10 to 12 passengers)

When ten to twelve passenger vans are utilized for Berea College authorized travel the following guidelines shall apply

- Drivers must be 18 years or older
- Single day total driving mileage per driver should not exceed 5 consecutive hrs or 250 consecutive miles.
- Drivers must have completed a Defensive Driving Class and be in possession of a current Defensive Driving Class card
- Drivers must have completed a Van Driver’s Safety Defensive Driving Class and be in possession of a current Van Driver’s Safety Defensive Driving card.
- Submission of a list of approved secondary drivers for trips that may require driving in excess of 5 consecutive hrs or 250 consecutive miles.

Any questions about the Transportation policy should be directed to the Department of Public Safety. Ext. 3333.

CAMPUS PARKING

Discounted Parking Tags, as well as parking spaces around campus are available for Low-Emitting and Fuel-Efficient Vehicles. This discount is available to all Students, Faculty and Staff of Berea College.

In order for a vehicle to qualify, the vehicle must be recognized by the U.S. Green Building Council (USGBC) to have achieved a minimum green score of 40 according to the annual vehicle-rating guide of the American Council for an Energy Efficient Economy (ACEEE). The list of qualifying vehicles is posted in the Public Safety Office on the first floor of the Woods-Penniman Building.

The cost for a Low-Emitting and Fuel Efficient Vehicle Parking Tag is 20% below the current cost of a Standard Parking Tag and will be issued at the time of purchase from Public Safety.

GOLF CART / UTILITY CART POLICY **(Use of electric or gas powered carts and/or similar utility vehicles)**

Policy Purpose

This policy provides guidelines for the use of electric or gas-powered carts, golf carts, utility carts, low-speed vehicles and/or similar type vehicles (hereafter collectively referred to as “Carts”) on the Berea College Campus. The intent is to establish proper safety procedures and practices for the operation and maintenance of Carts and to promote and provide for a safer environment for students, faculty, staff, and visitors to the campus.

Policy Statement

All members of the College community operating Carts on property under the jurisdiction of Berea College, including students, faculty, and staff are covered under this policy. Cart operators must meet the following criteria before operating a Cart on the Berea College campus:

- Successfully complete a College-sponsored Cart safety training program that includes a demonstration of the operator’s ability to safely drive the Cart. (Operators are required to sign a Cart Operator’s Agreement that includes a copy of this Policy.)
- Manufacturer operating manual/instructions shall be maintained in each Cart.
- Cart operators must be at least 18 years of age.
- Carts may only be driven on campus sidewalks, paved pathways, and parking areas. Operators must make reasonable efforts to keep Carts off the grass.
- Carts are not permitted to be driven on public streets or roads. If access to a campus location necessitates crossing a street or road, all traffic laws must be followed. Crosswalks, if available, must be used.
- Cart operators are prohibited from operating Carts inside, under, or through the confines of campus buildings. Carts shall not be parked inside campus buildings unless a special area has been designated as a Cart parking area.
- Carts must not be used during inclement weather unless designated as essential response equipment and approved by the department Vice President for special response activities. For the purpose of this policy, inclement weather is defined as high winds, iced pavement, flooding, and severe electrical storms.
- Carts must be driven at a slow speed compatible with pedestrian traffic.

- Cart operators must keep a proper lookout for pedestrian traffic, bicycles, other vehicles, and fixed objects. Operators must be cautious, courteous, and yield to all other traffic at all times.
- All Cart safety features must be intact and kept in good working order.
- Carts operated after dark shall be equipped with working head and tail lights.
- All Cart occupants must be seated and keep all limbs inside the Cart at all times.
- Carts are not to be overloaded by carrying more passengers than seating provided or overloading the Cart's recommended carrying or load capacity.
- Cart operators and passengers cannot wear headsets, earphones, or use cell phones while traveling in a Cart.
- Cart operators are responsible for the ignition keys for the period of time in which they are in the vehicle. **Keys shall not be left in the Carts.** The parking brake must be set when leaving a Cart parked.
- College-owned Carts are to be used for College business only. Carts owned by others may only be used on College property with the written permission of the Vice President for Operations and Sustainability, and must be operated in accordance with this policy statement.
- Possession or use of alcohol, all tobacco products and illegal substances is prohibited in Carts.
- Any accident or incident involving a Cart shall immediately be reported to both Public Safety and the department responsible for the Cart. Operator driving privileges may be suspended until an accident investigation is completed. Maintenance issues shall be reported to the responsible department.

Departmental Responsibilities

- The Department responsible for the Cart will keep all preventative maintenance and repair records related to the Cart. Departments are responsible for keeping all original equipment and safety features in good working order.
- The Department is responsible for providing a safe and secure area for vehicle storage.
- The Department is responsible for all Cart regular maintenance and repairs and will schedule an annual safety inspection with Facilities Management.
- Departments must clearly mark their Carts to indicate ownership. Marking will include the official college seal, Department name, and a Cart identification number. Facilities Management will provide the markings to assure uniform identification is being used.
- The Department will provide for an adequately ventilated area for battery charging. Do not allow smoking in Cart storage, recharging, or gas filling areas. Battery charging, service, and maintenance shall be done in accordance with manufacturer's instructions. Battery service and maintenance areas shall be equipped with appropriate protective equipment (safety goggles, gloves, acid neutralizer, eye wash facilities)
- All new Cart acquisitions must meet the minimum safety features found in the National Highway Safety and Traffic Administration (NHSTA) Standard 500 (49 CFR Part 571.500). ***As of the effective date of this policy, the purchase of used, remanufactured or transferred (from another College department) Carts not meeting this standard is prohibited.***
- Department heads shall assure that all Cart operators in the department have been trained.
- Departments may develop additional policies regarding use of carts, not in conflict with this policy.

Enforcement

Failure to comply with the procedures detailed in this policy may result in disciplinary action, including but not limited to termination of Cart operating privileges.

Approved by the Administrative Committee 9/14/2011

SEPARATION OF EMPLOYMENT POLICY

Berea College staff members are considered “at will” employees, which means that your employment may be terminated, without cause, at any time by either you or the College. In addition, separation of employment may occur in one of the following ways: “voluntary,” through resignation or retirement, or “involuntary,” through reduction in force or termination. Termination may result from misconduct or from job-related performance reasons.

A. Voluntary Separations

If an employee decides to leave employment with Berea College, we ask that a minimum of two weeks written notice be provided for non-exempt staff; 4 weeks written notice for exempt staff. Employees should inform their Supervisor in writing as soon as possible of the intended last day of work with Berea. This will give the employee’s department an opportunity to make necessary adjustments in staffing to ensure that College’s operations will not be negatively affected. Failure to provide proper notice may affect an employee’s eligibility for re-employment with the College at a later date.

In order to be considered a retiree, when leaving the College the employee must be 55 years of age or older, have completed at least ten years of service to the College, and have no plans for employment elsewhere.

The date of separation will be the actual last day worked and the employee will be paid for any properly reported unused accrued vacation leave. Prior to leaving the College, all property owned by Berea College must be returned and an Employee Clearance Form initiated and processed. The employee’s supervisor is responsible for initiating, compiling results, and final processing of the Employee Clearance Form required on all employees who separate from the College. This form will be initiated during your last week of work. In the event that your Supervisor is unavailable due to illness or vacation, it will be the Employee's responsibility to initiate the form and complete the clearance process. The Employee Clearance Form may be accessed at the following: <http://www.berea.edu/peopleservices/forms/documents/employee-clearance-form-rev20110608.pdf>

B. Involuntary Separations

- **Reductions in Force** - Please see:

<http://www.berea.edu/peopleservices/employeehandbook/employmentpolicies/reductionforce.asp>

- **Termination for Cause**

Types of behavior that are unacceptable in the Berea College workplace which may ultimately result in termination of employment include, but are not limited to, the following behaviors/actions:

- falsification of the employment application, time records, or other College records;
- violating the College’s nondiscrimination or anti-harassment policies;
- excessive absenteeism or tardiness or leaving work without authorization;
- dishonesty;
- reporting to work under the influence of alcohol or non-prescribed drugs or the manufacturing, possessing, distributing or transporting of illegal drugs;
- fighting or gambling on duty;
- using obscene, abusive or threatening language or gestures in the workplace;
- theft of property from the College, its clients or staff;
- possession of a deadly weapon on campus or in the workplace;
- insubordination;
- failure to complete work assignments satisfactorily or demonstrating an unwillingness to perform assigned duties;
- disclosure of confidential information about the College, its clients, its staff, students or donors;
- misuse of College funds, including improper and unauthorized use of the College's Purchasing Card;

- damaging or destroying College equipment or property;
- any acts that are against local, state or federal law on College property while on the job;
- incarceration following a conviction resulting in missing at least 5 consecutive work days;
- job abandonment (3 consecutive work days missed without notice);
- misconduct in violation of College policy;
- disregard of safety or security rules or imperiling the safety of others;
- excessive use of College telephones for personal use or excessive use of personal cell phones while on work time;
- unsatisfactory job performance; and
- any action which serves to harm or malign Berea College;

All terminations for cause will preclude the employee from being considered for future employment with Berea College.

C. Exit Interviews

Before leaving, a departing employee may be asked to participate in a voluntary exit interview. This will provide closure regarding employment and will allow the College to ensure that employees have an opportunity to discuss questions about continuation of benefits. This also allows individuals to provide comments or ideas about improving the workplace at Berea College.

D. References

All employment references on behalf of the College concerning previously employed staff members are provided by the Director of People Services. No other Supervisor or Employee is authorized or permitted to release references on behalf of the College for a current or former staff member.

E. Re-employment

Former employees of Berea College may re-apply for positions in the future. The College recognizes the value of prior work with Berea and the training and experience such employees may potentially bring back to the campus. Regular full time and part time staff members who have voluntarily separated from Berea College and whose employment was considered “in good standing” are eligible for re-employment. Employees seeking re-employment must make application for announced position vacancies through the regular application process. An *Application to Join the College Staff* is required for all applicants.

Approved by the Administrative Committee, January 24, 2012

REDUCTION IN FORCE POLICY FOR FULL-TIME EMPLOYEES

Applicability

This policy applies to all full-time employees of Berea College (the “College”) other than tenured or tenure track faculty, faculty with term or special appointments, temporarily contracted employees, and students participating in the College’s Labor Program whose full-time position has been eliminated. Employees covered by this policy are referred to individually as an “Employee” or collectively as the “Employees.”

Purpose

To provide policy and procedures for layoff of full-time College Employees. The provisions of this policy do not apply to the dismissal of an Employee for misconduct or lack of satisfactory performance.

