

# **MORNINGSIDE UNIVERSITY'S MISSION & VISION PHILOSOPHY**

The University is rooted in a strong church-related, liberal arts tradition with a curriculum embracing several professional and pre-professional programs of study in addition to broad curricula in the Arts, Humanities, Natural and Social Sciences. As a Liberal Arts University related to the United Methodist Church, the Christian tradition gives meaning to the tasks of teaching and learning. Thus, the academic and co-curricular programs of the University involve more than accumulation of knowledge and learning job skills. The process of education at Morningside assumes further that:

1. The world is an arena of personal freedom and social responsibility;
2. Education for life and career integrates the intellectual, moral, spiritual, physical, and cultural dimensions of human existence;
3. The acquisition of knowledge and skill is part of a larger commitment to the task of bringing about a more just and humane world;
4. Learning incorporates care for one's fellow human beings and for the natural environment.

## **STATEMENT OF MISSION**

The Morningside University experience cultivates a passion for life-long learning and a dedication to ethical leadership and civic responsibility.

## **VISION STATEMENT**

The University is a student-oriented participatory community, offering liberal arts curriculum combined with a diverse array of practical experiences. The goal is the development of the whole person through an emphasis on critical thinking, effective communication, cultural understanding, practical wisdom, and ethical action. The Morningside University graduate is equipped for both personal and professional success.

## **INTRODUCTION**

This handbook has been prepared to help you understand the policies of Morningside University and acquaint you with your benefits, rights, privileges, and responsibilities as a member of the Morningside community. The following outline is to be used primarily as an administrative and staff tool to formalize the procedures for those responsible in directing the program. All personnel are eager to make your work at Morningside both pleasant and rewarding.

## TITLES AND NAMES

The following is a current list of names of employees in the positions which are mentioned in this handbook. Updates will be provided as needed.

President of Morningside University Lewis Hall - 118. . . . . x5100	Mr. John C. Reynders
V.P. for Academic Affairs Lewis Hall - 116. . . . . x5103	Dr. Christopher Spicer
V.P. for Business and Finance Lewis Hall - 102. . . . . x5128	Mr. Ronald Jorgensen
V.P. for Student Life/Enrollment Lewis Hall - Student Services..x5259	Ms. Terri Curry
V.P. for Institutional Advancement Lewis Hall - 120. . . . . x5450	Ms. Kari Winklepleck
V.P. for University Engagement Krone Advising Center. . . . x5411	Ms. Erin Edlund
Associate V.P. for Institutional Research & Director of Financial Planning Lewis Hall . . . . . x5272	Ms. Karen Wiese
Equal Employment Officer Lewis Hall - 102. . . . . x5142	Mr. Ronald Jorgensen
Title IX Officer Lewis Hall - 116 . . . . . x5103	Dr. Karmen Ten Napel
Athletic Department Receptionist HPER Center. . . . . x5223	Ms. Wendy Wilde
Director of Campus Safety & Security HJF Learning Center - 109 . . . . x5234	Mr. Brett Lyon
Director of Human Resources Lewis Hall - 103B . . . . . x5114	Ms. Cindy Welp
Payroll/Administrative Coordinator Lewis Hall – 102. . . . . x5142	Ms. Brenda Woodbury
Director of Physical Plant Maintenance Building . . . . .x5113	Mr. Jason Reynoldson
Director of Admissions Lewis Hall – 106. . . . . x5261	Ms. Stephanie Peters

Dean of Students  
Lewis Hall – 219. . . . . x5103

Dr. Karmen Ten Napel

Tuition Exchange Liaison Officer  
Lewis Hall – 206. . . . . x5272

Ms. Karen K. Wiese

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## **I. GENERAL COMMENTS**

### **ADMINISTRATIVE AND STAFF PERSONNEL POLICY HANDBOOK**

This handbook (which is subject to revision from time to time) is not necessarily up-to-date at all times. Therefore, all employees must abide by the most recent policy decisions, even though they may not be printed in this handbook. Further, it should be stated that this is a summary and many of the items listed here are amplified and/or supplemented in the University catalog and by other documents prepared by the administration. Such changes may take effect whenever the administration makes its decision, and this may be before the handbook can be republished. Any changes in the handbook will be made known to you by administrative memo or handbook revision or other appropriate notices. Policies with the most recent revision date will be binding. In all cases, the most recent official statement of the University establishes the current binding policies; and since this handbook is not reprinted with every change of policy, you may have to check with your department supervisor as to the policy in force at the moment.

### **DEFINITION OF EMPLOYEES COVERED BY HANDBOOK**

All employees other than faculty and students.

### **NONCONTRACT CLAUSE**

**THIS HANDBOOK AND THE BENEFITS AND POLICIES SET FORTH NO WAY CONFER ANY CONTRACTUAL BENEFITS TO THE EMPLOYEE. AS AN EMPLOYEE "AT WILL" YOU HAVE THE RIGHT TO END YOUR EMPLOYMENT WITH THE UNIVERSITY AT ANY TIME FOR ANY REASON. BY THE SAME TOKEN, THE UNIVERSITY HAS THE RIGHT TO TERMINATE YOUR EMPLOYMENT AT ANY TIME FOR ANY REASON.**

## MORNINGSIDE UNIVERSITY ADMINISTRATIVE/STAFF COUNCIL

The Administrative/Staff Council was established to provide a forum for representatives of University Administrative/Staff personnel from all departments on campus to facilitate communication between the administration and employees.

It does not establish policy, replace other avenues of communication, nor does it resolve individual grievances but it is called upon to furnish staff input and recommendations on matters which concern Administrative/Staff employees at Morningside University.

### ORIENTATION

Morningside University recognizes the importance of an informed employee and therefore has developed a 3-phase orientation program. As a new employee you will receive:

- **Human Resources Orientation:** This orientation includes a general personnel policy orientation.
- **Employee Benefits Orientation:** During this orientation information and forms are provided for you to sign up for benefits such as health and life insurance for yourself and for eligible family members. It will also be necessary to fill out various tax deduction forms.
- **Departmental Orientation:** Your supervisor will discuss details relating to your specific key responsibilities and departmental policies. This orientation generally is completed on the day you report to your department.

## MORNINGSIDE UNIVERSITY HUMAN RESOURCES

Human Resources functions to serve the best interests of both the employees and the University. The Vice President for Business and Finance and staff are responsible for implementing Human Resource Policies. They also handle recruiting, position classification, wage and salary administration, orientation, training, employee records, and employee relations.

If you need any information or counsel, members of the Human Resources staff are available to provide assistance. Contact Human Resources in Lewis Hall for assistance at 274-5114.



## **II. UNIVERSITY EMPLOYMENT GENERAL CONDITIONS OF EMPLOYMENT**

Morningside University recognizes its legal and moral obligation to provide an environment in which an opportunity for employment is available to all qualified individuals without discrimination on the basis of age, sex, religion, creed, race, color, gender identity, sexual orientation, marital status, disability, genetic information or national origin.

The University also commits itself to maintaining on a nondiscriminatory basis the conditions for continuing employment and for individual advancement within the job structure of the University.

As an employee of Morningside University, you will have the opportunity to contribute to the instructional, and research activities of the University.

Any employee or group of employees has the right, without discrimination or retaliation, to discuss with their supervisor(s) and/or the Vice president for Business and Finance the terms of their employment or working conditions.

Occasionally, the University, just as any other large organization, has to make decisions without prior consultation with its employees.

The University must, therefore, maintain exclusive discretion to exercise the customary functions of management including, but not limited to, the discretion to select, hire, promote, transfer, demote, suspend, dismiss, assign, supervise, and discipline employees; to determine the work schedule; to determine the sizes of and composition of the work force; to establish, change and abolish policies, procedures, rules and regulations; to determine and modify job descriptions and job classifications; to assign responsibilities to employees, and to establish and change salary and wage rates in accordance with needs and requirements determined by the University.

### Persons with Disabilities

The University will make reasonable accommodations in accordance with the Americans with Disabilities Act, Amended 2008. An employee who believes that he or she needs reasonable accommodations should contact his or her supervisor or the Director of Human Resources.

Responsibility for administration of the policies and rules herein set forth is delegated by the President to the Vice President for Business and Finance.

## **EMPLOYEE STATUS CATEGORIES**

Employment status will be established at the time of employment as follows:

- I. **Full-Time**  
Full-time employees are regularly scheduled to work an average of 36 hours or more per week.
- II. **Part-Time**  
Part-time employees are regularly scheduled to work 29 hours or less per week but greater than or equal to 20 hours per week.
- III. **Casual Part-Time**  
Casual part-time employees are regularly scheduled to work an average of less than 20 hours per week.
- IV. **Temporary Employees**  
Temporary employees are specifically hired for a limited period of time and are expected to work less than 1,000 hours per year.
- V. **Seasonal Employees**  
Seasonal employees are hired for a specified period of time, event or term, such as an athletic season. Seasonal employees may work variable hours over the course or term of their employment.

Full-time and part-time employees may be eligible for certain fringe benefits as described in this handbook. Casual part-time seasonal and temporary employees generally are not eligible for fringe benefits. All employees may be eligible for certain legally mandated employee benefits, such as workers' compensation and coverage under the Affordable Health Care Act.

## **EMPLOYEE CLASSIFICATIONS**

### **Administrative Employee**

These are employees who are exempt from minimum wage and overtime requirements under the Fair Labor Standards Act.

"A Test for Exemption" form must be completed and returned to Human Resources for a new employee to be considered an administrative employee. This shall also be done anytime an existing staff level employee is changed to an administrative level.

### **Staff Employee**

Employees who work in non-exempt jobs as defined under the Fair Labor Standards Act, and qualify to receive time-and-a-half for all time worked during the week which is in excess of 40 hours.

## **EMPLOYMENT RECRUITING PROCEDURES**

Whenever an opening occurs within any department, the Human Resource Office needs to be notified. Once notification has been received the University's Administrative and Staff Employment Procedures Policy will be followed. A copy can be requested from Human Resources.

## **INTERIM APPOINTMENTS**

In order to promptly cover vacancies in a department's senior supervisory positions, and pending recruitment and selection efforts, it is occasionally necessary to give subordinate employees acting or interim appointments. Acting/interim appointments may be for a specific term or on a month-by-month basis. Employees who are given an appointment to a higher pay level may receive a temporary increase in compensation for the newly assigned responsibilities. When the acting/interim period is completed, the salary adjustment will be removed. These administrative appointments will be approved by the respective Vice President. Any salary adjustment of current salary for acting/interim appointments will require the approval of the President. Typically, interim appointments will not extend beyond six months in length.

## **EMPLOYMENT ELIGIBILITY VERIFICATION**

Form (I-9) The Immigration Reform and Control Act requires that all newly employed individuals provide documents that establish identity and employment eligibility and complete an I-9 form. The University will employ only U.S. citizens and aliens authorized to work in the United States. Failure to comply with the provisions of the act will result in immediate termination of employment.

## **WORKING HOURS**

Regular University office hours are 8:00 a.m. to 5 p.m., Monday through Friday. These times may vary depending on your departmental schedule or your position.

It may be necessary for you to work outside your normal schedule because of emergency situations. If you have any questions concerning your work schedule, please direct them to your department supervisor.

You might occasionally be required to work more than 40 hours in a week. The additional hours you work over 40 hours would be overtime work, and you will receive overtime pay, unless you are in a position which is exempt from overtime.

Overtime must be approved in advance by your supervisor.

## **ATTENDANCE AND LATENESS**

We expect each of our employees to report to work on time and continue to work until the end of each work-day. An unsatisfactory attendance record, frequent lateness, and long breaks may be cause for disciplinary action up to and including termination. Your attendance record can also be a significant factor in evaluating you for raises and promotions. When you are going to miss work or be late it is required that you notify your supervisor as soon as possible stating your reasons for missing work or being late. Failure to call in for three or more days in a row may make you subject to termination.

## **WORK WEEK**

The University work-week runs from Sunday through Saturday.

## **LENGTH OF SERVICE**

Your Length of Service is the period of continuous employment since the first date you started at Morningside University. Length of Service is a primary factor in deciding some benefit levels. A former employee re-employed after a break in service, of not more than five years, shall be given credit for previous service with the University for purposes of determining service awards.

The amount of credit depends on the type of benefit and the length of the break in service. Please refer to the specific benefit area in the handbook for more details.

## **EMPLOYMENT AND TERMINATION DATES**

### **Employment Date**

The employment date for a new employee is the first date on which that employee works. Holidays are not considered to be scheduled working days.

### **Termination Date**

The termination date for an employee is the last date on which that employee works. Holidays are not considered to be scheduled working days.

## **CALL - BACK WORKTIME**

Employees who are called back to work outside their regular schedule are guaranteed at least two hours of work (unless they are exempt from overtime). This does not apply when an employee still at work is asked to continue working past the normal quitting time.

## **WORK BREAKS**

If your work situation permits, your supervisor may authorize two 15-minute breaks, one in mid-morning and one in mid-afternoon. During the break period you may leave your work area if you have the approval of your supervisor. Where it is necessary to have someone on duty at all times, care should be taken to see that your work assignments are covered. The needs of the job must be met first, and in some cases breaks are not possible. You may not forego breaks to accumulate extra time off in the future.

## **LOST AND FOUND**

Any items lost or found should be reported to the cashier's window at the Business Office in Lewis Hall.

### **III. SALARY ADMINISTRATION**

#### **JOB ASSIGNMENT & DESCRIPTION**

The person who will be your supervisor will explain the exact nature of the job to which you will be assigned. The duties, responsibilities, and opportunities connected with that particular position will be carefully explained to you so that subsequent misunderstandings will be minimized. If you are reading this handbook as a prospective employee, we suggest that you study it thoroughly before accepting employment with Morningside University.

Although you will be given a job description of your position, additional duties not included in the job description may be assigned. It is the nature of a University environment that various jobs have periods during which the work load comes to a peak. Hence, it is in the best interest of the institution to keep the job descriptions fairly broad. Even though a certain area of work has been designated as your responsibility, it is expected that you will willingly accept such other duties that may from time to time be assigned to you when the need arises. Also, other persons may be asked to help you when your work-load is temporarily heavy.

#### **SALARY PLAN OBJECTIVES**

In order to attract, retain, and motivate well-qualified employees, the objectives of the University's salary administration program are to:

- a) Set salaries that are equitable among all employees considering each individual's responsibilities; knowledge, skills, abilities; and performance in the work place.
- b) Set salary ranges for all jobs which in the aggregate are as near competitive with salaries paid for like jobs by other employers in appropriate geographic areas to the extent permitted by available funds.
- c) Ensure that salary decisions provide equity across all employee subgroups identified by age, sex religion, creed, race, color, gender identity, sexual orientation, disability, genetic information, or national origin.

The pay of individual employees will be based on one or more of the following: pay structure, job evaluations, position classifications, and the compensable characteristics that the individual brings to the job as described in this section. All employee salary decisions must be approved in advance by the President.

#### **SALARY**

Your beginning salary will be discussed with you at the time you are offered employment. The rate shall be based on the responsibilities associated with the job and your qualifications to meet these responsibilities.

Since the University operates under a restrictive budget, it is difficult to match those offered in private industry in certain job classifications. Subsequent salary adjustments may be made as follows:

- Straight percentage - such as cost of living.
- Merit as evidenced by your work and attitude during the previous year.
- Promotion

## **PARTIAL PAY CALCULATION**

Pay calculation for 12 month employees: to determine a daily rate for 12 month salaried employees take the annual salary divided by 2080 hours in a year gives you the hourly rate. Multiple the hourly rate by the number of hours worked each day for that month to obtain the partial pay.

Ten month employees: Appointments for the academic year for faculty begin on September 1 and pay would cease at the end of February for faculty that resign at the end of the semester in December. New appointments for the spring semester would begin January 1. Appointments for the academic year end on May 31, but pay would be continue through August 31 for faculty to complete their pay for that 10-month period.

## **GARNISHMENTS AND LEVIES**

Morningside University will honor all court orders to garnish employee wages. All orders for wage assignment or voluntary assignments will be honored. In cases of multiple wage assignments, priority for honoring them will be in the following order:

1. Child Support
2. The following will be honored in the order received:
  - a. Federal, state and local tax levies
  - b. Creditor garnishments
  - c. Student Loans
  - d. Voluntary Assignments

Appropriate remittances will be made of monies collected. Human Resources will maintain confidential files which will contain court orders, IRS levies, monies collected, and any other pertinent information concerning affected employees.

## **PAYDAY**

You will be paid on the last working day of the month. Deductions that will be made from your check include those required by the Federal Government and State of Iowa for income withholding and for Social Security and Medicare. All other University sponsored programs will be withheld upon appropriate authorization by the employee. When payday falls on a weekend or holiday payment will be made on the last working day preceding the weekend or holiday. No special requests will be accepted to be paid before the day of payday.

## **AUTOMATIC PAYROLL DEPOSIT**

All employees are required to use automatic payroll deposit or the VISA Focus Card. A form must be completed in the Human Resources Office which requires a voided check(s) of the bank(s) where funds will be deposited. Anytime a change in bank(s) or account(s) is made, the Human Resources Office must be notified in advance.

## **OVERTIME PAY**

Non-exempt employees are entitled to overtime pay at the rate of one-and-a-half times your normal rate of pay for all hours worked, including holiday hours, in excess of 40 hours in a workweek. The standard workweek is 40 hours for employees who are non-exempt under the Fair Labor Standards Act. Time off can be taken in lieu of overtime during the same workweek at an hour per hour exchange per advanced approval from your supervisor. Morningside's workweek for payroll record-keeping purposes runs from Sunday through Saturday.

Time off permitted under vacation, sick, or personal time off will not be counted as hours worked for purposes of determining whether an employee is entitled to receive overtime pay or compensatory time off.

Anyone who works on a holiday will receive overtime pay for actual hours worked. Working on a holiday must be approved by the supervisor before the work is performed.

Working any overtime will only be permitted if authorized one week in advance by an employee's supervisor.

## **PAYMENT TO EMPLOYEES FOR OTHER SERVICES PERFORMED**

In general, all payments for the compensation of services that are made to University employees will be treated as employee wages. This includes both amounts of base pay, as well as supplemental payments for compensation made to University employees for services that they provide to the University, which are outside the normal scope of their employee appointment.

In addition to supplemental payments for performance of services, payments made to University employees for awards, such as outstanding teaching awards or other forms of employee recognition awards, will be treated as employee wages. In circumstances where an employee is given a choice between accepting a cash payment or having those funds directed into a University account, if the tax law requires that the amount of the award be treated as employee wages, the tax law will be followed regardless of whether the employee elects to receive the cash or not. The only exception would be if the employee had an established business that they were performing these services from.

## **TIME REPORTING PROCEDURES**

Non-exempt employees are entitled to overtime pay at the rate of one-and-a-half times your normal rate of pay for all hours worked, including holiday hours, in excess of 40 hours in a workweek. The standard workweek is 40 hours for employees who are non-exempt under the Fair Labor Standards Act. All hourly and appointed staff that are eligible for overtime will need to record their time worked and absent hours using the UAttend Time Keeping System. Time off can be taken in lieu of overtime during the same workweek at an hour per hour exchange per advanced supervisor approval. Morningside's workweek for payroll record-keeping purposes runs from Sunday through Saturday.

All employees are responsible for accurately recording their time worked and will not allow anyone else to record their time. It is also impermissible to record time for anyone else. It may be necessary

for supervisors and/or payroll processors to adjust time and attendance to correct any errors or omissions in order to provide timely and accurate payments. It is impermissible for any supervisors or payroll processors to intentionally or knowingly approve false records.

Online timecards need to be submitted by employee to their supervisor for approval who will then submit the card to payroll. Timecards need to be submitted to the supervisor on the 16<sup>th</sup> of each month.

Time off permitted under vacation, sick, or personal time off will not be counted as hours worked for purposes of determining whether an employee is entitled to receive overtime pay or compensatory time off.

Anyone who works on a holiday will receive overtime pay for actual hours worked. Working on a holiday must be approved by the supervisor before the work is performed.

Working any overtime will only be permitted if authorized in advance by an employee supervisor.

### **Release of Payroll Information**

The following guidelines must be followed for the release of information to the public and to other University offices. Verification of past and present employment information is handled through the Human Resources Office and inquiries need to be sent there.

Telephone Inquiries: the following information may be released over the phone:

- Whether the person is an employee of the University
- The department in which the employee works
- Employment status – full time or part time

A signed release by the employee or former employee is required to release verification of past or present employment for the following:

- The period of employment
- Wages earned by the employee during the period for employment
- Past wages earned by employee
- Status of employment
- Current title

Exception to signed release would be due to garnishment and levies, such as child support, student loans, federal, state, and local tax levies.



#### **IV. EMPLOYEE RELATIONS**

##### **JOB POSTING**

All Administrative/Staff job vacancies are posted on a bulletin board outside the Business Office in Lewis Hall. Employees are also notified by E-mail when openings occur. You may also check the University's web site at [www.morningside.edu](http://www.morningside.edu). These notices are posted for five (5) working days to allow employees the opportunity to apply.

If you see a posted position that interests you, contact Human Resources. They will discuss the job requirements and answer any questions you may have.

Exception: If the department with the opening is promoting an employee internally, within the department, no posting will be required.

##### **EMPLOYMENT OF FAMILY MEMBERS**

A family member includes those persons related by blood, marriage or co-habitation, or by other close personal or dating relationships. It is contrary to University policy to permit a member of a family to work under the direct supervision of a family member. This policy also applies when supervisors marry or establish close personal or dating relationships with employees in their department.

Exception to this policy will be granted only upon prior written approval by the President.

##### **PERFORMANCE APPRAISALS**

The key to moving ahead in any job is performance. One way we help you is by providing periodic performance appraisals. Your performance appraisal communicates areas that you are performing well and areas that require improvement. Copies of the completed performance appraisal will be given to each employee after final signatures. As an on-going process, your performance appraisals go into your personnel file after you have read, discussed, and signed them. This serves to document your future plans and past performance. It is important that you discuss and understand all parts of your appraisal before it goes into your file. Performance appraisals are done annually usually at the end of the University's fiscal year.

##### **PROMOTIONS AND TRANSFERS**

A promotion is any personnel action resulting in the movement of an employee to a job requiring greater skills and job responsibilities. This new position will also result in a higher salary range and generally an increase in pay. Employees are eligible to be considered for positions which represent promotional opportunities for them outside their current work department as they become available once they have completed one year of service in their current work department.

Employees may apply for promotional opportunities within their department. Positions are filled through a competitive process and may include external as well as internal searches. Current job performance and compliance with University work rules are given great consideration in making the selection decision.

Promotion also may occur as the result of reclassification in connection with progression through designated job families or restructuring of a department's organization and/or job assignment changes. Reclassifications are initiated by the department supervisor and require the approval of the President.

A transfer is the movement of an employee from one position to another position without a change in salary. Transfer actions are not considered eligible for pay increases. An employee may apply for positions which represent lateral transfers through the above referenced competitive process. Transfers may also be initiated by department supervisors in compliance with University policies and procedures.

### **DEMOTION**

A demotion is the movement of an employee to a position in a lower pay level or lower rank. An employee may be demoted when the employee's position is reclassified to a lower level job, or the employee is reassigned to a lower level job. Demotion may be initiated by the supervisor to meet the operational needs of the department; requested by the employee; or made as a result of application by the employee for consideration of an open vacancy. For demotions initiated for operational reasons, the University will attempt to find reasonable alternatives for consideration by the employee.

### **RESIGNATION**

University Administrative/Staff employees may resign by submitting their resignation in writing to their immediate supervisor. A copy of the written resignation must be forwarded to Human Resources for inclusion in the employee's personnel file.

### **LAYOFF**

The University may adjust the size and configuration of the work force as the need dictates. The President and/or a Vice President of the University is responsible for determining when it is necessary to effect a layoff in their respective area. Employees affected by a work force reduction, job abolition or reorganization will be notified at least 30 days in advance. The University reserves the right to deviate from this timeline based on the sensitivity of the position.

## **DISCIPLINARY PROCEDURES**

### **ACTIONS WHICH RESULT IN EMPLOYEE DISCIPLINE**

Good working relationships require everyone to meet their responsibilities to the University, themselves, and the people with whom they work. At all times employees are expected to meet the University's standards for work performance and business conduct and to follow the policies and procedures covered in this handbook.