General Policy

Berea College endeavors to provide stable employment to all Employees. Situations including, but not limited to, financial exigency, a lack of work, reorganization of the College's operations, or changes in programs or technologies, may require a reduction in the work force to assure the continued financial security, quality and efficiency of the College. The College reserves the right to layoff or reassign its Employees when such layoff/reassignment meets operational needs.

Determination of Necessity for Reduction in Force

The Administrative Committee, in consultation with others as required (e.g., Trustees), is responsible to determine whether circumstances exist which warrant a reduction in the College's work force to assure the continued financial security, quality or efficiency of the College's offices and programs.

Layoff Procedures

The Administrative Committee of the College will designate in which Institutional Unit(s) the reductions will occur. The appropriate Administrative Committee member (for each Institutional Unit affected by the reduction in force) will recommend and the Administrative Committee will determine the level at which reductions in staff will have the least detrimental effect on the Unit's or College's operations and shall accordingly specify the layoff of personnel within the Unit.

Employees will be laid-off based on a determination of whether the elimination of the particular job will have less detrimental effects on the College than the elimination of other jobs within the same or other Institutional Units. For the purposes of this policy, the terms "Institutional Unit" or "Unit" are defined as an office, business, department or other operational subdivision of the College.

Notifications

The Employee (incumbent) will receive written notification not less than thirty (30) days prior to the date his/her position will end. The date on which employment will be terminated will be determined through conversation between the incumbent and the supervisor, but cannot be later than the date on which the position is due to be eliminated. The Office of People Services shall receive written notification from the appropriate member of the Administrative Committee of the name and title of each Employee selected for layoff and the date of the layoff. This notification will be sent to the Office of People Services no later than seven (7) days prior to the date of the actual notification.

Benefits Eligibility

The following rules concerning benefits will apply to Employees who have been laid-off:

- Payment for all accrued vacation leave.
- Sick leave balances accrued at the time of layoff will be restored if the Employee is rehired by the College within one year of the layoff date.
- COBRA regulations allow the conversion of the health insurance policy and the dental insurance policy, provided the Employee pays the total monthly premium for the coverage.
- A vested right to all contributions made by the College to the Employee's TIAA/CREF retirement account.
- Long term disability (LTD) is not available for continuation.
- Life insurance is available for conversion to a private policy.

Severance Benefit

An Employee whose employment at the College has ceased as a result of the application of this Policy shall be entitled to a lump sum severance payment benefit equal to two (2) months of regular work time of pay plus 1/10 of one month's pay for each completed year of employment, calculated on the Employee's last rate of pay.

Previous Work Force Policy Superseded

This Policy supersedes and replaces the College's Work Force Adjustment and Employment Assistance Policy [Policy No. 58], dated November 1, 1995.

Out Placement Services

The Office of People Services will provide out placement services for Employees whose employment at the College has ceased as a result of this Policy.

Layoff decisions will be made without regard for the Employee's race, color, sex, sexual orientation, religion, national origin, age, veteran status, or physical or mental disability where reasonable accommodation can be made.

This policy was approved by the Administrative Committee on 3-10-03; clarified 9/1/04.

Revised: 2/2013

REPLICATION OF COPYRIGHTED PRINTED MATERIALS

Most books, journals, magazines, and other printed materials are copyrighted, and cannot be legally reproduced without prior permission of the copyright owner. Even when the materials are to be used for educational purposes and not for resale, definite restrictions apply. Most of these are to be found on a document posted close to photocopying machines in Hutchins Library and elsewhere on the College campus. Inquiries about the law and fair usage in such matters should be directed to the Associate Provost. For materials to be photocopied or otherwise reproduced by the Printing Services, the following policy is followed.

No copyrighted material may be reproduced unless the person making the request has in hand written permission of the copyright holder. A copy of that permission must be filed with Printing Services. The reproducer must enter the statement "Reproduced with permission of the copyright owner" on the article. Should a College employee discover current copyrighted material that is of such immediate and critical importance to a pending job assignment that delay would render its relevance useless, permission may be sought from the employee's supervisor and the Associate Provost on the form available from Printing Services. If permission is given, the number of copies is limited to the number of students currently enrolled plus three additional copies. If later reproduction is desired, permission of the copyright owner is required. No copies of reproduced material may be sold unless the copyright owner has specifically given such permission.

INTELLECTUAL PROPERTY RIGHTS POLICY

Introduction

Berea College is committed to providing an environment that supports the learning, teaching, scholarship, and creative activity of its faculty, students, and staff. Within this context, the Intellectual Property Rights Policy is intended to:

- encourage excellence and innovation in teaching, scholarship, and creative activities by
- identifying and protecting the intellectual property rights of faculty, staff, students, and the
- College;
- encourage the notion that creative and scholarly works produced at Berea College should
- advance the state of knowledge and contribute to the public good;
- acknowledge and preserve the traditional property rights of scholars with respect to products of
- their intellectual endeavors (e.g., books, articles, manuscripts, plays, writings, musical scores,
- and works of art); and

- guide policy and process for commercial uses of intellectual property other than the traditional products of scholarly work.

This Policy covers all types of intellectual property, including, in particular, works protected by copyright, patent and trade secret laws. Although the following list is not exhaustive, it provides examples of the kinds of work the Policy addresses: inventions, discoveries, trade secrets, trade and service marks, writings, art works, musical compositions and performances, software, literary works, and architecture.

Policy

The College owns the rights to all works, inventions, developments and discoveries (herein referred to as “work” or “works”) created by employees within the scope of their employment (including students working in the College Labor Program) or whose creation involves the substantial use of College equipment, services, or resources. This includes any patentable invention, computer-related software, databases, web-based learning, and related materials, but will not be applied to such traditional scholarly works as books, articles, manuscripts, plays, writings, musical scores, and works of art (from here on, “scholarly works”). The “work-for-hire” rule in the Copyright Act gives the College ownership of the copyright to copyrightable works produced by any employee within the scope of their employment. (See “I.” below for “ownership of intellectual property” and “II.” for “scope of employment.”) However, in the case of scholarly works, the College cedes copyright ownership to the author/creator(s). It is not the intent of this Policy to change the relationship between author/creator and the College that has existed through the years in relation to copyright ownership of scholarly works.

The use of College equipment, services or resources is “substantial” when it entails a kind or level of use not ordinarily available to all, or virtually all, faculty, staff, and/or students. (See “III.” below for “substantial use.”) Where question arises as to whether a particular work involves “substantial use” or falls within the “scope of employment,” the matter shall be referred to an ad-hoc committee comprised of two members of the Executive Council selected by the author/creator, the Academic Vice President and Dean of the Faculty or designee, and the Vice President of Operations and Sustainability or designee.

When employee-created intellectual property results from third-party grants, contracts, or awards made to the College, the intellectual property is owned by the College unless written agreement involving the College, the employee, and the sponsor establishes an alternative ownership arrangement. No such agreement shall be entered into without the review and approval of the Academic Vice President and Dean of the Faculty.

A compilation is a work formed by the collection and assembly of College-owned and individual-owned intellectual property in such a way that the resulting work as a whole constitutes an original work. If a work is a compilation, each contributor shall retain all ownership interests in his/her intellectual property; but by allowing the work to become part of the compilation, he/she thereby grants a non-exclusive, royalty-free license to the College for use of his/her contribution. While the College shall own rights to the compilation, it shall own no rights to the underlying work beyond said license and will share any net proceeds from the compilation as described below.

If an employee creates intellectual property other than a scholarly work and which may lead to commercial development, then he/she is expected to immediately notify his/her division head and the Academic Vice President and Dean of the Faculty in order to provide them with sufficient information to permit the College to evaluate the work, both its ownership and its commercial potential, and, if appropriate, to take steps to protect the College’s intellectual property rights. If ownership rests with the College, but the College elects not to exercise its ownership rights, then ownership rights and responsibilities related to patenting, copyrighting and licensing shall revert to the author(s). In such a case, the College retains a nonexclusive, royalty-free right to use the work for non-commercial purposes.

In the case of employee-owned intellectual property, the author/creator may petition the College to accept assignment of ownership rights and the attendant control of and responsibility for development. The College, however, is under no obligation to accept this assignment and would do so only when independent evaluation indicates that accepting the assignment would further the mission and work of the College.

Revenue Sharing

The College wishes to encourage excellence and innovation in teaching, scholarship and creative activities and to support the notion that works produced at Berea College should be used for the greatest possible public benefit. In the context of these aims, the College endorses the legitimate expectation of employee author/creators to share in any net revenues produced by licensing or other development of intellectual property. Accordingly, for any work in which the College asserts ownership interest under this Policy, the College and the author/creator(s) will share any annual net revenue (revenues less recovery of all legal and other costs involved in protecting the intellectual property rights of the work, licensing costs, and other directly related administrative costs) in the following percentages, unless different contractual agreements have been reached in relation to particular works:

<u>Net Revenue</u>	<u>Author/Creator(s)</u>	<u>Berea College</u>
< \$5,000	100%	0%
\$5,000-\$25,000	75%	25%
\$25,000-\$100,000	60%	40%
>\$100,000	50%	50%

If a work involves more than one employee as author/creator, the author/creators will divide their share equally unless they provide the College with an alternative revenue distribution agreed upon by them. Use of net revenues received by the College under this Policy shall be restricted to the support of scholarly, research, or creative activity on the part of faculty, staff, and/or students.

Recognizing that this area is complex and rapidly evolving, Berea College remains open to the possibility of arriving at special agreements as the need may arise in relation to particular projects. This policy shall be reviewed within three years by the Faculty Status Council and revised as necessary.

I. Who owns intellectual property?

When does the College own employee- or student-created intellectual property?

Any one of these circumstances will result in College ownership:

1. If intellectual property is created (including student employees working within the scope of the labor program) within the scope of employment (including the Student Labor Program);
or
2. If intellectual property is created on College time with substantial use of College equipment, services or resources; or
3. If intellectual property is commissioned by the College
 - pursuant to a signed contract; or
 - if it fits within one of specific categories of works considered works for hire under
 - copyright law.
4. If intellectual property results from research supported by Federal funds or third party sponsorship and no written agreement involving the College, the researcher and the sponsor have established an alternative ownership arrangement.

When does an individual own intellectual property?

1. If it is unrelated to the employee's or student's job responsibilities and has not made substantial use of College equipment, services or resources; or
2. If it is an work that has been released to the author/creator in accordance with this Policy; or
3. If the intellectual property is embodied in such traditional scholarly works as books, articles, manuscripts, plays, writings, musical scores, and works of art even though such a work may be within the scope of employment and even if significant College resources were used UNLESS the work is:
 - created by someone who was specifically hired or required to create it or
 - commissioned by the College

In either of these cases, the College, not the creator, will own the intellectual property.