From time to time, it may become necessary to counsel or discipline employees who for one reason or another fail to observe their goals. The University shall have the right to discipline or summarily discharge an employee at any time for any reason. Each case shall be evaluated on its own set of circumstances. The following examples can result in disciplinary action including possible discharge. It is important to note that this list is not all-inclusive.

- a. Interfering with rights or privileges of other employees.
- b. Violating University Policies.
- c. Changing or otherwise falsifying, or forging any University records, permits, time cards, licenses, certifications, passes, or approving signatures thereon.
- d. Indulging in grossly offensive, obscene, or immoral conduct.
- e. Deliberately restricting production output and/or University operations, or concealing defective work.
- f. Stealing or misappropriating University property or property belonging to others.
- g. Intentionally defacing or damaging University property or the property of others.
- h. Fighting on University property or creating disturbances that adversely affect morale, production, studies, or discipline.
- i. Sleeping while on duty during working hours.
- j. Continually or intentionally disregarding any appropriate departmental or University rules.
- k. Reporting to work under the influence of intoxicants, narcotics, or drugs.
- l. Refusing to obey reasonable and necessary orders or job assignments or using abusive or threatening language.
- m. Indulging in horseplay or malicious mischief in any form.
- n. Smoking in nonsmoking areas or disregarding any University security or fire regulation.
- o. Leaving University premises prior to the end of any normal work period without prior notice or approval.
- p. Failing to return to work at the end of an authorized leave period.
- q. Habitual absences or tardiness from scheduled work.
- r. Continually disregarding normal safe work practices.
- s. Contributing to poor housekeeping or unsanitary conditions.
- t. Distracting or annoying other employees while they are performing assigned duties.
- u. Abusing sick leave policies.
- v. Failing to notify your supervisor each day of any absence or tardiness from scheduled work.
- w. Disclosing confidential information.
- x. Poor job performance.
- y. Any other actions, not listed above, but considered by the University in its sole discretion as constituting misconduct, insubordination, gross negligence, or gross disregard of employee's obligation to the University.

The University reserves the right to decide in its sole discretion the form of discipline to take in each case. Such discipline may include, but not be limited to, reprimand, suspension (with or without pay) and termination. Your employment can be terminated at any time at the will of either the University or yourself.

## **OTHER CONDUCT RULES**

### **Confidential Nature of University Business**

Discussing any confidential matters with anyone outside the University (or with unauthorized University employees) is strictly prohibited.

University business is just that, and not a subject for outside conversation. The business which crosses your desk or information that becomes available to you through your work on campus, no matter how interesting, should be kept from your social conversation. Every negotiation between the University and its clientele is confidential and is never to be discussed with or disclosed to anyone except authorized personnel. Improper handling of information can result in loss of business and/or can leave the University open to serious charges.

### **Code of Ethics**

The University has established a written Code of Ethics that each administrative/staff employee is expected to abide by. The Code of Ethics statement is located at the end of this handbook.

### **Personal Telephone Calls**

University facilities must be available for business use at all times. Therefore, personal calls should be made only when absolutely necessary, and conversation should be as brief as possible. If an emergency arises and it is necessary for you to place a long-distance or toll call while at work you must have the call charged to your home telephone or reverse the charges.

### **Official Communication with the Public**

The Board of Directors and the Administration have designated certain individuals to speak and write officially for the University. Hence, to keep the lines and facts straight, we request that you refrain from presenting yourself as a spokesperson for the University on educational and other policy matters.

### **University Postage Meter**

The use of the University's postage meter or postage stamps for personal reasons is strictly forbidden.

### **University Stationery**

The writing of personal letters on University stationery is prohibited. The sending of personal letters, payment of bills, and so on in University envelopes is prohibited.

### **Use of Leased Aircraft by University Personnel**

All University personnel are prohibited from operating or using leased or chartered aircraft by or on behalf of Morningside University for any educational activity or business purposes.

### **Keys**

It is highly essential that close control be maintained over all keys so that they do not fall into unauthorized hands. You will be provided the necessary keys by the Maintenance Department upon recommendation of your respective Vice President. Do not let them out of your possession. Never have your key or anyone else's duplicated.

### **Ordering Merchandise**

Ordering personal merchandise and using the University's name in the order process is strictly prohibited.

## **UNIVERSITY STAFF GRIEVANCE PROCEDURES**

In the day-to-day operation of your area or department, problems, misunderstandings, and difficulties sometimes occur. While consideration, cooperation and common sense can solve most of these situations, a few require special attention.

The University has established a formal grievance procedure for handling the wide variety of problems or inequities that inevitably occur. If you believe you have a legitimate complaint, you should discuss it with your supervisor. If that does not prove satisfactory to you, the normal procedure is then to go to your department head and next to the Vice President for Business and Finance.

**Definition & General Provisions** - A grievance is hereby defined as a problem or concern by an employee alleging that he or she has been treated wrongly in regards to the interpretation, application, or violation of a University policy and/or procedure.

When an employee is disciplined by his or her supervisor including oral and written reprimands, the employee should be informed of the specific reasons for the action and be advised of his or her right of appeal utilizing the University Grievance Procedure.

Temporary employees are excluded from filing formal grievances. An exception for these employees may be a claim that is filed for pay inequities or for claims based on discrimination in regard to age, sex, religion, creed, race, color, sexual orientation, disability, or national origin.

Morningside University's grievance procedure is not a legal proceeding where the presence of legal counsel is required, therefore, legal counsel will not be permitted to participate in any grievance proceeding.

**Policy Statement** - It is the policy of Morningside University to insure that its employees have a right to file what they feel to be a legitimate grievance and to follow the formal procedure through the appeal process, if necessary, without fear of censure or reprisal.

**Statute of Limitations** - For the purpose of this policy a grievance must be filed within thirty (30) working days of the occurrence of the complaint, unless the complaint is proven to be of a continuing nature.

### **Procedures**

**Step I** - The employee must discuss the situation with his or her immediate supervisor within thirty (30) working days from the date of the event(s) giving rise to the grievance. The supervisor will have six (6) working days within which to answer the grievance. If the employee is not satisfied with the supervisor's answer to the grievance, he or she can appeal the grievance within five (5) working days to Step II. Morningside University urges that both the supervisor and the employee make a genuine effort to resolve their differences at Step I of the grievance process. Grievances related to suspension, dismissal or impasse between the supervisor and employee may be filed at Step II of the procedures, bypassing Step I.

**Step II** - If a mutually satisfactory agreement is not reached at Step I, the aggrieved employee may submit a formal grievance in written form to his or her Department or Division head within five (5) working days from the date of the supervisor's answer in Step I. The employee may request a full time employee or any other person of his or her choosing to assist in the preparation and presentation of his or her grievance at this or any higher appeal level (only one person will be able to assist in the actual grievance presentation). The supervisor may also choose to have one (1) person to assist him or her in the presentation of a grievance at a hearing. The written grievance will contain all the pertinent facts on which it is based to include: the identity of the grievant (name of the person who is filing the grievance); the date and approximate time and location of the occurrence of the incident; the specific policy, rule, or regulation involved; and the remedy or correction sought by the employee. A copy of the grievance will be submitted immediately to the Vice President for Business and Finance or his or her representative for the grievance to be officially documented. The appropriate Department or Division head after receiving the written grievance will arrange a meeting with all involved parties to discuss the grievance. The Department or Division head will answer the employee, in writing, regarding his or her decision within five (5) working days after the meeting with a copy sent to Human Resources. If the employee is not satisfied with the response to the grievance, the grievance may be appealed to Step III.

**Step III** - If the grievance is not satisfactorily resolved at Step II of the grievance procedure the employee can appeal the grievance within five (5) working days of the receipt of his or her response from the appropriate Department or Division head. This appeal will be made to the Vice President for Business and Finance who will advise both the employee and the supervisor that a fact finding committee made up of University employees, will be formed to evaluate the grievance and make a decision as to the validity of the grievance. Committee members will not include employees from the grievant's or supervisor's division. The committee will include one (1) member selected by the employee, and one member selected by the supervisor, the third selected and mutually agreed upon by the two (2) members previously selected by the supervisor and the employee. This third committee member will serve as chairperson of the committee. The committee will have ten (10) working days after its formation to study the case and render its decision to the Vice President for Business and Finance. The committee's decision must be in compliance with University rules, regulations, procedures and federal and state laws governing employees. The Vice President for Business and Finance will advise both parties of the committee's decision.

**Step IV** - Should the Committee's decision not resolve the grievance, the grievant may appeal the decision within seven (7) working days to the President. The President or his or her representative will review the written reports, provide a hearing to the participants and within ten (10) working days render a decision. This decision will be final and binding on all parties.

## **SEPARATION OF EMPLOYMENT INFORMATION**

### **Reasons for Termination of Employment**

To assure orderly operations, high standards of performance, and to conduct and provide the best possible work environment, Morningside University expects employees to conduct themselves in a manner that will protect and enhance the interests and safety of all employees, students, and the University. Disciplinary action, including suspension or termination of employment, may be taken for any reason not prohibited by law. For examples of such reasons see section IV. Since it is not possible to list all forms of behavior that are considered unacceptable in the work place, common sense, honesty, and good judgment should always prevail.

Infractions not mentioned in this handbook may also bring disciplinary action if such actions appear warranted.

**All employees are employed by the University at the mutual consent of the employer and the employee. Either may terminate this relationship at any time, with or without cause (unlawful reason excepted).**

### **Notice of Termination and Compensation**

In the event of involuntary termination due to restructuring or other reasons outside of the employee's control, the employee may receive pay and benefits as outlined in the University's layoff severance policy. The employee will also be compensated for any unused vacation accrued to the date of termination. The University will not be liable for any accrued sick days.

In case of voluntary resignation, a staff employee is asked to give 10 days' advance notice, and an administrative employee to give 15 days' advance notice when possible. Compensation for accrued and unused vacation is not always given in the event you give a notice of less than the days just noted and you agree that no accrued vacation benefits are due to you under chapter 91 A of the Iowa Code for less than timely notice. Once the resignation has been accepted, supervisors are not required to allow an employee to rescind a resignation, whether it was given verbally or in writing. With approval of Human Resources, supervisors may choose to have the employee leave immediately rather than continue working through the two-week notice period.

In the case of an involuntary termination for cause, the University will not be liable for any additional benefits or compensation past the date of termination (including unused vacation).

### **Termination Procedure**

When an employee terminates voluntarily or involuntarily, an appointment must be scheduled with the Human Resources Office to take care of the following applicable items.

- Written Notice of Resignation (voluntary termination)
- Turn in Staff ID Card and keys/fobs
- Turn in P-Cards
- Complete University Automobile Mileage Form

Pay any outstanding Balances Due the University  
Discuss Benefits  
Provide Forwarding Address  
Complete Exit Interview process

## **V. EMPLOYEE BENEFITS**

Morningside University is pleased to provide the following benefits for the greater financial security of our eligible employees and their families.

The following information outlines the principle provisions of the benefits listed below and is not intended to be a comprehensive description of each plan. For further information or explanation on any of these plans, contact the Human Resources Office.

Morningside University maintains these programs for the exclusive benefit of its employees. The University presently plans to maintain these programs for an indefinite period of time, although the University reserves the right to amend or terminate such programs in the future. Appropriate written plan documents shall be made available to employees for inspection or copy, upon reasonable request.

### **EDUCATIONAL BENEFITS**

Human Resource Development for employees is essential to the improvement and efficiency of University service functions. The University has an obligation to provide training and development offerings which stress improved organizational effectiveness and productivity, plus acquisition of skills, knowledge and abilities required for work related success, individual growth, and career development. The University is committed to effective utilization of human resources.

The University encourages its employees to continue their education and as a result offers the following tuition rebate programs along with other internally developed educational programs.

### **EDUCATIONAL ASSISTANCE PROGRAM**

Upon advanced approval by from the President and Vice President, Morningside University may provide financial assistance to help employees achieve educational and career development goals. The University may reimburse the employee up to 75% of tuition costs upon completion of the course with a maximum of \$5,250.00 a year. If a particular course is available through Morningside University, the employee must take it through the University as long as the course is accepted at the other accrediting institution. Employees must submit their transcripts to be reimbursed, and must obtain a grade of B or higher in the course. Reimbursement needs to be done within the same year the course was taken. There is no reimbursement for meals, transportation, lodging, books, fees and/or supplies.

### **TUITION REBATES**

Tuition rebates have been established to encourage University employees to continue their education and to help with the education of their families. The purpose of the tuition rebate is to provide a direct benefit to employees and not to other persons. All full-time applicants must meet University entrance requirements and



maintain satisfactory academic progress. Any officially enrolled employee / spouse / dependent will be eligible for this tuition rebate benefit as noted below.

### **All employees**

Before receiving any rebates under this section, the student and his or her parents must exhaust all other sources of private, state and federal financial aid (grants, scholarships, etc.) and all such persons must make proper application for such other sources of aid through the office of Student Financial Planning. This would include all employees and/or spouse/dependents completing a FAFSA application. It should be recognized that each individual's situation may differ as far as qualifying for financial aid so it is highly recommended that you visit with Student Financial Planning about your individual situation. Financial aid will be determined with and without the rebate. Students will be awarded the better of the two packages. State grant funds will not be replaced by the rebate if the student is considered ineligible by the state due to incomplete paperwork or late filing.

Children and the spouse of an employee who dies or becomes permanently disabled within the meaning of the Social Security Act, while employed at Morningside University, after at least three years of continuous employment, are entitled to receive the benefits they would be eligible for if the employee had lived or not become disabled. This policy does not apply to dependents of retired employees.

Employees may not attend classes during their regularly scheduled working hours without supervisor approval.

All tuition rebate benefits automatically cease upon an employee's separation from employment with the University.

### **Application Procedures**

Appropriate forms for requesting an employee rebate must be signed and received by the Office of Student Financial Planning by the last day to register for classes in order for the aid to be credited to the student account. Employee rebates may not be combined with any other institutional aid.

### **Full-Time Employee and Spouse / Dependents**

A full-time employee and spouse / dependents may receive a one-half tuition rebate for undergraduate or graduate credit during the employee's first three years of full-time employment. After the employee begins the fourth year of full-time employment they will be eligible to receive a full-tuition rebate.

### **Dependent Children -- (natural or legally adopted)**

Dependent children of full-time employees shall be eligible to receive a one-half tuition rebate during the parent's first three years of full-time employment at Morningside University. After the employee begins the fourth year of full-time employment at Morningside, dependent children shall be eligible to receive a full-tuition rebate until they reach 25 years of age. The University policy prohibiting multiple institutional awards will apply in all cases.

### **Part-time Employee and Spouse / Dependents**

Part-time employees (working at least 20 hours a week) and spouses / dependents may receive a one-half tuition rebate for undergraduate or graduate credit.

### **Adjunct and Part-time Faculty**

Adjunct and part-time faculty or their spouse may receive a tuition rebate for undergraduate or graduate credit equal to the number of credit hours being taught by the faculty person for that semester, up to a maximum of six (6) credit hours per semester.

## **TUITION EXCHANGE PROGRAMS**

Morningside University is a member of two student exchange programs: Tuition Exchange, Inc. and Council of Independent University (CIC) Tuition Exchange. These programs provide full-time employees who meet full-tuition rebate criteria, the opportunity to have their dependent children attend University at one of the member institutions. Program information, participating institutions, and application forms are available from the Tuition Exchange Liaison Officer in the Student Financial Planning Office.

Openings for the exchange programs are limited. A written application will be accepted beginning September 1 of the student's senior year in high school.

### **Tuition Exchange, Inc.**

\* Application deadline is October 15.

\* If exports are limited, participants will be selected on a first-come, first-served basis except that those with the greater total number of years' service to Morningside University will have preference.

### **CIC Tuition Exchange:**

\* Application deadline is October 15. EMPLOYEES ARE ADVISED THAT THE OCTOBER 15 DEADLINE IS AN INTERNAL DEADLINE. IT IS TO THE EMPLOYEE'S ADVANTAGE TO APPLY FOR ADMISSION TO THE UNIVERSITY OF CHOICE AND PROGRAM PARTICIPATION AS EARLY AS POSSIBLE.

\* If more than one employee is requesting exchange to a specific University, participants will be selected based on the number of years of full-time service at Morningside University.

\* Employees may apply for participation after October 15. Employees applying to the same University after October 15, will be certified on a first-come, first-served basis.

\* Employees may indicate preference for three Universities. In the event that more than one employee is applying for participation to the same University, only the University selected as the first choice will be certified.

## **EMPLOYEE ON-THE-JOB TRAINING**

Every effort is made to train each employee to do his/her job effectively. This is an on-going process at the University. Employees will be trained through various methods:

- Supervisor
- Colleagues
- Seminars - In-house and off campus

- One's own initiative

## **VI. TIME-OFF BENEFITS**

### **SHORT TERM DISABILITY LEAVE POLICY**

Full-time employees who are medically disabled and unable to perform their duties due to a non-occupational illness or injury may be eligible for up to six months of paid leave and benefits. With the exception of five (5) days, all annual vacation allowances and accrued sick days must be used towards your leave before salary continuation payments will be made to the eligible employee. Sick leave will continue to accrue during the disability period.

Qualification for paid leave and benefits under this policy is subject to medical certification by a licensed physician. Morningside may require a second medical opinion at the University's expense. The University may also require further medical certifications during the claimed period of disability at the employee's expense. Under this policy an employee may be allowed to take up to six-months of disability within a 12-month period.

Employees with anticipated disabilities should promptly notify the University of the anticipated date of disability in order to plan staffing during the disability leave.

The University will pay for salary and benefits continuation pursuant to the short-term disability policy. The employee during the disability leave must pay any employee-required contribution to benefits.

All full-time administrative and staff employees with the University are eligible for salary continuation under the short-term disability leave policy after the employee has had ninety 90 days of service with the University before leave commences. Faculty members are exempt from the ninety 90 days of service requirement due to the unique nature of their association with the University prior to their starting date. Compensation during the disability period will be as follows: After the eligible employee has used up all but five (5) days of his/her vacation or sick days the employee will continue to be paid at 100% of his/her base compensation for the remainder of the 8-week period. After that period the employee will be paid at 60% of their base compensation level for the remainder of the short-term disability period.

If an employee is unable to work due to disability for more than six consecutive months, he/she may be eligible for long-term disability benefits under the University's Group Long-Term Disability Plan.

#### **Disability Leave Due to Childbearing**

Periods of disability related to pregnancy and/or childbirth are treated like any other short-term disability.

Once the University is notified of the employee's pregnancy, the University will request an indication of when the employee expects to go on disability leave in order to plan staffing during the leave.

## **SICK LEAVE**

All full-time employees are entitled to ½ day per month sick leave, or a total of six days for the year. Part-time employees are entitled to ¼ day per month sick leave, or a total of three days for the year. If all of this sick leave is not used in any one year, it may be accumulated for illness purposes up to a total of 18 working days. Sick leave may only be used for illness of the employee and not for time in connection with sickness of members of the employee's family. Personal days or vacation time must be used for this purpose. At termination of service, the employee shall have no claim for pay in lieu of unused sick leave.

When an employee cannot work because of illness they should call their supervisor immediately and explain the reason for their absence. In addition, the supervisor should be kept informed of the employee's condition.

Supervisors are authorized to require a statement from the physician, or to refer employees to a physician.

If an employee requires more than five days leave for an unexpected illness or injury, he /she may be asked to provide a physician's statement to return to work.

Outside employment during an employee's sick leave is prohibited, and may result in disciplinary action, up to and including immediate termination of employment.

Sick leave is integrated with the Short-term Disability Leave Policy and the Family and Medical Leave Policy.

## **LONG TERM DISABILITY INSURANCE**

Long term disability insurance is furnished by Morningside University for all full-time employees. The benefit will begin the first day of the calendar month coinciding with or following thirty days of consecutive service. An application form must be completed in the Human Resource office.

180 days after a full-time employee becomes disabled or partially disabled, the Long Term Disability Insurance program provides for payment of 60% of basic monthly earnings (or a prorated amount if the employee is partially disabled), not to exceed the maximum monthly benefit of \$5,000. More detailed plan information can be obtained from Morningside University's Human Resource Office.

A full description of the eligibility requirements and benefits payable under this plan will be furnished to each participant at the time of enrollment.

## **JURY DUTY**

Employees are encouraged to fulfill their civic responsibilities by performing jury duty service when called and will be excused to participate in juries except in extreme emergency situations. Upon receipt of a notice to serve on jury duty, each employee must immediately present the notice to his or her supervisor. The supervisor

will retain a copy of this notice for the employee's file. Employees will be expected to make the necessary arrangements with their supervisor while on jury duty and must report for work for any days or portions of days when not actively engaged in jury duty.

Employees will receive their regular pay while serving on jury duty. All jury duty checks must be turned into the Human Resource Office. Any mileage portion of the jury duty check will be reimbursed to the employee.

Temporary postponements may be possible when scheduled jury duty falls at an unreasonable time. If a temporary postponement is determined by the supervisor to be necessary, the supervisor will provide the employee with a letter addressed to the Clerk of the Court that sets forth the problems that will be encountered by the University if the employee must serve as scheduled. A more convenient time should also be specified in this letter. Normally, a first postponement will be granted as a matter of course. Further postponements are more difficult to obtain.

All benefits shall remain in effect, and the employee continues to accrue vacation and sick leave, while on an excused absence for jury duty.

### **FUNERAL LEAVE**

The University grants full-time and part-time employees a maximum of three consecutive days of paid leave when death occurs in an employee's immediate family. Immediate family includes spouse, children, grandchildren, grandparents, parents, parents-in-law, brothers, sisters, grandparents-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-children, or step-parents. Time off without pay may be arranged to attend the funeral of a close friend or relative not specified. Time off for funeral leave will not count as hours worked for overtime calculation purposes.

### **MILITARY LEAVE**

Full-time employees who are active members of the National Guard, State Guard, or the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard will be granted an unpaid military leave of absence for training or other service (including short periods necessary to retain active reserve status or instances when one is called by the Governor to duty in the active service of the State). The employee must submit a request in advance for such leave, along with copies of his or her military orders, to the department head and Human Resources.

An employee who joins or is drafted into, military service will be terminated from University employment, but will be eligible for reemployment as prescribed in the Veterans Reemployment Rights law. The application for reinstatement to University employment must be made within ninety (90) days following separation from active military duty.

An employee may elect not to take military leave.

## **MORNINGSIDE UNIVERSITY FAMILY AND MEDICAL LEAVE POLICY**

Under this policy, a family or medical leave (FML) which qualifies under the Family Medical Leave Act (FMLA) will satisfy the 12- workweek unpaid leave requirement granted an employee. An employee will not be allowed to take a 12 workweek family leave and also a 12 workweek medical leave within a 12-month period. An employee will be allowed to take a combination of a partial family leave and a partial medical leave providing the leave days do not add up to over 12 workweeks of unpaid leave within a 12-month period.

### **ELIGIBLE EMPLOYEES:**

An employee will be eligible for a family or medical leave if:

- he/she have been employed at least 12 months prior to the commencement of the leave; or
- he/she have worked at least 1,250 hours during the 12-month period prior to the leave

### **WHEN BOTH SPOUSES ARE EMPLOYED AT MORNINGSIDE UNIVERSITY**

If both spouses are employed at Morningside University, they in total will be entitled to a maximum of 12 weeks for birth or adoption of a child or care of a sick parent.

### **REASONS FOR TAKING LEAVE:**

An employee will be granted an unpaid leave of absence for *any* of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care;
  - A. Leave must be completed within 12 months of the birth or placement of adoption or foster care
  - B. Foster care must be formal; State action is required
2. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
  - A. Spouse includes "common-law" marriage as recognized in the state of Iowa
  - B. A child must be under the age of 18 or age 18 and older if the child is incapable of taking care of themselves due to a mental or physical disability
3. For a serious health condition that makes the employee unable to perform the employee's job.

### **SERIOUS HEALTH CONDITION:**

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical-care facility, or subsequent treatment resulting from such inpatient care; or
- requires an absence of more than **3 consecutive calendar days** and under continuing treatment by a medical provider; or
- are fewer than 3 days but are under the continuing treatment by (or under supervision of) a health care provider for a chronic or long term condition, or for prenatal care.