II. What is meant by "within the scope of employment"?

Works related to an individual's job responsibilities, even if he or she is not specifically requested to create them, will belong to the College as works-for-hire. A copyright work is related to your job responsibilities if it is the kind of work you are employed to do and you do it, at least in part, for your use at work, or for use by fellow employees, your employer or your employer's clients. The work should be performed substantially at work using work facilities, but your use of personal time or other facilities to create the work will not change its basic nature if it is related to your job as described above. Works that have nothing to do with job duties will remain the property of the employee, so long as he or she makes no more than incidental use of College facilities.

For example, if your job is "Safety Engineer," a software program that you create on your own initiative to run on each employee's computer to show a graphic of their nearest fire exits is related to your job duties and will belong to the College, even if no one asked you to create it and you did some of the programming at home on your own computer. A program that you create that does not relate to your job, that neither you nor others use at work, and that you create on your own time would belong to you.

III. What is meant by "substantial use"?

The Intellectual Property Rights Policy uses the phrase "substantial use of College equipment, services, or resources" in determining when the College claims ownership of intellectual property, not including work identified in the Policy as traditional "scholarly works." The purpose of this appendix is to amplify the intended meaning of "substantial use."

For purpose of this Policy, "substantial use" is the use of resources other than those "ordinarily available" to most or all faculty, staff and/or students. At this date, such ordinarily available resources include office space and personal office equipment, office computer, library and other general use information resources, means of network access to such resources, and support provided through the Student Labor Program or other campus program such as the Undergraduate Research and Creative Projects Program. By contrast, utilization of College laboratories or special instrumentation, dedicated assistance by College employees, special financial assistance, or extensive use of shared facilities would constitute substantial use.

The understanding of "substantial use" may be revised from time to time by the Academic Vice President and Dean of the Faculty to reflect changes in technological paradigms.

RELEASE OF INFORMATION TO THE PUBLIC MEDIA

The Associate Vice President of Integrated Marketing and Communications (IMC) (x3020) and the News and Information Manager (x3023) serve as the College's principal contacts with the print and electronic media, locally, regionally, and nationally. All employees who are approached by a media representative regarding any matter of College business are encouraged to refer such inquiries to either of these individuals. The staff members in the IMC Department also welcome information about professional activities, student accomplishments, innovative courses or teaching strategies, special events, or other developments of potential interest to the media. Having such information on a timely basis helps bring such important matters to public attention.

WHISTLEBLOWER POLICY

Introduction

This Policy prohibits retaliation against an employee student, guest, or vendor of the College (referred to here as a "Whistleblower") who reports an activity that the Whistleblower reasonably believes to be illegal, fraudulent or dishonest conduct involving College employees or resources. A copy of this Policy shall be transmitted to all College employees and students at the beginning of each academic term and displayed to the public on the College's website.

Reporting and Investigation

All members of the College community are responsible for reporting fraudulent, dishonest, or illegal conduct involving College employees or resources. Such reporting should be made according to College policy or applicable law. If a situation is not addressed by existing College policy or if the appropriate manager or supervisor fails to act on such a report according to College Policy, a Whistleblower may report the matter in any of the following ways:

By mail:

President of the College
CPO 2200
Berea, Kentucky 40404

(or)

Chair of the Board (or Audit Committee Chair)
Berea College
PO Box 2083
Lexington, Kentucky 40588-2083

By phone: 859-985-3520 (President's Office)

By email: BereaCollege@ddafcpa.com

All complaints shall be promptly investigated as directed by the President or the Chair of the Board. The Audit Committee of the Board of Trustees receives reports concerning all Whistleblower complaints and their disposition.

Whistleblower Protection

College employees may not retaliate against a Whistleblower with the intent or effect of adversely affecting the terms or conditions of employment, enrollment, or any transaction involving College facilities or resources. If the Whistleblower has made a confidential report, the College will exercise reasonable care to keep the Whistleblower's identity and the report confidential, unless (1) the Whistleblower agrees to the disclosure; (2) disclosure is necessary to allow College or law enforcement officials to investigate or respond effectively to the report; (3) disclosure is required by law; or (4) the person(s) accused of violations by the Whistleblower are entitled to the information as a matter of institutional due process in disciplinary proceedings.

Whistleblowers who reasonably believe that they have been retaliated against by a College employee may file a written complaint with the President or Chair of the Board using any of the reporting methods described above. If retaliation is proven, the retaliating employee(s) are subject to appropriate disciplinary actions or remedies provided in law or equity, including dismissal. The prohibition against retaliation is not intended to prohibit administrators or supervisors from exercising legitimate supervisory responsibilities in the usual scope of their duties and based on the College's Workplace Expectations, other institutional policies and valid performance-related factors.

Revised August, 2011

CHAPTER 3 – STAFF AND ADMINISTRATOR COMPENSATION POLICIES

CLASSIFICATIONS OF EMPLOYMENT

Full-Time Regular

Full-time regular employees are hired to work 40 hours per week on a regular basis. Such employees may be exempt or nonexempt as defined below. Full-time regular employees are eligible for insurance and other benefits including time-off benefits, as described in this Handbook.

Part-Time Regular with Benefits

Part-time regular employees are hired to work between 24 and 39 hours per week on a regular basis. Such employees may be exempt or nonexempt as defined below. Part-time regular employees are eligible for insurance and other benefits including time-off (on a pro-rata basis) benefits, as described in this Handbook.

Part-Time Regular without Benefits

Part-time regular employees without benefits are hired to work less than 24 hours per week on a regular basis. Such employees may be exempt or nonexempt as defined below. Part-time regular employees are not eligible for insurance and other benefits including time-off benefits.

Temporary

Temporary employees are hired to complete a specific project within a limited period of time (generally no more than 6 months) with the understanding that this employment will be terminated upon completion of the assignment. Temporary employees are not eligible for insurance and other benefits including time-off benefits.

Substitute

Substitute employees are hired to work on a substitute basis, as needed, because of the absence of a regular employee. Hours of work may vary each week. Substitute employees are not eligible for insurance and other benefits including time-off benefits.

WORK HOURS

Regular workweek

Most College departments work during normal business hours, Monday through Friday; however, some departments such as Security, Facilities Management and Student Life must work different schedules in order to provide continuous service to the College campus and the Berea community.

Regular work day

Normal working hours are 8:00 a.m. to 5:00 p.m. One hour without pay is allotted for lunch. An employee may take two paid, fifteen-minute breaks, one in the morning and one in the afternoon. If an employee chooses not to take a break, this time does not accrue and may not be used at a later time or date. Breaks and lunch hours must be scheduled to ensure all departments are able to continue business or receive calls during all normal business hours. Many departments close from 12:00 noon to 1:00 p.m. and the lunch hour is designated for the staff of these departments.

Alterations in Schedules

Daily and weekly work schedules may be changed from time to time to meet the College's varying needs.

Overtime

Overtime will be necessary on occasion for non-exempt employees, but must always have the prior approval of your department manager or supervisor. Any unauthorized overtime will be paid, however, an

employee may be subject to disciplinary action for working the unauthorized time. For overtime work, non-exempt hourly employees receive one and one-half times their regular hourly rate for (1) each hour of work in excess of 40 hours worked in a given work week or (2) each hour of work on the seventh consecutive workday within any week unless (a) the employee did not work more than forty (40) hours during the work week. For this purpose, the workweek is deemed to begin at 12:01 a.m. Sunday morning and conclude at 12:00 P.M., on the following Saturday. Exempt employees are required to work as necessary to meet expected levels of performance.

RECORDING WORK HOURS

It is Berea College's policy to comply with applicable laws requiring records to be maintained of the hours our employees work. To ensure that the College keeps accurate records of the hours you actually work (including overtime hours where applicable) and of the sick time or other leave taken during the pay period, and to ensure that you are paid in a timely manner, all nonexempt employees are required to accurately record their time worked and their absences on the College's official timesheet form. This form must also be completed and signed by you as an accurate statement of the hours you have worked and the benefit hours requested and approved. Your supervisor will sign the form and forward it to the Payroll Office for processing.

Exempt staff are expected to record their time away from work appropriately and to submit their timesheets to the appropriate director or vice president immediately following the end of each month. Any vacation, sick leave or holiday time taken during the month should be accurately recorded on the Monthly Timesheet.

You must be certain that you accurately record your hours worked and leave time taken. Falsification of a time record is a serious breach of policy and grounds for disciplinary action, up to and including termination of employment.

REGULAR PAY PROCEDURES

Frequency

All non-exempt College employees are normally paid every two weeks, on alternate Wednesdays. All exempt College employees are paid once a month on the last work day of the month. If a scheduled payday falls on a holiday, employees will usually be paid on the work day preceding the holiday.

Deductions

All required deductions, such as those for federal, state and local taxes, and all authorized voluntary deductions, such as for health insurance contributions, United Way contributions, etc., shall be withheld automatically from employees' paychecks. Employees shall complete the necessary forms to authorize these deductions.

It is your responsibility to review your paycheck for errors. If you find a mistake, you should report it to your supervisor immediately. Your supervisor will assist you in taking the necessary steps to correct the problem.

Timesheets

Timesheets are required of all non-exempt and exempt employees and must be signed by both the employee and the supervisor. Non-exempt staff timesheets are submitted and approved by the supervisors on a biweekly basis and must be sent to the College's Payroll Office by 10:00 A.M. on the Monday following the conclusion of the 2 week pay period. Exempt staff timesheets are submitted and approved by the supervisors on a monthly basis and must be sent to the College's Payroll Office by the 10th day of the next month.

Direct Deposit

Employees' paychecks are deposited directly to a checking or savings account at the financial institution of their choice. These payroll funds are available as of 8 A.M. on the official date of each payroll. Employees must complete a direct deposit authorization that may be obtained at <http://www.berea.edu/people-services/wp-content/blogs.dir/91/files/2013/09/Direct-Deposit-Form.pdf>.

Direct deposit changes must be submitted at least four (4) working days prior to the next payroll issue date to insure that account changes are made in time for payroll processing.

OVERTIME PAY PROCEDURES

Exempt Employees

Exempt employees do not receive overtime pay.

Non-Exempt Employees

Non-exempt employees may not work in excess of 40 hours per week without approval from their immediate supervisor and cannot be provided compensatory time off as a means to offset the overtime. For overtime work, non-exempt hourly employees receive one and one-half times their regular hourly rate for (1) each hour of work in excess of 40 hours worked in a given work week or (2) each hour of work on the seventh consecutive workday within any week unless (a) the employee did not work more than forty (40) hours during the work week. For this purpose, the workweek is deemed to begin at 12:01 a.m. Sunday morning and conclude at 12:00 P.M., on the following Saturday. An employee who is required to work overtime early in a given week, may be asked to adjust their work schedule on subsequent days to avoid the necessity of paying overtime.