### **REQUEST FOR FAMILY & MEDICAL LEAVE:**

All employees are required to file the Request for Family and Medical Leave Form in order to be granted leave. The Form is available in the Human Resource Office. The Form must be completed and filed by the employee in the Human Resource Office except for unforeseen circumstances.

#### **ADVANCE NOTICE AND MEDICAL CERTIFICATION:**

The employee will be required to provide advance leave notice and medical certification. Taking of leave may be denied if the requirements are not met.

- Employees must provide 30 days' advance notice when the leave is "foreseeable". If the notice is not given and there is no reasonable excuse for the delay, Morningside University reserves the right to deny the leave until at least 30 days after the notice is received.
- Employees are required to provide medical certification to support a request for leave because of a serious health condition; and subsequent medical certification every 30 days during FML.
- Morningside University reserves the right to require a second or third opinion (at Morningside University's expense) and a fitness for duty report to return to work.

#### **12-MONTH PERIOD COMPUTATION:**

The 12-Month Period Computation is computed using a "rolling" 12-Month Period measured backward from the date an employee uses FMLA.

Example:

Jane was hired in August of 2000. On October 1, 2001, Jane applies for and receives four weeks of FML to take care of her father who suffered a stroke. On February 1, 2002, Jane applies for 12 weeks of FML for the birth of her child. Under the "rolling back" method, Jane will only be allowed eight weeks of FML since 4 weeks were previously used during the 12-month period prior to February 1, 2002. On January 1, 2003, Jane's father suffers another stroke and she applies for 12 weeks of FML to take care of him. Jane will only be allowed to take four weeks of FML since she has previously taken eight weeks during the last 12-Month Period prior to January 1, 2003.

#### **INTEGRATION OF BENEFITS:**

Employees will be **required to use all paid leave days** provided by Morningside University before taking leave without pay. Examples include, but are not limited to, the following:

- Accrued vacation days
- Accrued sick-leave days
- Worker's compensation absences
- Or any other paid leave which is provided by Morningside University

#### **INTERMITTENT LEAVE:**

Employees may take a medical leave intermittently if it is medically necessary; and may only take a family leave intermittently upon employer approval. The 12-week unpaid leave will be computed using hours; and the available hours of FML must be used within a 12-month period. All exempt and non-exempt salaried employees will be subject to pay docking as allowed under the Fair Labor Standards Act under FMLA.

- Full-time employees will have available 480 hours
- Part-time employees will have available the average number of hours worked per week in the 12 weeks prior to the leave times 12.

#### **EMPLOYEE BENEFITS:**

Employees will not be allowed to drop out of nor reduce any benefits during a FML unless the plan document of the benefit allows it. At the time an employee is granted a leave without pay, the employee will be required to pay their share of all applicable benefits up front for the duration of the leave.

An employer's obligation to maintain benefits under FMLA stops if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. An employer's obligation also stops if the employee's premium payment is more than 30 days late and the employer has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

## **SERVICEMEMBER FAMILY AND MEDICAL LEAVE**

The federal Family and Medical Leave Act (FMLA) now entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA"). This policy supplements our FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by our existing FMLA policy.

### **Employee Entitlement to Servicemember FMLA**

#### ***Leave Entitlement***

Servicemember FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

#### ***Duration of Servicemember FMLA***

- When Leave Is Due To A "Qualifying Exigency": An eligible employee may take up to 12 workweeks of leave during any 12-month period.
- When Leave Is To Care For an Injured or Ill Service Member. An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.
- Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

### **Leave under State Military Leave Laws**

A growing number of states provide leave for family members of servicemembers. The entitlements for such leave differ from state to state. Our policy is to comply with such laws in any circumstances where they apply to employees of our University.

***If you have any questions regarding servicemember FMLA leave, please contact Cindy Welp at 274-5114 or [welp@morningside.edu](mailto:welp@morningside.edu).***



## PERSONAL DAYS

Full-time employees, who have completed one (1) year of service, will be granted two (2) paid personal days off each fiscal year. Part-time employees, who have completed one (1) year of service, will be granted one (1) paid personal day off each fiscal year. Use of personal days must be approved in advance by the individual's supervisor. Personal days will not accrue from year to year and any unused days will not be paid out in cash at the end of the fiscal year or when an employee terminates employment.

## VACATION POLICY

### **Eligibility**

All Full-time and part-time employees, who work on a 12-month basis, are granted paid vacation benefits as follows:

<u>Employee Status</u>	<u>Service</u>	<u>Accrual</u>	<u>Days</u>
F. T. Administrative	Immediate	1.67 / mo.	20 / yr.
F. T. Staff	0-5 yr.	.833 / mo.	10 / yr.
F. T. Staff	6-9 yr.	1.25 / mo.	15 / yr.
F. T. Staff	10+ yr.	1.67 / mo.	20 / yr.

Part-time employees are granted paid vacation benefits on a proportioned basis. For example, a staff individual who has 2 years of service and works 20 hours per week will be allowed to take up to 5 days of paid vacation time per year (40 hours).

### **Statement of Procedures**

1. Vacation is used in the year in which it is earned (not earned in one year to be used in the next).
2. Vacation is prorated in the year of hire as follows:

<u>Date of Hire</u>	<u>Administrative</u>	<u>Staff</u>
6/1 - 8/31	20 days	10 days
9/1 - 11/30	15 days	10 days
12/1 - 2/28	10 days	5 days
3/1 - 5/31	0 days	0 days

3. Vacation pay is based on the employee's normal work-week schedule.
4. Years of Service must be determined each year on June 1st looking forward to the anniversary the employee will celebrate in that fiscal year. For example, if a staff employee will reach six years of service on August 10, he or she would be told on June 1 that three weeks of vacation would be available in that fiscal year.
5. The vacation year begins on June 1st and ends on May 31st each year. All accrued vacation must be taken before May 31<sup>st</sup> or it is forfeited.
6. As a convenience to you, but subject to certain conditions, the University will permit you to use the vacation time allotted to you in a given fiscal year at any time during that year.

7. Unused vacation time is not paid out at year-end. Only on an exception basis and with the written approval of a Presidential Staff member may vacation be carried over. No more than 10 days can ever be carried over and an individual will not be allowed to carryover vacation two (2) years consecutively. All carryover vacation must be used by July 31 each year or it is forfeited.

Written notice for approved carryover vacation must be given to the Business Office prior to June 15<sup>th</sup> each year.

### **Vacation at Termination**

If you voluntarily leave or are laid-off, vacation time will be prorated based on the Accrual Schedule as noted above under the Eligibility Section less the vacation time you have already taken. For example, if an administrative employee leaves in August, they would have earned 3 months' vacation at a rate of 1.67 days per month or 5.01 days of earned vacation. Unused accrued vacation will be included in your final pay. The University will not be liable for any accrued sick days.

When you use more vacation than permitted by the schedule above, the pay you receive for that vacation is considered to be an advance against wages you will earn for services performed later in the year. If you terminate before performing those services, you will have to pay the value of the excess vacation back.

In case of voluntary resignation, a staff employee is required to give 14 days' notice and an administrative employee is required to give 30 days' notice. Compensation for unused vacation will not be given in the event you give a notice of less than the days just noted.

In the case of an involuntary termination for cause, the University will not be liable for unused vacation.

## **WEATHER CONDITIONS**

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

### **Canceling Classes**

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

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

To find out if classes are canceled due to weather conditions, phone the University information line (274-5795 enter 2). Local radio and TV stations also carry our closings.

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

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

### **Closing Offices of the University**

On rare occasions, weather conditions are severe enough to require offices of the University to be closed. When this is the case, administrative and staff members are not expected to be at work except for those areas where work is required for the safety of individuals or the protection of properties. If the University is closed and you are scheduled to work that day, you will be paid for that time. If the University does not close and you can't make it to work, you will not be paid. You are welcome to take a personal day off, if available, or vacation days. To find out if offices are closed due to weather conditions, phone the University information line 274-5795 enter 2. Local radio and TV stations will also carry our closings.

## **HOLIDAYS**

The following days are paid holidays for full-time and part-time employees:

New Year's Day	Afternoon day before Thanksgiving
Good Friday	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

Part-time employees will be paid for the hours they were normally scheduled to work on those days.

If a holiday falls on Sunday, the following Monday will be observed. A Saturday holiday effects no change in your normal work period unless you are already scheduled to work, in which event you will have the day off.

Other holidays may be designated by the President of the University.

## **VETERAN'S DAY**

In compliance with Iowa Code 91A.5A, the University offers all honorably discharged Veterans the option to take November 11, Veteran's Day, off if they would normally be scheduled to work that day. Employees must provide a reasonable notice to their supervisor if they intend to take this day off. The statute allows the employer to determine if the day off is paid or unpaid. For Morningside University employees, the day off is unpaid unless the employee fills the time with vacation or personal leave.

Proposed/Approved October 2010

## **LEAVE WITHOUT PAY**

Leave without pay has two major categories:

**Voluntary leave without pay** - refers to employees who have exhausted applicable paid leave time, but who, for approved reasons, are not immediately returning to work. A memo of request for extended leave without pay will be submitted in advance through the Department Head to Human Resources for approval. The employee should provide a statement of the date he or she intends to return to work. Such leave, once approved, will not exceed a period of six (6) months.

**Disciplinary Leave Without Pay** - refers to employees who have been placed on leave as a result of disciplinary action taken by their supervisor and the University.

## **VII. INSURANCE BENEFITS**

### **GROUP COMPREHENSIVE HEALTH INSURANCE PLAN INCLUDING DENTAL**

Morningside University has a self-insured group health / dental insurance program with Wellmark Blue Cross Blue Shield. All benefits are fully explained in the Group Health Care Plan booklet that is given to all new employees during orientation at the Human Resources Office in Lewis Hall. Summary of Plan Description is located on the Human Resources webpage and a copy can be requested at any time from Human Resources.

All full-time employees may enroll in the group comprehensive health insurance plan. Classification as a full-time employee for purposes of determining eligibility for group health coverage will be determined according to applicable legal requirements under the Affordable Care Act and the terms of the Group Health Care Plan. All retired employees may enroll in the Medicare Supplemental Insurance Plan.

A newly hired employee must enroll during the first 30 days of employment or sign a form to waive the benefit. The benefit will begin the first day of the calendar month coinciding with or following thirty days of consecutive service.

Employees have the option to enroll within 30 days following employment, within 30 days following a change in family status, or during the open enrollment period each December.

#### **Termination of Coverage**

Upon termination an employee and his/her dependents will be covered for the time period for which his/her last premium was deducted. Coverage will cease automatically and without notice unless coverage is continued under the University's continuation benefit.

### **COBRA COVERAGE**

In compliance with federal law, Morningside University provides employees, their spouses, and their dependent children with the opportunity to temporarily extend their health and/or dental care coverage if the employee loses coverage as a result of a reduction in hours or the termination of employment. COBRA coverage is administered through Morningside University and the insurance carrier.

### **FLEX-BENEFIT PLAN**

Section 125 of the IRS Code makes it possible for employees to reduce their salary by a specific amount, through a Flexible Spending Account (FSA). FSA's are offered as an option for all full-time employees. The Flex-Benefit Plan covers Medical Expense Reimbursement and Dependent Care Reimbursement. Medical premiums are also deducted on a pretax basis.

The Medical FSA covers such expenses not otherwise paid by the group health plan (deductibles, co-insurance, etc.), dental related expenses, vision care, hearing expenses, etc.

The Dependent Care FSA covers expenses for the care of a dependent such as babysitting, day care centers, IRS eligible elder care, or any other legitimate dependent care charges necessary due to your employment.

You may enroll within 30 days following employment, within 30 days following a change in family status, or during the open enrollment period each December.

A copy of the Summary Plan Description; additional information and enrollment forms are available online on the Human Resources webpage and through the Human Resources Department.

### **LIFE INSURANCE/ACCIDENTAL DEATH AND DISMEMBERMENT**

A group term life insurance policy is furnished by Morningside University for all full-time employees. The benefit will begin the first day of the calendar month coinciding with or following thirty days of consecutive service. An application form must be completed in the Human Resources office.

The amount of insurance for each participant is determined by the salary of the individual employee. The value is equal to 150% of the base salary. Upon attaining age 65 the value of the term life is 65% of the 150% of the base salary.

This group term policy also carries with it an additional coverage of Accidental Death and Dismemberment, which provides 150% the face amount of the policy for accidental death.