APPROVED POSITION DESCRIPTIONS

An approved, written position description exists for each staff position in the College. In general, the description covers the purpose of the job, the work to be done, the supervision of the work, the qualifications required, and, where appropriate, working conditions affecting the job. The hiring supervisor and the People Services staff will collaboratively maintain accurate position descriptions. Applicants for employment should be asked to read the position description of the position for which they are applying; incumbent employees should be asked to review and sign the Position Description for their positions, acknowledging that review. (A copy of the signed Position Description must be sent to People Services for appropriate filing in the employee's personnel file.) All position descriptions are reviewed periodically to assure that they reflect current responsibilities. The Dean of the Faculty has responsibility for all faculty position descriptions. Employees' performance shall be reviewed in relation to the written position descriptions.

Position vacancies cannot be advertised or posted on the College's website until a current position description has been reviewed/revised and authorized by the supervising director or vice president and submitted to the Office of People Services.

SALARY ADJUSTMENTS

Salaries are reviewed annually. However, pay increases are not guaranteed to anyone at any time. Factors to be considered in granting pay increases include, but are not limited to, the financial condition of the College and the performance, qualifications and experience of the employee under consideration for a pay increase. All employees are expected to perform their duties within the framework of meeting or exceeding the Workplace Expectations established by the College and various employee committees.

SEVERANCE PAY

The College does not provide its employees with severance pay upon their voluntary or involuntary separation from employment (except as provided by the Reduction in Force Policy). At separation, the College will pay for accrued but unused vacation time. Accrued sick leave or other leave will **not** be paid upon separation.

CHAPTER 4 – STAFF AND ADMINISTRATOR TIME OFF BENEFITS

HOLIDAYS

Full-time regular and Part-time regular employees of the College are provided with paid holidays as follows:

- New Year's Day
- Good Friday
- Memorial Day (last Monday in May).
- Independence Day (July 4th).
- Labor Day (observed as a holiday during the Christmas break and is designated for observance by the Office of People Services). See Holiday Schedule published annually by the Office of People Services.
- Thanksgiving Day (fourth Thursday in November)
- Friday after Thanksgiving Day
- Christmas Day (December 25th)
- Other holidays are provided between 12/25 and 12/31 and are communicated on an annual basis

On these holidays, most of the College's offices will be closed. Holidays which fall on Saturday or Sunday will generally be observed on the preceding Friday or the following Monday. Holidays are not paid during unpaid leaves of absence.

A definitive list of College holidays is distributed annually by the Office of People Services prior to July 1st of each year. Additionally, the “Holiday Memo” identifies “Days of Celebration” which are NOT holidays but are special days observed by the College community each year. Employees are encouraged to participate in these Days of Celebration (e.g., Mountain Day, Exploring Labor, Service and Learning Day and Martin Luther King, Jr. Day) but, if they choose not to participate, employees are expected to work at their normal duties.

A current listing of holidays is available on the People Services website at:
<http://www.berea.edu/people-services/payroll-schedules/>.

VACATIONS

Because the College recognizes the importance of vacation time for rest, recreation and personal activities, it grants annual paid vacations to its full-time and part time regular employees.

- Full time regular employees become eligible for vacation after completing the orientation period.
- Part-time regular employees who are scheduled to work at least 1560 hours per year are eligible for a prorated amount of vacation dependent on their assigned F.T.E. (full time

equivalent). For example, an employee assigned to work 30 hours per week is a .75 FTE and would accrue vacation at 75% of the normal full time rate for that position.

Temporary employees are not eligible for vacation.

The amount of vacation to which an employee is entitled depends upon that employee's classification and length of service as follows:

Exempt Employees (for those hired on or after 1/1/2006)

All exempt full-time regular employees designated as salaried and, therefore, exempt from overtime laws, will be provided with the following vacation accruals dependent on their length of service with the College. In the chart below, employees earn 10.00 hours per month worked from the first full pay period following their initial hire date to the anniversary of their 5th year of employment. On the 5th anniversary date, the accrual will increase to 13.33 hours per month worked; similarly, on the anniversary date of the 15th year of employment, the accrual will increase to 14.67 hours per month worked:

<u>Years of Service Completed</u>	<u>Annual Vacation</u>
0-5 years	15 days (accrues @ 10 hours per month worked)
5+-15 years	20 days (accrues @ 13.33 hours per month worked)
15+ years	22 days (accrues @ 14.67 hours per month worked)

Exempt Employees (for those hired PRIOR to 1/1/2006)

All exempt full-time regular employees hired prior to 1/1/2006 are provided with an accrual rate of 14.67 hours per month regardless of length of service.

Non-exempt Employees

All non-exempt full-time regular employees (hourly paid staff) will be provided with the following vacation accruals dependent on their length of service with the College. In the chart below, employees earn 3.08 hours per pay period worked from the first full pay period following their initial hire date to the anniversary of their 5th year of employment. On the 5th anniversary date, the accrual will increase to 4.62 hours per pay period worked; similarly, on the anniversary date of the 15th year of employment, the accrual will increase to 6.15 hours per pay period worked:

<u>Yrs. of Service Completed</u>	<u>Annual Vacation</u>
0- 5 years	10 Days (accrues @ 3.08 hrs. per worked pay period)
5+-15 years	15 Days (accrues @ 4.62 hrs. per worked pay period)
15+ years	20 Days (accrues @ 6.15 hrs. per worked pay period)

An employee must earn vacation prior to taking it and must request supervisory approval prior to taking any vacation leave.

Revised: 2/2013

Vacation Scheduling

Vacation schedules are to be requested of your immediate supervisor as far in advance as possible but not less than 5 work days before the expected absence. Where possible, the College will schedule vacations as requested by the employee, unless needs of the College and the particular department intervene. Vacation requests for certain time periods, i.e., holidays, semester break periods, etc. may be granted when possible given the needs of the department and after consideration of the other employees in that particular work group.

Vacation Carryover

Vacation may be taken as time accrues at any point during the year. A maximum of 30 days [equivalent to 240 hours] of accrued vacation leave may be carried over at any given time. Vacation leave ceases to accrue when the employee reaches 240 vacation hours according to the payroll system computation and will not commence again until the employee vacation balance is again below 240 hours.

Pay in Lieu of Vacation

No payments will be made in lieu of taking vacation, except for accrued unused vacation leave at the time of an employee's separation from the College.

Holiday Within Vacation Period

In the event that a holiday observed by the College falls within an employee's scheduled vacation period, the holiday does not count as a vacation day.

Vacation for Terminating Employees

Employees terminating employment for any reason are entitled to payment for all accrued unused vacation time, provided all timesheets have been submitted to the Payroll Office. Payment for these hours will be made at the employee's current rate of pay at the time of termination.

Revised Policy Effective: 01-01-06

SICK LEAVE

Purpose

It is recognized that employees may become ill or injured and, therefore, be unable to perform assigned duties. This policy covers these kinds of circumstances. This policy is a privilege granted to help protect your income when absence from work is caused by illness or injury and, therefore, employees are encouraged to use their sick leave benefits ONLY when needed for a genuine illness. Sick Leave is a benefit intended for use to cover an extended illness. Accumulated sick leave must not be considered as "extra" time off with pay and may not be used in this manner. Abuse of the privilege may be deemed justification for disciplinary action up to and including dismissal of the employee. Supervisors may request verification of an illness to validate the employee's absence if abuse of this benefit occurs.

Eligibility

Full-time, regular employees and part-time, regular employees are eligible for accrual of sick leave.

Uses

Sick leave may be used for: (a) personal or immediate family illness; (b) rest or recuperation during or after illnesses or injuries, including pregnancy and child birth; (c) personal and immediate family health care appointments and treatments; (d) caring for immediate family members (as defined in the Family Medical Leave Act) who are ill or injured; and (e) providing assistance to family members when employees substantiate that they are dependent upon them during illness. For purposes of this section, "immediate family" means parents, children, or spouses.

Accruals

Full-time, regular employees accrue sick leave at 3.693 hours per pay period for non-exempt staff and 8 hours per month for exempt employees. Part-time, regular employees who are regularly scheduled to work 20 hours or more per week accrue a prorated portion of the sick leave accrual based on their approved FTE assignment. Temporary employees or those working less than 20 hours per week are not eligible for sick leave benefits.

Maximum Sick Leave Accrual

A maximum of 1,040 hours of sick leave may be accrued.

Payment for Sick Leave

Under no circumstances will the College pay an employee for unused sick days.

Prolonged Illness or Injury

In cases of prolonged illness beyond the amount of sick leave accumulated, employees may be eligible for leave without pay or, if eligible to participate in the various insurance benefit programs, may contact the Benefits Office to initiate a long-term disability insurance claim.

Requests for Sick Leave

Requests for sick leave must be submitted in writing to your supervisor as far in advance as possible. If it is not possible to request sick leave in advance, for instance in the case of acute or sudden illness, a request for sick leave shall be submitted as soon as practicable but in no case later than the first day you return to work. Except in cases of requests granted in advance, an employee who does not report to work for reasons covered by this policy must notify his/her supervisor before 9:00 a.m. each day the employee is absent from work. Failure to notify the supervisor of an absence may result in denial of sick leave benefits and is considered a serious disciplinary situation.

Abuse of Sick Leave

Abuse of sick leave may result in disciplinary action up to and including termination. Employees may use sick leave only for the purposes stated in this section. When a usage pattern of sick leave indicates possible abuse (e.g., absences on Mondays, Fridays or before or following holidays or vacation), the College may request and require validation of the employee's request for sick leave. In such instances, a certificate from a physician may be required to substantiate the necessity for the absence.

Absence from work without proper notice to the supervisor for 3 consecutive work days will be deemed to be a voluntary resignation from employment.

Return from Sick Leave

For any absence of three (3) or more days, an employee must present verification of the illness by a physician, as well as a physician's certificate that the employee is fit to return to work.

FAMILY AND MEDICAL LEAVE

Policy

Pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), employees who have worked for the College for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave ("FMLA" leave) for any of the following four reasons:

1. Birth of a child of the employee and in order to care for the newborn child;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, child or parent who has a serious health condition; or
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition.

Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave. For instance, an employee who takes 4 weeks of FMLA in December will have an additional 8 weeks of FMLA available, if needed, in January and February.

FMLA leave for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the College agree. If both spouses are employed by the College, the combined leave shall not exceed twelve (12) weeks.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care; or
2. Continuing treatment by a health care provider, which includes any one or more of the following:

- a. a period of incapacity due to a serious health condition of more than three consecutive calendar days plus either two or more treatments by a health care provider or one treatment by a health care provider followed by a regimen of continuing treatment;
- b. a period of incapacity due to pregnancy or for prenatal care;
- c. a period of incapacity or treatment for such incapacity due to a chronic health condition such as asthma, diabetes or epilepsy;
- d. a period of incapacity due to a permanent or long-term condition for which treatment may not be effective such as Alzheimer's or a severe stroke; and
- e. a period of absence due to a serious health condition to receive multiple treatments or that would result in incapacitation without multiple treatments, such as cancer requiring chemotherapy or radiation treatments.

As used above, the term "incapacity" means that the employee must be unable to work at all or unable to perform any of the essential functions of his or her job.

- 3. In the case of unpaid leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary or to provide care or psychological comfort to an immediate family member with a serious health condition. In such cases, the College has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have pay and benefits equivalent to those of the employee's regular job.
- 4. In cases of leave due to a serious health condition of the employee (including pregnancy and childbirth) or an immediate family member, paid sick days and, if needed, paid vacation time must be used before taking unpaid leave. In cases of leave for the placement of a child through adoption or foster care, paid vacation must be used before taking unpaid leave. Both the paid and unpaid leave will be counted in calculating the total period of FMLA leave used. Once the College has knowledge that the leave being taken qualifies as a Family and Medical Leave absence, the employee will be notified orally or in writing within two business days, absent extenuating circumstances, that the vacation and/or sick leave will be counted towards the total of twelve (12) weeks of family leave. If notice to the employee is oral, it will be confirmed in writing no later than the following payday. If notice is not given to the employee by the date the leave starts, the College may not designate the leave as FMLA leave retroactively, unless the College does not have sufficient information as to the employee's reason for taking the leave until after the leave commences. Ordinarily, the College will only designate the leave as FMLA leave prospectively, as of the date of notification to the employee that the time is being charged against the employee's FMLA entitlement.
- 5. When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the College at least thirty (30) days notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the College, the employee must provide such notice as soon as practicable.
- 6. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:
 - a. give at least thirty (30) days' notice, or as soon as practicable if treatment starts in less than thirty (30) days; and
 - b. make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the College, subject to the approval of the healthcare provider.
- 7. Where the need for leave is unforeseeable, the employee must give notice as soon as practicable under the circumstances. Except in extraordinary circumstances, such notice must be given within one or two days of the commencement of the leave. At the time notice is given, the employee must provide the College with sufficient information to enable the College to determine whether or not

the reason for the requested leave is a reason for which leave may be taken under this policy. Failure to do so will result the request for FMLA leave being denied and may result in disciplinary action, up to and including discharge, for violation of the College's attendance policy.

8. Any leave request based on a family member's or employee's own serious health condition must be supported by certification from a healthcare provider on a form which the College will provide. The employee must provide a copy of the certification to the College in a timely manner after the College's request for medical certification. A maximum of fifteen calendar days will be allowed to provide the certification, unless circumstances make it impracticable to obtain the certification within this period of time, and the employee has made diligent, good faith efforts to obtain the certification. Certification from the healthcare provider must contain:
 - the date the serious health condition began;
 - the possible duration of the condition;
 - the appropriate medical facts regarding the condition;
 - if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
 - if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job; and
 - in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date the treatment is expected to be given and the duration of the treatment.
9. If the employee completely fails to provide the medical certification requested by the College, then the leave is not FMLA leave. If applicable, the employee may also be subject to discipline, up to and including discharge, for violating the College's attendance policy.
10. During FMLA leave, the College will continue to pay its portion of the health insurance premium, and the employee must continue to pay his/her share of the premium. Failure of the employee to pay his/her share of the premium may result in loss of coverage, after 15 days written notice to the employee. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the College for health insurance premiums paid during the leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job, the continuation of a serious health condition of the employee's family member or circumstances beyond the control of the employee.
11. During the unpaid portion of FMLA leave, the employee shall not accrue employment benefits, such as vacation leave, sick leave, retirement contributions, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.
12. The College may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. Failure to report as requested or to obtain requested certification will result in disciplinary action, up to and including discharge. An employee taking leave due to the employee's serious health condition, except for intermittent leave, is required to obtain a fitness-for-duty certification at the employee's expense with regard to the condition that causes the need for FMLA leave.
13. Employees who return to work from FMLA leave within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their original job or an equivalent position without loss of benefits or pay. (The FMLA does have a very limited exclusion to this, the details of which may be accessed on the web at www.dol.gov) However, pay increases conditioned upon seniority, length of service or work performed would not be granted until the approximate length of service, seniority, etc. was attained after returning to work.

Procedure

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as

soon as possible if thirty (30) days notice is not possible. Appropriate forms must be submitted to the Office of People Services to initiate a family leave and to return the employee to active status.

BEREAVEMENT LEAVE

Policy

The College recognizes that the occurrence of a death in the immediate family of an employee will require the absence from work of that employee for a period of time. Up to three (3) work days leave with pay for attendance to funeral matters may be granted in cases involving the death of in the immediate family of a full-time, regular employee or a part-time, regular employee.

For the purposes of this policy, the term “immediate family” is defined as spouse, domestic partner, parents of domestic partner, father, mother, father-in-law, mother-in-law, child, step parent, step child, brother, sister, grandchildren, or grandparent of the employee. If the employee has a family member living in their home for whom they are responsible for the primary care giving, or if the employee was raised by a person who is not considered immediate family, the employee’s supervisor, department or division head may approve funeral leave for that purpose.

Procedure

Employees must request the use of funeral leave in advance of the absence. The funeral leave use is indicated on the employee’s timesheet and is paid as work time, not requiring it to be taken from the employee’s vacation leave balance.

Attendance at the funeral of other relatives or friends can also be arranged with the supervisor in advance of the absence; however, this time must be deducted from the employee’s vacation leave balance. The supervisor may approve leave without pay for the purpose of attendance at funerals for persons other than an employee’s immediate family members, giving consideration to the workforce needs of the department.

Emergency or temporary employees are not eligible for paid funeral leave.

JURY DUTY LEAVE

Full-time employees who are summoned to jury duty will be paid during their active periods of jury service. Such employees are permitted to retain the allowance received from the court for jury service. Employees other than full-time employees are given time off without pay for jury duty and are permitted to keep allowances received from the court. All employees are expected to return to work on any day that jury service takes less than the entire working day.

All employees will be given time off with pay if summoned to appear in court as a witness on behalf of the College.

To qualify for jury duty leave or to serve as a witness for the College, employees must submit to their supervisors a copy of the summons to serve as a juror or the subpoena to appear for the College as a witness as soon as the summons or subpoena is received. In addition, proof of service must be submitted to the supervisor when the period of jury service or witness duty is completed.

The College will make no attempt on an employee's behalf to have jury service postponed unless an emergency situation at the College requires such action.

DISABILITY LEAVE

Any full-time regular employee who is disabled must apply for Family Medical Leave prior to applying for long term disability benefits. (See FMLA policy for an explanation of return to work rights and

responsibilities.) When an employee is unable to work for more than one hundred and eighty (180) days because of injury or illness (in accordance with the definition of "disability" specified in the disability insurance plan documents), the employee is eligible to apply for long-term disability leave. (Call the Benefits Office at x3051 for details of the current insurance plan.)

When an employee who has been on disability leave is ready to return to work, the College will, if possible, return that employee to a position for which he or she is qualified and which resembles his or her former position as dictated by the Family Medical Leave Act or as closely as circumstances permit. However, the College cannot guarantee that such an employee will be returned to the same job as before. If no suitable positions are available, it may be necessary to terminate the employment.

Employees who have been on disability leave more than twelve (12) months are automatically terminated, as is any other employee absent from work this long, for any reason. Disabled employees terminated under this policy have the right to reapply at such time as they are able to work again.

EMERGENCY EVENT AND WEATHER POLICY

The Berea College campus has occasionally faced a serious emergency. In order to ensure the safety of our students, faculty, staff, guests, and visitors, it has on rare occasions been necessary to close the campus due to such emergencies as crisis, severe snowstorm, tornado, fire, water damage, etc. When an emergency arises, the President of Berea College or his or her designee may decide to close the campus in order to preserve the safety of students, employees, guests, and visitors. This policy specifies how Berea College will respond in such circumstances. The policy also specifies that employees throughout the campus community have a personal responsibility to consider individuals with disabilities in their area.

Policy and Procedures

The President of Berea College or his or her designee will decide as early as possible before or during the work day that the College campus will be closed.

If the decision to close the College is made before or after the regular workday, the Publications and Projects Manager will inform the news media of the emergency situation, who is and who is not to report for class and/or work, and, if known, the expected duration of the emergency. Employees should listen to radio channels or watch Lexington TV channels for official notification of an emergency closing of the campus. If information is not available on these media, the employee should call the head of his or her department or division, People Services (ext. 3050), Public Relations (ext. 3018), or, only if none of these can be reached, a campus operator (985-3000) for appropriate information.

If the decision to close the College is made before or after the regular workday, College faculty, staff, and student employees will also be notified through the College calling tree. When the decision has been made to close the College, the President's Office will immediately activate the College calling tree as follows:

- The President's Office will notify the Vice Presidents, the Publications and Project Manager, and the Director of People Services.
- Each Vice President will contact the employee in each department and office in the Vice President's division who has been designated in advance as the "contact person" for that department or office.
- The designated "contact person" in each department or office will activate the calling tree of that department or office. *It is imperative that each division, department, and office develop its own calling tree.*
- The Directors of Facilities Management and Public Safety will notify their emergency response teams and convey instructions on actions to be taken.
- The Publications and Projects Manager will advise the Phone Center staff on appropriate responses to callers' inquiries.
- The Director whose area is primarily responsible for handling the incident will maintain close contact with their divisional Vice President, who will keep the President's Office informed about the

situation. The President or his or her designee will keep Communications staff informed of developments, and the Publications and Projects Manager will update media information and the Phone Center accordingly.

If the emergency occurs during the regular workday, the President, the Academic Vice President and Dean of the Faculty, or a designee may direct People Services staff to notify all campus departments of the situation and action to be taken. Or the President, the Academic Vice President and Dean of the Faculty, or a designee may direct the Vice Presidents to notify the various departments and offices within their divisions through the designated department and office "contact persons" and calling trees.