A dependent life insurance policy is also provided by Morningside University for spouses and dependents of full-time employees.

Each full-time employee will be given a description of the term life plan at the time of enrollment and information is located on the Human Resources webpage.

### **HUMAN RESOURCES – EMPLOYEE ASSISTANCE PROGRAM (EAP)**

#### Mental Health/Family Counseling

Morningside University offers a confidential employee assistance program (EAP) through UnumProvident's work-life balance program for all employees and immediate family members to self-refer for assistance.

What issues can be addressed through the EAP?

- Relationship difficulties
- Alcohol or drug abuse
- Family or marital problems
- Financial Problems
- Job Stress
- Grief and Loss Issues
- Depression
- Gambling Concerns
- Anxiety
- parenting Issues

Speak confidentially with a master's level consultant to help clarify your issue. Telephone consultants will arrange up to three free in-person sessions to meet face-to-face with a counselor. Call 1-800-854-1446 to start this process.

Please contact Human Resources at 274-5114 for additional information.

## **WORLDWIDE EMERGENCY TRAVEL ASSISTANCE**

Worldwide emergency travel assistance services are available with one phone call – 1-800-872-1414. When traveling for business or pleasure, in a foreign country or just 100 miles or more away from home, you and your family can count on getting help in the event of a medical emergency. Contact the office of Human Resources for more information.

## **WORKER'S COMPENSATION**

All employees of Morningside University, while on the job, are protected under the Iowa Worker's Compensation Laws. If you are injured while working, be certain to notify your supervisor and the Human Resources Office immediately so that your rights may be protected and you may receive proper treatment. The University bears the total expense of this insurance. The Human Resources Office requires the completion of a worker's compensation claim form within 24 hours of the incident. If medical attention is necessary, the University requires the employee be treated at a medical provider of its choice.

Worker's Compensation is integrated with the Family and Medical Leave Policy.

## **LIABILITY INSURANCE**

In order to protect Directors, Officers, Faculty, Administrative and Staff employees from potential liability suits, Morningside University has implemented a Comprehensive General Liability Insurance Plan. This plan provides insurance protection in accordance with the terms and conditions of the policy, from the legal liability that could result from events occurring during the course of performing their duties for the University.

Liability Coverage is provided for the Board of Directors, Officers, Faculty, Administrative and Staff employees, and will pay in accordance with the terms and conditions of the policy any claims that an insured may become legally obligated to pay as damages resulting from claims arising from a wrongful act of an insured in the performance of their duties for the University.

Morningside University also carries Automobile Liability Coverage that extends to the Board of Directors, Employees, Students and Volunteers while driving a University owned vehicle on University business. There is also non-owned coverage for individuals when driving personal vehicles on University business. However, the individual's personal liability insurance would be primary coverage with University coverage responding as an excess layer.

## VIII. RETIREMENT PLANS

Effective July 1, 2020 the University has temporarily suspended their contributions to eligible employee's retirement plans.

### **RETIREMENT PLAN – TIAA (TEACHERS INSURANCE ANNUITY ASSOCIATION)**

Administrative and Staff employees who have been with the Morningside for 12 consecutive months or more may be eligible to participate in the TIAA Retirement Plan upon completion of the enrollment material. Under the University's plan Morningside will contribute the following for eligible employees:

<b>Years of Service</b>	<b>Automatic (Fixed) Contribution from the University</b>	<b>Potential Match from the University (with equal or greater contribution from employee)</b>	<b>Total Potential Contribution from the University</b>
<1 year	0%	0%	0%
1-4 years	3%	0%	3%
5-9 years	3%	Up to 2%	5%
10+ years	3%	Up to 3%	6%

For details on this program and a copy of the Summary Plan Description contact the Human Resources Office or visit the Human Resources webpage.

### **TAX-DEFERRED ANNUITIES PLAN**

The United States Government allows employees of educational institutions to make, through salary adjustments, contributions to their retirement program or supplemental retirement program free of federal and state income tax during the year the contribution is made (the tax is paid during retirement). Employees are eligible to participate in the plan effective day one of employment. Employees who are interested in a 403(b) plan should contact the Human Resources Office for additional information and a copy of the Summary Plan Description.

### **TIAA ROTH**

Employees can also elect through salary reductions to make after tax contributions to the TIAA ROTH. Employees are eligible to participate in the plan immediately. Enrollment materials will be provided during orientation, but employees can contact the Human Resource Office for additional information and a copy of the Summary Plan Description anytime.

## **OTHER BENEFITS**

### **Bookstore**

The University operates a Bookstore for faculty, administration, staff, and student convenience. All employees and University departments are granted a 15% discount on all merchandise (except special orders, sale items and books).

### **Parking**

All employees are provided free parking facilities. Permits are issued by the Director of Campus Security for the proper identification of your car. University personnel are expected to abide by all published parking rules. A copy may be obtained from the Director of Campus Security. If you change vehicles, notify the Director of Campus Security of your new registration.

### **Health Office**

The University maintains a Health Office in the lower level of the Olsen Student Center. A registered nurse is on duty at stated hours. The services of the Health Office are available to employees for minor first aid treatment. It is understood that the services do not include those of a physician.

### **Tickets to University Events**

Free tickets are available, in most cases, to all University employees and the families or guest of the employee to athletic events, dramatic productions, lectures, music concerts, and etc.

### **Learning Center**

The facilities of the learning center are available to all employees.

### **HPER Hindman-Hobbs Center**

The facilities of the HPER Center are available to all full-time employees and dependents free of charge. Part-time employees will have use of the facility for a nominal charge. Those employees who are interested in using the facilities of the HPER Center should contact the Director of HPER Scheduling.

### **Unemployment Compensation**

Because the University is covered by the Unemployment Compensation Act, members of the administration and staff have certain benefits in case their employment is terminated. Interpretation of this act is complex and further information can be obtained from the Human Resources Office and/or the Iowa State Unemployment Compensation Commission.

### **Social Security and Medicare**

All employees of Morningside University participate in the Federal Social Security and Medicare programs. Each year the University contributes an equal amount as required by law to these programs. Details of these programs may be obtained at the local Social Security Office or in the Human Resource Office of the University.

### **Sodexo Campus Services**

Sodexo food service located in the Olsen Student Center is available to employees both on an individual basis for meals and as a catering service for private parties. A price list is available from the manager.

### **Morningside University ID Card**



Faculty, Administrative and Staff employees may use their Morningside University campus ID Card to access numerous on-campus services including the Morningside University Learning Center, paying for dining at Food Services facilities, and gaining access to many University events.

### **Thomas S. Thompson Staff Excellence Awards**

All full-time administrative and staff employees are eligible to receive cash awards of either \$4,000 or \$5,000. These awards were established to:

- Reward outstanding dedication, service, and commitment to Morningside University
- Recognize employees who have enhanced the student's educational experience or daily environment and whose exceptional contributions through teamwork have improved a department or division of the University
- Recognize employees whose lives and work reflect the University's mission statement

Please contact the Human Resources Office for more information on the Thomas S. Thompson Staff Excellence Awards.

### **Service Recognition**

To give recognition and appreciation for long and loyal service, Morningside University presents service awards each year at the annual Employee Appreciation Banquet. Employees receive these awards after completing five years of service and then five years thereafter. A former employee re-employed after a break in service, of not more than five years, shall be given credit for previous service with the University for purposes of determining service awards.

## **IX. POLICIES PERTAINING TO THE UNIVERSITY AS A WORKPLACE**

The policies cited below that pertain to Equal Employment Opportunity, Harassment, and Drug-Free Campus and Workplace are responsive to University commitments and provisions of state and federal statutes. Changes in federal or state law in areas covered by these policies take precedence over the policies cited here.

### **BACKGROUND CHECKS POLICY**

#### **General Information**

This policy is intended to help the University protect its interests and the well-being of its students, staff, faculty, and the public. This policy establishes parameters for criminal history and related background checks on individuals who are offered employment at the University. Convictions or other issues disclosed or discovered in the employment process may influence the selection of the applicant. Likewise, failure to be forthcoming about criminal history or any misrepresentation of education or work history may also influence the selection of the applicant.

#### **Policy Provisions**

##### **When are background checks required?**

Background checks are required for new full-time and part-time positions prior to the new employee beginning his or her employment. Volunteers who are providing services to our students or volunteering through a Morningside recognized camp or activity working involving minor children will also require a background check. The hiring department, in consultation with Human Resources, will determine if any other background check besides the criminal background check is appropriate.

##### **Do current employees have to undergo background checks?**

Generally, current employees do not have to undergo background checks but the University reserves the right to perform background checks on employees under any circumstances on a case by case basis. In most cases current employees would have to undergo a criminal background check if they would change positions within the University.

##### **What information will be obtained as part of the background check?**

Each background check will, at a minimum, consist of:

- Social Security Number Trace Search
- Criminal Record Search
- Sexual Offender Database Search
- Iowa Abuse Registry Search

Additional information such as, but not limited to, education verification, work history, and driving record may also be requested.

**Does a background check include checking into a person's credit history?**

Generally, no. However, some positions, such as financial positions, may require additional background checks, including checking into a person's credit history.

**Access and Privacy****Who will have access to the background check results?**

Human Resources will retain the results of background checks. If there are no criminal convictions or other issues revealed in the background check, Human Resources will notify the department to complete the hire. If there are criminal convictions or other issues revealed in the background check, Human Resources will notify the hiring manager, review the results with him or her, and collectively make a final determination regarding the suitability of the candidate for the specific position.

**How will the University protect an individual's privacy?**

Morningside University conducts background checks through One Source, a certified background check company. Human Resources will serve as the Office of Record for all background check results and will strive to maintain confidentiality. Departments will not receive any details of a background check, except as otherwise contemplated by this policy. Morningside University policy prohibits University employees and others from seeking out, using, or disclosing background check information except within the scope of their assigned duties and this policy, and/or as allowed by applicable laws.

**Where will background check information be maintained?**

If the individual is hired as an employee, the background check results will be maintained in the online data base of One Source. This becomes a permanent part of the employee's personnel file in Human Resources. If the individual is not hired as an employee, the background check results will be maintained with the individual's application in Human Resources.

**Hiring Issues****Can employees be hired before the background check has cleared?**

An offer can be extended with the understanding that actual employment is dependent upon acceptable results with respect to the background check.

**Does a criminal conviction automatically preclude an applicant from employment or a current employee from a reclassification or promotion?**

No. If there is a criminal conviction or other issue revealed in the background check, Human Resources and the hiring manager will review the results and make the final determination regarding the individual's suitability for employment in the position. In some instances, Human Resources may recommend additional controls that a department would need to implement before employing, promoting, or reclassifying a person convicted of a crime or with other issues revealed in the background check. Consideration will be given to many factors, including but not limited to, the specific duties of the position, the number of offenses and circumstances of each, how long ago the conduct occurred, how close the conduct is related to the individual's job responsibilities, whether the infraction is likely to recur, and whether the convictions or other issues were disclosed during the application process.

**Are there certain kinds of convictions that will generally preclude hiring?**

Individuals with criminal convictions for theft, embezzlement, identity theft or fraud generally will not be hired into positions with fiduciary responsibilities. Likewise, convictions for child molestation and other sex offenses will generally preclude an individual from employment that involves direct, unsupervised contact with students or access to residence facilities. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs may also be grounds for denial of employment. This list is not inclusive, but serves to illustrate the decision-making criteria.

## **Process & Forms**

### **What specific forms and documents are needed for this process, and where can they be obtained?**

Candidates who are selected to be interviewed must complete a Consent and Disclosure form that informs the candidate that Morningside University will be conducting a background check on the candidate chosen for the position. The University will be utilizing the services of One Source to conduct the background check and requests for specific information will be necessary to complete the background screening.

## **Bloodborne Pathogens**

Current medical evidence indicates that the actual safety risks created for the transmission of Hepatitis B (HBV) and HIV (AIDS) viruses are low in the University's normal academic and employment setting. Any employee who may be exposed to body fluids in the course of employment duties will be given protective wear in order to minimize the risk of transmission of communicable disease. The University will make available the Hepatitis B vaccine series to all employees who have the potential for occupational exposure. Training is provided at the time of initial assignments to tasks where occupational exposure may occur and will be repeated within 12 months of the previous training.