[September 2014]

EMPLOYEE RESPONSIBILITY IN EMERGENCY EVACUATION PROCEDURES

During an evacuation, if you are aware of a person with a disability being in the area, you should advise responding emergency personnel of the presence of that person and, if possible, give their name, the nature of the disability, and their location within the building. If there are no emergency response personnel in the immediate area, locate the nearest telephone and call "911". Report the nature of the emergency, the name and location of the person and, if known, the type of disability.

Elevators should not be used to transport a person with a disability unless accompanied by emergency response personnel.

The choice to remain in an area to assist a person during an evacuation is a voluntary decision, not a College requirement.

(This section is an Addendum to the policy; effective 01/07)

Essential employees, described as those persons involved with the required operations of the campus, will be expected to staff their positions during an emergency. During a short-term emergency closure, non-exempt essential employees will be paid at their overtime hourly rate for the hours they work during the emergency closure. When the College re-opens, these employees will again be compensated at their regular hourly rate until the point at which they have worked forty hours that week. As always, they will be paid at their overtime hourly rate for time worked above forty hours. Such essential employees may include the heat plant crew, electric and plumbing shops, grounds crew, safety officers, residence hall staff, telecommunications and telephone operators, food service, housekeeping, and custodial and maintenance crews, and/or others whose expertise makes their services essential due to the nature of the particular emergency. Every effort will be made to inform essential employees immediately of their role in the emergency. If the situation becomes long-term (three or more days), the College's Administrative Committee may decide to change the rates of compensation described above. Employees will be informed as soon as possible if such a change is made.

Non-exempt employees whose work is not essential during an emergency closure will be compensated at their regular rate of pay for regularly scheduled hours whether or not they work during a short-term emergency closure of the College. If the situation becomes long-term (three or more days), the College's Administrative Committee may decide to change the rate of compensation described above. Employees will be informed as soon as possible if such a change is made.

TIME OFF TO VOTE IN ELECTIONS

All College employees are encouraged to exercise their voting rights at all national, state and local elections. Work schedules will normally permit adequate time for employees to exercise their voting rights, either before or after normal working hours, or during the employee's lunch hour, and it is suggested that they utilize this period of time to vote whenever possible. Employees who vote in distant communities are

encouraged to exercise their right to vote by absentee ballot so as to avoid absences from work. When this is not possible, employees may be excused from regular duties for up to one (1) hour for the purpose of voting, provided that a formal request is made in advance to the immediate supervisor. Your supervisor has the discretion to decide when employees may take time off to vote.

MILITARY LEAVE

Leaves of absence without pay for military duty are granted to full-time regular and part-time regular employees. If you are called to active military duty or to Reserve or National Guard duty or training, or if you volunteer for the same, you must notify your supervisor in advance and submit copies of your military orders to your supervisor as soon as practicable. You will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws. Your eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws and your reinstatement benefits will be coordinated with you by the Office of People Services.

VACATION LEAVE DONATION POLICY

Berea College will assist staff employees working in a part-time or full-time regular status position who experience an illness, pregnancy, or injury by providing a mechanism for the donation of vacation leave hours from co-workers. Employees may apply to receive leave donations at their current rate of pay once they have exhausted **all** personal sick leave and vacation leave. Employees must be able to demonstrate eligibility for Family Medical Leave in order to receive a vacation leave donation.

Donated hours will be considered gifts and, therefore, will not require any repayment of hours once the employee recovers sufficiently to return to an active employee status.

Staff members who wish to donate vacation hours may do so in 8-hour increments, provided they have an existing balance of 48 or more hours at the time of the donation, and must complete a Vacation Leave Donation Form in the Office of People Services/Payroll. Donations may not be made in excess of 40 hours per person per year. The Vacation Leave Donation Form may be obtained at

<http://www.berea.edu/people-services/files/2012/06/Vacation-Leave-Donation-Form.pdf>

In the event that a donation is made and the receiving employee either returns to work or becomes eligible for/approved for long term disability insurance, any donated hours that are unused will be returned to the donating employee.

Revised: 5/14/13

CHAPTER 5 – INSURANCE AND RELATED BENEFITS FOR ALL COLLEGE EMPLOYEES

GENERAL POLICY

The College is committed to providing full-time and part-time regular employees with a comprehensive benefits package designed to afford you and any legal dependents financial security and peace of mind in the event of illness, injury, disability, retirement or unemployment. **The benefits package includes:**

- Medical Insurance Plan
- Group Term Life Insurance
- Dependent Life Insurance
- Long Term Disability Insurance
- Dental Insurance
- Domestic Partner Benefits
- Section 125 FLEX Plan for Medical Spending Account and Dependent Care Spending Account
- Employee Assistance Program
- Retirement Plan
- Child Development Laboratory for Children ages six weeks to six years
- Seabury Center Membership
- Unemployment Insurance
- Voluntary Life Insurance
- Workers' Compensation Insurance
- Professional Liability and Personal Loss Insurance
- Use of Campus Facilities, Programs and Services
- Tuition Reimbursement

Summary Plan Descriptions of all benefit plans are available at the time of enrollment or may be obtained through the Office of People Services. Eligibility for coverage under these insurance plans varies dependent on the employee's enrollment date.

This section of the Employee Handbook lists some features of these benefit programs. Complete descriptions of these programs are contained in master contracts. In the event of any contradiction between the information appearing in these policies or in the summary plan descriptions and the information that appears in the master contracts or master plan documents, the master contracts and master plan documents govern in all cases.

The College may amend or terminate any of these employee benefit programs with or without prior notice or may require or increase employee premium contributions toward any of these benefits at its sole discretion. These reserved rights may be exercised even in the absence of financial necessity.

A current summary can be viewed at:

<http://www.berea.edu/people-services/files/2012/06/EmployeeBenefitsSummary12.pdf>

Revised: 2/2013

MEDICAL INSURANCE

Full-time and part-time regular employees of the College may purchase medical insurance. Employees are eligible to participate on the 1st of the month after date of hire, during the annual open enrollment period, or with evidence of a qualifying event. Please refer to the Summary Plan Description and Benefits Summary Brochure found here: <http://www.berea.edu/people-services/benefits/> for detailed

information about specific insurance provisions and current premiums. These benefits are subject to termination or change at any time.

CONTINUING OR CONVERTING YOUR INSURANCE COVERAGE

You and your eligible dependents may have the right to continue to participate in the College's group health insurance plans for 18 to 36 months at your expense, depending upon the nature of the "qualifying event," including but not limited to termination of your employment with the College or a reduction in work hours. Contact People Services regarding "COBRA" benefits if you have questions.

You also have the right to convert your group life insurance policy to an individual policy upon termination of your employment.

LIFE INSURANCE

A life insurance/accidental death and dismemberment policy is available for purchase by each employee on a cost-sharing basis with the College. This policy is effective on the first day of the month following 30 days after your date of hire, provided you decide to purchase the coverage.

As a newly hired employee, you are guaranteed the right to purchase life insurance regardless of any health issue or concern. If you choose not to enroll in the life insurance plan as a new hire, you may be required to submit evidence of medical insurability if you subsequently decide to purchase the life insurance. You may or may not be granted access to this policy by the insurance carrier.

In the event of your death as an employee of Berea College, your designated beneficiary will be paid an amount equal to 1 1/2 times your current base salary (rounded to the next higher \$1000), up to a maximum of \$250,000. Those employees working past age 65 should consult with People Services regarding age-related reductions in this policy. For further information on your life insurance and accidental death and dismemberment benefits, see your insurance plan booklet.

DEPENDENT LIFE INSURANCE

Full time and part employees who are eligible for and choose to purchase the Group Term Life Insurance policy for themselves, are also eligible to purchase one of four (4) different levels of Dependent Life Insurance on all their family members who qualify as dependents.

This insurance is offered to new hires without the necessity of providing evidence of medical insurability. Current employees who would like to enroll in this coverage should contact the Benefits Office at x3051 to obtain application forms to purchase this insurance.

The insurance commission does place regulatory requirements on how much dependent life insurance coverage can be purchased. The regulation that comes into play in this situation is as follows: it is not permissible for you to insure your spouse for MORE THAN 50% OF YOUR PERSONAL LEVEL OF COVERAGE under this type of employer plan. Therefore, if you earn LESS THAN \$33,333.34 per year, Option D is NOT AVAILABLE. If you earn MORE THAN \$33,333.34, you ARE ELIGIBLE to purchase this level of coverage.

LONG-TERM DISABILITY INSURANCE

Full time and part time regular employees are eligible to be enrolled in the Long Term Disability Insurance Plan after six (6) full months of employment. This plan provides a benefit of 60% of salary (inclusive of Social Security or Workmen's Compensation) in the event of total disability. (Partial disability benefits are also available in the event the employee is able to work on a reduced work schedule but cannot work full time.) Claims for disability are filed with the insurance carrier; benefits may commence after six (6) months after the onset of the disability. The full cost of this coverage is paid by the College.

The insurance company underwriting and administering this coverage will be solely responsible for any disability determination or decision. All claims are determined by the insurance company, not Berea College.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

In an effort to assist College employees in balancing life's many issues, free confidential counseling services are provided to all employees. The EAP is very helpful in assisting individuals in dealing with personal problems that often interfere with peace of mind and the ability to enjoy work or time away from work. The EAP provides you with a professional, objective person with whom you may share your thoughts and concerns in a private setting. Go to <http://www.berea.edu/people-services/benefits/> to learn how to access this service.

FLEXIBLE SPENDING ACCOUNTS

The College provides a program whereby employees have a flexible and convenient method to use tax-sheltered dollars to pay for their personal share of healthcare costs and/or child and dependent care expenses. These two benefit options are called Flexible Spending Accounts (FSAs). They are designed to increase your disposable income by reducing the amount of taxes you pay.

The "FLEX" Plan year is July 1 to June 30. When you enroll in one of the FLEX plans, you choose to have a specific amount of your annual salary withheld from each of your paychecks and deposited into a FSA. These withholdings are on a pre-tax basis (before federal and state income taxes are levied on your wages).

Newly hired employees may enroll immediately. Current employees are eligible to enroll during the annual open enrollment period or with evidence of a qualifying event.

DENTAL INSURANCE

Full and part-time regular employees of the College may purchase dental insurance. Employees are eligible to participate on the 1st of the month after date of hire, during the annual open enrollment period, or with evidence of a qualifying event. Please refer to the Summary Plan Description and Benefits Summary Brochure found here: <http://www.berea.edu/people-services/benefits/> for detailed information about specific insurance provisions and current premiums. These benefits are subject to termination or change at any time.

BEREA COLLEGE CHILD DEVELOPMENT LAB (CDL)

High quality, childcare services are available to faculty, staff and students for children ages 6 weeks through third grade. Although fees are based on full time enrollment, children who attend school are charged a reduced rate. Administratively housed with the Department of Child and Family Studies, the CDL also serves as a learning laboratory for College students.