Faculty and staff are not authorized to clean any spills of body fluids unless they have received training in infection control and been offered a Hepatitis B vaccine. For more information, contact the Assistant Director of Security or Human Resources.

## **BREAK TIME FOR NURSING MOTHERS**

### **Purpose**

Morningside University is committed to the adoption and implementation of this Breastfeeding Policy and will be enforced, effectively immediately, for all employees.

### **Policy**

Morningside University recognizes the importance of breastfeeding and supports the accommodation of mothers who choose to continue breastfeeding or expressing milk after their return to work for up to one year after the child's birth.

### **Notification Requirement**

Employee needs to inform their supervisor and Human Resources as early as possible of their intention to continue breastfeeding following maternity leave of absence or FMLA. This will provide Morningside University time to make necessary arrangements.

### **Flexible Scheduling**

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby.

### **Privacy/Accommodations/Designated Lactation Space**

Morningside University will make reasonable effort to provide a clean lockable private room (not a toilet stall or public restroom) or other location, in close proximity to the work area, where an employee can express her milk in privacy. The room should have a chair and accessible electrical outlet for an electric breast pump. A clean water source for washing hands and rinsing out any nursing equipment must be available; a restroom or break room with a sink does satisfy this requirement. It is the employee's responsibility to keep the location clean after each use and remove any personal items.

### **Storing Breast Milk**

A breastfeeding employee will provide their own containers and storage unit. If breast milk is stored in a common refrigerator, the expressed milk container must be placed in a clean container with the employee's name on it and placed on a high shelf in the shared refrigerator. It is the employee's responsibility to remove expressed milk at the end of each day.

### **Campus Conduct Hotline**

As part of our University's continuing effort to promote "zero tolerance" of unethical conduct in the workplace, the University has implemented the following program. It is called **Campus Conduct Hotline®** and it is designed to minimize any apprehension you may have and make it possible for you to report concerns about possible violations of our institution's Code of Ethics and employment policies. The **Campus Conduct Hotline®** system is available for your use around the clock, seven days a week. Because the **Hotline** is operated by an independent organization, any calls made through this **Hotline** are completely confidential and anonymous.

Using this reporting service is easy. If you have a question or concern about a possible violation of our Code of Ethics or employment policies, simply dial toll-free to **866.943.5787**.

Once you have dialed the toll-free number, here is how the reporting and follow-up processes work:

- Your call will be greeted promptly and courteously by a person who makes certain you understand the **Campus Conduct Hotline®** program and how it functions. If you prefer to make your report in a language other than English, just let the person who answers know and they will arrange for a translator to participate.
- At the beginning of the interview, you will be provided with a five digit, randomly generated case number that you should use to check back for updates and requests for additional information. Be sure to write this number down and remember where you put it!
- You will then be interviewed about the question or concern that is on your mind.
- Your interview will not be recorded. Instead, the interviewer will be typing notes of your conversation. Whether or not you choose to provide your name is completely up to you.
- Within one business-day of your call, a summary of the interview will be forwarded to the University. Our goal will be to have a basic response back to you in five business days.
- To receive your response, you will need to call back and provide the five-digit case number that has been assigned to you. At that time, you might be asked to provide additional information or to call back at a later date. You will be able to keep checking back for updates until your case is closed.

Because of the built-in confidentiality, it is important that you try to be as specific as possible about the information you provide. For example, we will need to know the name of the department you work in and the location you are calling about. And, please be sure to call back in five business days to check to see if any additional information is needed. Alternatively, if you would like someone to contact you directly, you can leave your name along with a phone number where and when you would prefer to be called.

To repeat, at no time is any caller required to identify himself or herself and all information provided can be completely confidential and anonymous.

## **CODE OF CONDUCT AND ETHICS**

### **PREAMBLE**

As members of the University community all staff employees are responsible for sustaining the highest ethical standards of this institution, and of the broader community in which we function. The University values integrity, honesty and fairness and strives to integrate these values into its teaching, research and business practices. It is the intent of the Staff Code of Conduct and Ethics to protect academic freedom, to help preserve the highest standard of teaching and scholarship, and to advance the mission of the University.

### **DEFINITIONS**

1. The term University means Morningside University.
2. The term “student” includes all persons taking courses at the University either full-time or part-time, pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered “students.”
3. The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “staff” includes any full-time and part-time employee of the University who holds managerial, administrative, clerical, technical, skilled craft, service or other positions designated by the University to be subject to these rules, policies, procedures and benefits.
5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed or contracted by the University. A person’s status in a particular situation shall be determined by the Vice President for Business and Finance.
6. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
7. The term “organization” means any number of persons who have complied with the formal requirements for University recognition or registration.
8. The term “policy” means the written regulations of the University as found in, but not limited to; the Staff Code of Conduct and Ethics; Residence Life Handbook; the University website; Computer Use Policy; Graduate/Undergraduate Catalogs; Administrative and Staff Employee Handbook; and the Faculty Handbook.

## PROSCRIBED CONDUCT

### **A. Jurisdiction of the University Staff Code of Conduct and Ethics**

The Staff Code of Conduct and Ethics shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University Community and/or staff member's fitness to perform his/her professional responsibilities. Staff employees that have teaching responsibilities are also required to comply with the Faculty Code of Conduct and Ethics. Each staff member shall be responsible for his/her conduct throughout his/her employment relationship with the University.

### **B. Conduct – Rules and Regulations**

Staff employees are required to comply with basic standards of conduct and professionalism as members of the University community. Failure to comply with the Staff Code may result in disciplinary action up to and including termination as outlined in the Administrative and Staff Employee Handbook. This list is non-exhaustive and the University reserves the right to discipline staff for conduct not listed below.

1. Neglect of duty and/or lack of due care and/or diligence in the performance of duties.
2. Unsatisfactory job performance or failure to maintain reasonable standards of performance.
3. Inappropriate appearance including failure to maintain personal appearance or dress, including uniform or style dress, as noted in the University's Dress Code Policy.
4. Poor attitude and discourtesy toward others (for example, rudeness or lack of cooperation).
5. Excessive absenteeism or tardiness, or an unacceptable pattern of absences.
6. Insubordination, including refusal to comply with a supervisor's instructions unless the instructions are illegal, endangering, or unethical.
7. Unauthorized use of the University's name or letterhead for personal business.
8. Theft, misappropriation, and/or unauthorized possession or removal of property belonging to the University, members of the University community, or other persons with whom the University has a business relationship.
9. Concealing, falsifying, altering, misusing, or removing records, including electronic data records.
10. Direct or indirect misuse of University resources, including property leased to the University, for other than officially approved activities (including, but not limited to, employees, facilities, mail service, supplies, equipment, and university computing and communication resources, including computers, networks, electronic mail services, electronic information sources, voicemail, telephone services, and other communication resources).
11. Smoking in unauthorized area.
12. Sleeping while on duty.
13. Failure or refusal to cooperate in or interference with University disciplinary proceedings.

14. Violation of the Conflict of Interest Policy.
15. Unauthorized use of alcohol or being under the influence of alcohol while on University premises or working for the University.
16. Providing alcoholic beverages to any student under twenty-one (21) years of age.
17. Violation of safety rules and policies.
18. Staff members must comply with all federal laws, state laws, agreements with third parties, and University policies and principles pertaining to the use, protection, and disclosure of various types of confidential, proprietary, and private information. Such policies apply even after the staff member's relationship with the institution ends.
19. Violation of the Non-Discrimination Policy.
20. Harassment of any person, including, but not limited to, violation of the Sexual Harassment Policy.
21. Violation of the Equality opportunity, harassment, and nondiscrimination for all faculty, staff, students and Third Parties Policy.
22. Misuse or abuse of University resources, including funds, equipment or facilities. University resources must be reserved for business purposes on behalf of the University. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental and reasonable in light of the staff member's duties. University resources include, but are not limited to, the use of University systems, such as telephone systems, data communication and networking services, and the domain for electronic communication forums; and the use of University equipment; and the use of procurement tools such as purchasing cards and petty cash; and the time and effort of other staff, students, and others at the University.
23. Disruption or obstruction of lawful institutional activities and functions.
24. Threats, intimidation, physical contact, physical abuse harassment, coercion and any other conduct which threatens or endangers the health or safety of any person.
25. Attempted or actual theft, unauthorized possession, and/or damage to property of the University, any person, or any other entity.
26. Possession or use on the University premises of any weapon (i.e. firearms and dangerous knives), dangerous instruments, explosive devices, fireworks, or dangerous chemicals.
27. Unauthorized use of institutional resources or facilities for personal, commercial, political, or other improper purposes.



28. Theft, abuse, and/or misuse of computer facilities and resources, including but not limited to:
- a. Unauthorized entry into a file, to use, read, or change contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and resources to interfere with the work of a student, faculty member or University official.
  - e. Use of computing facilities to and resources to send obscene or abusive messages.
  - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Any violation of the University Computer Use Policy.
29. Violations of other published University policies in hard copy or available on the University website.
30. Intentionally misrepresenting personal views as the position of the institution.
31. Conviction of criminal acts which demonstrate unfitness as a staff member, including but not limited to crimes of moral turpitude.
32. Possession, distribution, sale or use, or being under the influence of, illegal drugs while on University premises, participating in University-sponsored activities, representing the University, or performing job duties. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes.
33. Staff members must abide by all rules and laws governing the use of copyrighted materials, patented ideas, licenses, and proprietary information.
34. Interference with disciplinary procedures, including but not limited to destroying or concealing evidence, providing false or misleading information, intimidation of witnesses, or inducing a witness to provide withhold information or provide false information.
35. Improper documentation, destruction, or making false statements, alterations, deletions or omissions on University forms, records or reports including but not limited to production records, time records, employment applications, and medical records.

36. Violation of Whistleblower Policy.

37. Failure or refusal to cooperate in or interference with an investigation by the University, including failure to disclose known dishonest acts of others.

38. Accepting Benefits or Tangible Favors. Transactions must not be made on the basis of any special personal relationship between the customer or supplier and a University staff employee. While personal relationships can be important in business dealings, at no time shall the business relationship be based upon the acceptance of favors, gifts, extraordinary entertainment or similar influences.

**C. Membership on Boards of Business Corporations**

When a staff member of Morningside University serves on the board of a non-affiliated business, there is the potential for a conflict of interest to arise between the business, and the University. On the other hand, the University does recognize that there may be occasions, where a board membership can be of value to the University, the individual and the outside business. Due to the sensitivity of this issue, approval of directorships should be obtained in writing from the President. If approval is granted, director's fees may be retained by the official.

**D. Membership on Boards of Non-Profit Organizations**

Staff members are welcome to participate or assume leadership roles in non-profit organizations such as charitable, religious, educational, cultural and community institutions. The University encourages such participation provided this does not interfere with the staff member's regular duties. Staff members must be sensitive to activities or memberships which could compromise their position at the University.

**E. Political Activity**

**Personal Involvement in Political Activities**

We believe it is important for staff members to take an active interest in political and governmental activities and to support principles, issues, parties or candidates of their choice. All such involvement must be done on an individual basis, and not as a representative of Morningside University. In addition, any political campaign activity must take place on the staff member's own time. Morningside University will not reimburse any individual for political contributions or expenditures.

Any staff member desiring to run for an elective political office or to accept an appointment to a political position should discuss this intent with the President. The potential conflict of interest in holding such an office is occasionally not resolvable, in which case the staff member should either resign or take a leave of absence, depending on the circumstances.

**Federal, State and Local Lobby and Ethics Laws**

It is not practical to set forth in this Code of Ethics the complex and detailed provisions of federal, state, and local laws governing activities involving contact with government officials. Because of the potential for severe corporate and personal penalties and attendant adverse publicity, employees having any contact with governmental officials are cautioned about prohibitions and restrictions on the number or purpose of such contacts, and gifts and hospitality extends to government officials including meals, beverages, tickets to the theater or sports events, and other entertainment.

## **Federal and State Election Laws**

Federal and certain state election laws prohibit Morningside University from making contributions of anything of value to a political candidate or in connection with any federal, state or local election, except in a very few limited circumstances. This prohibition applies to both direct and indirect campaign contributions. This means that, in addition to cash, we are generally prohibited from offering the use of our equipment or personnel in connection with any political activity. Therefore, in their personal political activities, staff members must not utilize University equipment such as telephones, copying machines, postage, stationery or other facilities which could be construed as illegal corporate contributions. Under no circumstances should the University's letterhead be used in any correspondence in behalf of a party or candidate.