All full-time and part-time employees are eligible immediately after date of hire and children are admitted on a space-available basis.

Although the College subsidizes this educational facility, employees have a weekly charge for these services. Information regarding current rates and the application process are available from the CDL at 985-3620. Employees are required to utilize payroll deduction for childcare expenses and are encouraged to participate in the Dependent Care Spending Account (Flexible Spending Account) to maximize their tax savings.

SEABURY CENTER MEMBERSHIP

As a full time or part time employee of the College, you, your spouse and dependents are provided with a free membership to an outstanding fitness and recreation center. This \$10.6 million facility, completed in 1995, has a championship basketball court, championship volleyball courts, an indoor natatorium, five racquetball courts, an indoor track, and separate cardio and weight training areas. Externally, the center has 11 tennis courts, and a well maintained outdoor track.

Membership and locker rentals are available by contacting x3428 or the Center director at x3423.

RETIREMENT PLAN HIGHLIGHTS

The following is a brief outline of certain highlights of the College's Retirement Plan. You should not rely on these highlights as a complete description of the Plan. Rather, you should take the time to read the Summary Plan Description and keep it with your other important papers.

The Berea College Retirement Plan is a defined contribution plan that operates under Section 403(b) of the Internal Revenue Code. The Plan was established on October 1, 1922, for the purpose of providing retirement benefits for participating employees.

Benefits are provided through:

- A. Teachers Insurance and Annuity Association (TIAA) and
- B. College Retirement Equities Fund (CREF), a companion organization providing variable annuities.

Eligibility

All full time and part time regular employees are eligible for this benefit. Temporary or "leased" employees are not eligible for participation. You will begin participation in the Plan on the first day of the month after you fulfill the following requirements:

- You complete one year of service at the College;
- Years of service with other educational organizations will be counted for satisfying this requirement.
- Former College employees who are reemployed, and who previously completed the service requirement for Plan eligibility prior to terminating their employment, will begin participation in the Plan immediately after re-employment if working in a full time or part time regular position.

Participant Contributions

- For 2013, pre-tax contributions may not exceed \$17,500. (Employees who are over age 50 are eligible to contribute up to an additional \$5,500 annually.)
- Participants may make after-tax contributions in addition to pre-tax contributions.
- Participants may also make qualifying rollover contributions.
- Contribution amounts may be changed once per month.

Employer Contributions

When you begin participation in the Plan, contributions will be made automatically to the funding vehicles that you've chosen. The contributions are based on a percentage of your compensation, according to the schedule shown below. If you participate in the Plan for only part of a year, your allocation will be based on the portion of compensation earned during the period in which you participate.

Plan Contributions as a Percentage of Compensation

By the College 8%

Vesting

You are fully and immediately vested in the benefits arising from contributions made under this Plan. Such amounts are non-forfeitable.

Loans

Loans from the Plan are permitted. Contact your TIAA-CREF representative at 1-800-842-2776 for more information about securing a loan and your responsibilities for repayment.

Revised: 2/2013

Distributions

All distributions of Plan funds are governed by the Summary Plan Description. The normal retirement age under the Plan is age 65. You may begin to receive retirement income at any time, which may be either earlier or later than the normal retirement age. If you begin receiving benefits under this Plan before termination of employment, no further contributions will be made on your behalf.

Administration

The Plan is administered by the College through the Office of People Services and is responsible for Plan operation.

This summary contains only highlights of the Plan and is not intended to constitute a summary plan description. You should refer to the Summary Plan Description for further detail regarding the Plan.

Revised: 2/2013

WORKERS' COMPENSATION INSURANCE

The College complies with state laws requiring Workers' Compensation coverage. In the event you have an injury covered by Workers' Compensation, the amount of benefits payable and the duration of payment depend upon the nature of your injury or illness. If you are injured or have a work-related illness while on the job, you must immediately report this injury or illness to your supervisor, to the Office of Public Safety (contact x3333) and to the Office of People Services (contact x3051) so that the College can assist you in contacting the Workers' Compensation insurance carrier. You are required to notify the College within 48 hours of any work related accident or injury.

UNEMPLOYMENT INSURANCE

Unemployment insurance is funded entirely by the College. The purpose of this insurance is to provide assistance to those employees who have lost their job through no fault of their own. An example would be if you were laid off or if your position were to be eliminated. Unemployment compensation is not automatic, nor is the payment of benefits a decision made by the College. Any right to collect benefits is determined by the State Unemployment Insurance Division and its staff.

PROFESSIONAL LIABILITY AND PERSONAL LOSS INSURANCE

All members of the professional and support staff are protected by a variety of institutional insurance policies. In the performance of professional or institution responsibilities every member of the staff is covered by general liability insurance in the event of suit against the individual or the College. Statutory workman's compensation covers every employee for work-related injuries. Subject to policy conditions and limitations, the loss by fire, theft, or other peril of a teaching faculty member's personal property located on campus is covered. While traveling on College business on a commercial carrier, all employees are covered by a travel accident policy.

Automobile insurance is carried on all College-owned vehicles, and this insurance protects any employee driving such a vehicle on College business. If an employee is using his or her own vehicle on College business, and has an accident, the individual's personal insurance has primary coverage. The College's insurance is applicable if, and only to the extent that, claims for bodily injury and property damage exceed the limits of the individual's own coverage.

For current information about the level of coverage, conditions and limitations, contact the Office of Business and Administration. *Revised: 2/2013*

USE OF CAMPUS FACILITIES BY OFF-CAMPUS GROUPS

Throughout the academic year and the summer the campus is a popular place for off-campus groups to hold conferences, continuing education activities, workshops, camps, and other meetings. There are more requests for such use of campus space each year than the College can accommodate. The planning, administration, and coordination of these activities is done by the Office of Special Programs. The Director of that office handles all such requests, schedules those events that can be arranged, and insures that campus facilities and other resources are not overextended.

Any member of the faculty or staff involved with a group interested in holding an event on the campus should consult with the Director about availability of space and related matters. The Director's approval is necessary before any commitment is made. In setting fees for the use of College facilities, a distinction is made between College-sponsored events and those not sponsored by the institution.

EDUCATIONAL OPPORTUNITIES FOR COLLEGE EMPLOYEES AND THEIR DEPENDENTS

Berea College Coursework for Employees

The opportunity to enroll in academic courses is consistent with the College's commitment to create a continuous and integrated learning environment. Full time employees may apply to take one Berea College course per semester, excluding short term. The application and approval process should begin with a discussion between the employee and her/his immediate supervisor to see how, or if, taking a course might be accommodated on *non-work* time. The next step is for the employee to obtain and

complete an application form available through the Student Services Department. Written approval by the immediate supervisor and the divisional vice-president is required prior to the commencement of the course. (Please note that due to the business needs of the College, it may not be possible to grant all requests submitted.)

All credit-bearing courses taken *as an employee* may count toward a Berea College degree. Unlike other non-degree students, employees seeking a degree may request entry into a closed class; additionally, they may register ahead of other non-degree students.

Employees who receive approval to take courses are responsible for the costs of their books, course fees and related expenses. The Student Service Center is available to answer fee-related questions.

Admission to Berea College for Degree-Seeking Dependents

Dependents of full time staff members must meet the College's academic requirements, apply for admission in a timely manner, and may be admitted to the College regardless of demonstrating the financial need. Those dependents accepted for admission are required to reside on campus and are responsible for all books, fees, related expenses and room and board charges.

Dependents of full time staff members may also enroll as non-degree students without being residents of Madison County or adjacent counties. Cost of books, course fees and related expenses are the responsibility of the individual.

Tuition Exchange Programs for Dependents of Berea College Employees

All employees of Berea College who work in a full-time regular appointment are eligible to apply for participation for their children in a tuition exchange program sponsored by the Council of Independent Colleges (CIC) or for participation at a limited number of Co-op member institutions within the Tuition Exchange (TEP) program. The CIC exchange includes approximately 380 institutions across 40 states. All full-time regular employees who have worked for the College a minimum of three years are also eligible to apply for participation at any of the institutions in the Tuition Exchange program including 600 institutions in 47 states.

Both the CIC and TEP programs consist of a network of colleges and universities willing to enroll, on a competitive basis, students from families of full-time employees of other participating institutions (full-time as designated by the employer/institution) with tuition remission. In some cases, participating institutions within the Tuition Exchange program whose tuition costs are in excess of \$29,000 may restrict remission to that amount. No such remission limit exists within the CIC tuition exchange program.

Specifically, each institution in the network agrees to accept (import) an institutionally derived number of students from other colleges on the same admission basis as they accept all other students. Students are typically responsible for all non-tuition charges—room, board, books and fees—at the institution in which they enroll (host institution), although some institutions provide additional incentives by waiving part or all of the room and board costs, as well as tuition, for a qualifying student.

The Tuition Exchange Program is limited to a maximum of two years. The Co-op Program is available for four years of participation and there is no waiting period for new employees. Some restrictions apply at various participating institutions, so it is advisable to begin the process of inquiry with the Berea's Director of Financial Aid at the earliest point of interest.

Students must also complete the admissions process to the schools they wish to attend. Normally, students aren't selected for the tuition exchange programs until they have completed all admission requirements. To find more about each program please follow the links below. No password is needed to view either of the programs.

Tuition Exchange Inc. Program - <http://www.tuitionexchange.org/schools.cfm>
Council of Independent Colleges <http://cic.edu/Programs-and-Services/Tuition-Exchange-Program/Pages/About-TEP.aspx>

6 CHAPTER – STAFF EMPLOYEE CONDUCT

INTRODUCTION

The College has adopted standards of conduct entitled Workplace Expectations. These standards describe the work-related behavior expected of all employees. College management staff may interpret these standards as necessary in order to administer them fairly, efficiently and in the best interest of the College. Violations of these standards of conduct may result in disciplinary action, up to and including immediate termination.

WORKPLACE EXPECTATIONS

As a continuous learning environment built upon Berea's Great Commitments and Common Learning Goals, Berea College expects all workers "to be active learners, workers and serves," and seeks to be a place where the Christian values of human compassion, dignity, and equity are expressed and lived.

Therefore, workers are expected to:

I. Exhibit Enthusiasm for Learning

Striving to learn and to grow both intellectually and personally so everyone is a learner and everyone is a mentor.

Sample Indicators:

- ✓ Learns new things in various ways, both formal and informal, that assist in professional and personal growth.
- ✓ Demonstrates and applies newly learned skills and abilities.
- ✓ Shares knowledge in useful ways with co-workers.
- ✓ Contributes to a workplace environment that encourages continuous learning.

II. Act with Integrity and Caring

Exhibiting honesty, trustworthiness, and compassion in one's work and relationships.

Sample Indicators:

- ✓ Does what the person said he or she would do and demonstrates an ability to say no when it is appropriate to do so.
- ✓ Actions match words.
- ✓ Exhibits trust and can be trusted by others.
- ✓ Shows concern for others.

III. Value all People

Working to create an inclusive and respectful workplace that models the Great Commitments and seeks to find the best in all people.

Sample Indicators:

- ✓ Appreciates and works well with those different from oneself.
- ✓ Strives to create a workplace and campus where everyone feels welcome.
- ✓ Respects others' opinions and considers all viewpoints even when there are disagreements.
- ✓ Expresses concern for getting work completed and balances that concern with the goals and feelings of others.

IV. Work as a Team

Developing collaborative and team oriented abilities that will create a community of mutual respect, common vision, and shared accomplishments.

Sample Indicators:

- ✓ Encourages collaboration while assisting in the development of independent thinking.
- ✓ Actively listens to understand the views of others.
- ✓ Respects and considers the views of others.
- ✓ Recognizes and builds on all team member's strengths.
- ✓ Assists team members in achieving goals that support the mission of the College.

V. Serve Others

Nurturing a climate of excellence in service that is responsive to others' needs.

Sample Indicators:

- ✓ Identifies who is served by one's work, anticipates their needs, and delivers services in a professional manner to meet and exceed those needs.
- ✓ Seeks input from others, including those served, in order to improve the work and its processes.

VI. Encourage Plain and Sustainable Living

Promoting a sustainable way of life through policies, procedures and practices in the workplace.

Sample Indicators:

- ✓ Demonstrates responsible stewardship of all resources.
- ✓ Encourages processes that sustain the environment.
- ✓ Considers both natural and technological alternatives.

VII. Celebrate Work Well Done

Striving for excellence in all aspects of work and celebrating individual and collective accomplishments.

Sample Indicators:

- ✓ Looks for and implements better ways of working.
- ✓ Takes pride in work well done.
- ✓ Shares credit for accomplishments with the entire team.
- ✓ Acknowledges and expresses appreciation to co-workers for work well done.

With the Workplace Expectations serving as the model for how employees should conduct themselves on campus, it is usually helpful to also delineate types of behavior that are unacceptable in our workplace. These include, but are not limited to, the following behaviors/actions: falsifying employment or other College records; violating the College's nondiscrimination or anti-harassment policies; excessive absenteeism or tardiness or leaving work without authorization; reporting to work under the influence of alcohol or non-prescribed drugs or the manufacturing, possessing, distributing or transporting of illegal drugs; fighting or gambling on duty; using obscene, abusive or threatening language or gestures in the workplace; theft of property from the College, its clients or staff; possession of firearms on the College's premises or while on College business; insubordination; failure to complete work assignments satisfactorily; disclosure of confidential information about the College, its clients, its staff, students or donors; misuse of College funds; damaging or destroying College equipment or property; disregard of safety or security rules; excessive use of College telephones for personal use or excessive use of personal cell phones while on work time.

CONSENSUAL RELATIONSHIP POLICY

In their relationships with students, it is expected that faculty and staff members will conduct themselves with the highest level of professionalism. An open, fair, and effective educational environment

depends on the respect of all members of the community for the appropriate roles of those who work and learn together. Accordingly, where they have direct and formal professional responsibilities (including, but not limited to teaching, advising, supervising, coaching, and evaluating in any way), faculty and staff members are prohibited from engaging in a consensual relationship (romantic or sexual) with a Berea College student. Even in the absence of such direct and formal responsibilities, consensual relationships between faculty/staff members and students may adversely affect the College's learning environment and are strongly discouraged.

Approved by the General Faculty Assembly and the Board of Trustees, May, 2011.

Procedures: See Procedures for Reporting, Investigating, and Hearing Alleged Violations of Certain College Policies.

ABSENTEEISM AND TARDINESS

Every member of the campus community fills a role that has been determined to be essential to the College. The College expects all employees to be responsible in their attendance and promptness. Recognizing that illness and injuries do occur, the College has established sick leave, family and medical leave and long-term disability policies to compensate employees for certain time lost for legitimate medical reasons. (Family Medical leave is addressed in depth in a separate section of this Handbook.)

All employees are expected to be prompt in reporting to work and returning from meal breaks or other absences from the workplace. An employee who anticipates being late in reporting or returning to work must call his or her supervisor.

Should you be unable to work because of illness, you must notify your supervisor no later than 9:00 a.m. on each day of your absence, unless you are granted an authorized medical leave, in which case different notification procedures apply. Failure to properly notify the College results in an unexcused absence. Any employee who is absent for three (3) consecutive working days without proper notification to the employee's immediate supervisor will be deemed to have voluntarily quit his or her employment.

If you are excused for an absence of more than three (3) consecutive work days, the College may require a fitness-for-work statement from a physician before you will be permitted to return to work. In such instances, the College reserves the right to require you to submit to an examination by such physician as the College may designate. In addition, the College may require you either to submit a statement from your physician or to be examined by the College designated physician, in instances including, but not limited to, where abuse of the sick leave policy is suspected.

Excessive absenteeism or tardiness, as determined in the judgment of the College, shall be grounds for disciplinary action, up to and including dismissal.

TELEPHONE PROCEDURES

When you call any place of business as one of its current or potential customers, you expect courtesy, and this affects your feelings about that business as a whole. Likewise, our students, visitors, friends and donors judge us by our courtesy in answering the telephone, taking messages and conversing on the telephone. Often the telephone is the only contact that other persons have with us, and courteous telephone calls will always greatly enhance the College's image and success.

Therefore, when answering the telephone you should:

- Answer all calls promptly and pleasantly; keep a smile in your voice.
- Always identify yourself when you answer.
- Take messages when appropriate.
- Make inquiries tactfully.
- Give your undivided attention to the caller.
- Avoid unnecessarily long conversations.
- Treat the telephone as one of your most valuable business tools.

While personal telephone calls are essential from time to time, they should be held to an absolute minimum in order to maintain the business interests of the College as the primary focus while we are at work. Personal long distance calls are not permitted and are in violation of College policy. Personal cell phones should be turned off while at work so as not to distract or disturb other staff or the business of the College. If you need to make a personal call during the day, it should be made on your break or at lunchtime.

CONFIDENTIALITY OF INFORMATION

It is the policy of the College to ensure that the operations, activities, and business affairs of the College and our clients and donors are kept confidential to the greatest possible extent. If, during the course of their employment, employees acquire confidential or proprietary information about the College and its students, faculty, staff, alumni, donors and vendors, such information is to be handled in the strictest confidence and not to be discussed with outsiders. Employees are also responsible for the internal security of such information and should supply that information only on a “need to know” basis.

Employees are required to sign a statement of confidentiality at the time of hire and periodically throughout their terms of employment to acknowledge their awareness of, and reaffirm their commitment to, this policy. All employees must be mindful of the requirements under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) which is a Federal law that protects the privacy of student education records.

SOLICITATION AND DISTRIBUTION OF LITERATURE

In the interest of maintaining a proper business and educational environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time. Employees who are not on working time (e.g., those on lunch hour or breaks) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. Furthermore, employees may not distribute literature or printed material of any kind in working areas at any time.

Non-employees are prohibited from distributing material or soliciting employees on College premises at any time.

The College does support and endorse periodic fund-raising efforts for the United Way, Berea College and Habitat for Humanity. Any such fund-raising must be specifically approved by the President of the College or designated member of the Administrative Committee.

HEALTH SAFETY AND SECURITY

The College is committed to providing a safe and healthful working environment. In this connection, the College makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

Public Safety staff members are available 24-hours per day to ensure the safety and security of the staff, students and visitors on our campus. The Emergency Phone Number is extension **3333** for all on campus emergencies. Additionally, the department is linked with the local 911 system in the event of a medical, police or fire safety emergency. Public Safety staff members should be contacted in the event of a work related accident or illness and will assist employees in completing a First Report of Injury. The Office of Public Safety is located in Woods-Penniman near the Crossroads Café.

College vehicles are maintained through the Office of Public Safety and are available for approved travel and student activities on a reservation and availability basis. (Motor Pool rules and regulations are available by calling x3333.) Additionally, safe driving courses are provided by this department and, in certain instances, are required.

The College's health policy is aimed at minimizing the exposure of our employees, customers, and other visitors to our facilities to health or safety risks. To accomplish this objective, all College employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The responsibilities of all employees of the College in this regard include:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries;
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor;
3. Reporting unsafe conditions, equipment, or practices to supervisory personnel;
4. Using safety equipment provided by the College at all times;
5. Observing conscientiously all safety rules and regulations at all times;
6. Notifying their supervisors, before the beginning of the workday, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them and their coworkers.
7. In appropriate circumstances, attending College sponsored safety classes.

The Office of Environmental Health and Safety is another resource for College staff and may be reached at the following numbers: x3350 or x3246.

VOLUNTARY TERMINATION OF EMPLOYMENT

Employees desiring to terminate their employment relationship with the College are urged to notify the College at least two weeks in advance of their intended termination for a non-exempt staff member and at least 4 weeks for an exempt staff member. Such notice should be given in writing to your supervisor and department head. Proper notice generally allows the College sufficient time to calculate all accrued vacation (if applicable) as well as other monies to which you may be entitled and to include such monies in your final paycheck.

Employees who plan to retire are urged to provide the College with a minimum of two months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

WORKPLACE VIOLENCE

The safety and security of Berea College employees and its visitors is of vital importance to the College. Therefore, acts or threats of physical violence including, but not limited to, intimidation, harassment or coercion, which may be directed towards another employee, visitor, or student or affect the College or occur on College property, shall not be tolerated. Weapons are prohibited on College property except as provided for under KRS 527.020(8). Any employee who is found, after a proper investigation, to have been in violation of this policy shall be subject to disciplinary action, up to and including termination of employment.

SOLICITATION OF FUNDS

Berea conducts an extensive and continuous program of fund-raising. To maintain the coherence and effectiveness of these efforts, all fund-raising activities are centralized and coordinated in the Office of the Vice President for Alumni and College Relations. This is done to prevent an awkward situation in which two college representatives approach the same individual, foundation, or other donor and, in effect, begin to compete for a gift.

The development effort seeks to take full advantage of the ideas and contacts of faculty members. Suggestions are welcome and active participation in useful ways encouraged. Faculty are strongly urged, however, not to approach potential donors or engage in other fund-raising activities without first conferring with appropriate persons in the College Relation's Office.