Morningside University will apply the usual standards and charge the usual rates currently in effect for any services furnished within the ordinary course of business to any political party, candidate or political committee.

Staff members are welcome to participate or assume leadership roles in non-profit organizations such as charitable, religious, educational, cultural and community institutions. The University encourages such participation provided this does not interfere with the staff member's regular duties. Staff members must be sensitive to activities or memberships which could compromise their position at the University.

### **F. Outside Employment**

Staff members are expected to devote their full time and attention to the University's interests during regular hours of employment and whatever additional time is required to satisfy their responsibilities. Other employment or personal business commitments are not permitted if these interests would compete with the University's activities; involve the use of the University's equipment, supplies, or facilities; or imply sponsorship or support by Morningside University.

### **G. Employment of Relatives**

The employment of relatives can create potential conflicts of interest. The circumstances under which relations may be employed should be approved in advance by the President.

### **H. Administrative and Interpretation of the Code**

This Code does not and cannot cover all aspects of the University. Nor can the Code always be clear in its application to a given situation. As in most of life, there are few absolutes in our business dealings. Occasions will arise where interpretations and guidance will be needed. These situations should be discussed with an employee's superior. In all cases, disclosure of possible violations should be made promptly.

In conclusion, the essence of our corporate integrity does not lie in a Code of Ethics. It lies in the quality of employees and the manner in which they conduct themselves. The Code is intended to aid them in their efforts to represent themselves and the University with honesty and fairness.

If you have any questions or concerns regarding this policy, you can contact the Vice President for Business and Finance at 274-5142.

# **COMPUTER, E-MAIL USE, AND BLOGGING POLICY FOR EMPLOYEES, INDEPENDENT CONTRACTORS AND VOLUNTEERS**

## **COMPUTER AND E-MAIL USAGE**

### **Use of Morningside University's Equipment**

All Morningside University equipment, software, data, and network connections including computers, email accounts, PDAs or other electronic devices, shall be used for Morningside University-related business only. Computers, computer files, the e-mail system, and software furnished to Morningside University employees, independent contractors or volunteers (hereinafter "Users") are Morningside University's property intended for business use only.

Users are responsible for the use (and misuse) of their Morningside Network Account. Users must take reasonable precautions to prevent use of their account by unauthorized persons, including password maintenance, and report all unauthorized use to the Technology Services Center.

### **Confidentiality of Email Communications**

Users have no expectation of privacy with respect to any electronic communication and content created, viewed or saved while using Morningside University-controlled electronic devices. It is extremely important that (1) all Users who send e-mail messages recognize that there can be no assurance that they will be seen only by the intended addresses; and (2) all Users act carefully, professionally, and responsibly with respect to e-mail messages. Users should take extra care when communicating highly sensitive or confidential information. Users should be aware that in the event of litigation, any electronic communications stored, transmitted or received on Morningside University-owned equipment (even deleted versions) could be discoverable by another party and may be used as evidence in a trial.

Morningside University reserves the right to monitor, access and disclose computer files on Morningside University controlled electronic environment and messages sent over its e-mail system, for any legitimate business related purpose, including disclosure of appropriate e-mail messages or computer files to law enforcement officials, with or without notice to any User(s) who may have created such a computer file or sent or received such messages. It also reserves the right to destroy any and all computer files and messages at any time pursuant to Morningside University's Record Retention and Document Destruction Policy<sup>i</sup>, subject to limitations required by law enforcement officials or other legal authority.

### **Compliance with Morningside University's Policies and Procedures**

Users must adhere to all of Morningside University's policies and procedures when using Morningside University's equipment, including when using Morningside University's equipment to engage with other users online via social networking or in virtual spaces. This includes, but is not limited to: Morningside University's workplace policies outlined in the Staff Handbook<sup>ii</sup>, and FERPA policies. Users may not use Morningside University's computers or other equipment in a manner that violates another's rights under FERPA, HIPAA or any other applicable law pertaining to privacy or confidentiality. Any conduct that would be prohibited by these policies is also prohibited online or in virtual contexts.

Any violation of this policy or any other applicable policy will be grounds for discipline, up to, and including, termination of employment or dismissal from independent contractor or volunteer status.

For example, email messages, or social media posts that include obscene statements or derogatory comments about co-workers and students should never be created or transmitted. Similarly, email messages or social

networking posts containing improper or offensive materials on topics such as color, race, religion, national origin or ancestry, sex, age, disability or any other legally protected status should never be created or transmitted. Morningside University believes that gossip regarding any member of Morningside University's community is potentially harmful and could be destructive in a productive environment. As such, use of Morningside University's equipment, including its email system for gossip is discouraged.

If Users receive external or internal e-mail that contains material that would violate Morningside University's non-harassment policy<sup>iii</sup>, they should immediately delete the e-mail and inform the sender to refrain from sending such e-mail in the future.

E-mail may not be used to solicit others or promote commercial ventures, religious or political causes/views, outside organizations, or other non-Morningside University matters, such as, jokes, cartoons, without prior approval from the President or a Vice President.

### **Compliance with Intellectual Property Laws**

Morningside University purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Morningside University does not have the right to reproduce such software for use on more than one computer. Users may only use software on local area networks or on multiple machines according to the software license agreement. Morningside University prohibits the illegal duplication of software and its related documentation.

Use of Morningside University's logos, branding materials, or any other intellectual property is strictly limited to business use and only by those who are duly authorized to act on the Morningside University's behalf.

### **Reporting Suspected Violations**

Users should notify their immediate supervisor, the Human Resources Department or any Morningside University administrator upon learning that an authorized user, including an employee, student, independent contractor or volunteer has violated this policy. Failure to report another user's known violation of this policy may subject the user to discipline, up to and including termination of employment or dismissal from independent contractor or volunteer status.

Users should notify their immediate supervisor and the Technology Services Center if they suspect an unauthorized user has accessed equipment, software, or data belonging to Morningside University.

### **Violations of this Policy**

Users who violate this policy will be subject to disciplinary action, up to and including termination of employment or dismissal from independent contractor or volunteer status. Failure to report a known violation by another user is also a violation of this policy that may subject the user to discipline, up to and including termination of employment or dismissal from independent contractor or volunteer status.

## **BLOGGING POLICY**

### **Scope**

This policy applies to any employee, independent contractor or volunteer (hereinafter "User") who engages in blogging activity on Morningside University's equipment. This policy also applies to any User who engages in blogging activity on any digital equipment that references or refers to Morningside University, its policies or its community members. Blogging activity is broadly defined as any communication posted on the internet by a User,

## **Compliance with Morningside University's Policies and Procedures**

Any User who engages in blogging activity must abide by all of Morningside University's policies and procedures that include, without limitation, Morningside University's non-disclosure policies, confidentiality policies, anti-discrimination policies, anti-retaliation policies, anti-harassment policies and computer use policies. Any conduct that would be prohibited by these policies is also prohibited when blogging.

Users are prohibited from making discriminatory, retaliatory, defamatory, libelous or slanderous, threatening, and/or sexually explicit comments when discussing the Morningside University, its administrators, employees or students. Users should be aware that Morningside University's anti-retaliation policy prohibits retaliation against any individual who in good faith reports an incident of discrimination, harassment, bullying, abuse, or the warning signs thereof, or who cooperates with an investigation regarding any matter covered by the policy. This includes retaliation against any individual who notifies Morningside University of inappropriate blogging activity by User.

Any User blog that references Morningside University, its policies or its community members, must clearly state that it expresses the views of the User and does not represent, in any capacity, the views of Morningside University.

## **Compliance with Intellectual Property Laws**

Use of Morningside University's logos, branding materials, or any other intellectual property is strictly limited to business use and only by those who are duly authorized to act on the Morningside University's behalf.

### **Violations of this Policy**

Morningside University reserves the right to take disciplinary action up to and including termination or dismissal from independent contractor or volunteer status of any User whose blog violates any Morningside University policies.

Morningside University reserves the right to monitor User blogging activity that is conducted on Morningside University's equipment or server.

If Morningside University detects a violation(s) of its policies and/or applicable laws as a result of:

- (1) Activity conducted on institution-controlled equipment on any site (public or internal); or
- (2) Activity conducted on Morningside University's server or cloud on any site (public or internal) on any equipment; Morningside University reserves the right to authorize its IT department to disable or remove any content from an institution controlled server, site, or institution-controlled equipment using any legally available means.

## **COPYRIGHT MATERIALS**

The use of copyright materials, such as films, videos, filmstrips, electronic media, etc., for public performance must comply with the Federal Copyright Act (Title 17, United States Code, Section 101 and following), Digital Millennium Copyright Act (DMCA), and Technology, Education, and Copyright Harmonization Act (TEACH). Copyrighted materials used for educational purposes in a classroom setting must comply with the Fair Use Guidelines of the Copyright Act which may be found in the Copyright Act at Section 107. Further copyright exceptions for academia are found in Sections 108 (reproduction by libraries and archives), 109 (first sale), and 110 (use of materials in an educational setting). Copyrighted materials used for recreational purposes as public performance, outside of the private sphere of one's home, are required to obtain a public performance license. To access information on purchasing the rights to show copyrighted materials or purchase a public performance licenses, contact the Vice President for Business and Finance.

# **Computer Ethics and Network Acceptable Use Policy**

## **Introduction**

This policy regulates the use of all computing equipment, applications, databases, code, data and network interconnections owned or administrated by Morningside University. These include, but are not limited to, administrative computing resources, office and residence hall computers, departmental and campus-wide information technologies, network servers, host computers, terminals, networked devices, printers, operating systems, and application software.

## **Rights and Responsibilities**

Computers and networks can provide access to resources on and off campus, as well as the ability to communicate with other users worldwide. Such open access is a privilege, and requires that individual users act responsibly. This document may be accessed on the "Policies" page of the Information Services website from the Morningside University portal page.

1. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations.
2. All existing laws (federal and state) and University regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply generally to personal conduct.
3. Other organizations operating computing and network facilities that are reachable via the Morningside University network may have their own policies governing the use of those resources. When accessing remote resources from Morningside University facilities, users are responsible for abiding by both the policies set forth in this document and the policies of the other organizations and networks.
4. Most media and software is protected by U.S. Copyright Law and illegal reproduction is subject to civil damages and criminal penalties including fines and imprisonment.
5. Students and employees may have rights of access to information about themselves contained in computer files as specified in federal and state laws. Files may be subject to search under court order.
6. System administrators will make every effort to keep email and other network based communication confidential, however they will access user files as required for maintenance and to protect the integrity of computer systems. Computer communications are not considered private.
7. You are responsible for all use (and misuse) of your account. You must take all reasonable precautions to prevent use of your account by unauthorized persons, including password maintenance and reporting unauthorized use to the Technology Services Center.

## **Examples of Prohibited Activities**

Examples of misuse include, but are not limited to, the following list of prohibited activities:

- Using a computer account that you are not authorized to use.
- Obtaining a password for a computer account without the consent of the account owner.
- Allowing someone else to use your account.

- Using the campus network to gain unauthorized access to any computer system.
- Knowingly or carelessly performing an act which will interfere with the normal operation of computers, terminals, peripherals, or networks.
- Knowingly or carelessly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes, but is not limited to, programs known as computer viruses, Trojan horses, and worms.
- Attempting to circumvent data protection schemes or uncover security loopholes.
- Violating terms of applicable software licensing agreements or copyright laws. This includes the broadcast distribution of copyrighted material from electronic sources.
- Deliberately or negligently wasting computing resources. This includes, but is not limited to, printing multiple copies of a document on a University-owned printer, operating chain e-mail letters, broadcasting an e-mail message to all system users, storing large files on host computers, running programs on host computers that use a disproportionate share of system resources, and failing to signoff from a mailing list you have no interest in following.
- Using electronic mail to harass, annoy, abuse or torment others, threaten violence, or to incite or produce lawless action.
- Masking the identity of an account or machine. This includes, but is not limited, to sending anonymous e-mail.
- Using University-owned computing resources for any activity that is commercial in nature.
- Posting on Internet services materials that violate existing laws or the University's codes of conduct. This includes, but is not limited to, posting obscene, lewd, or sexually harassing/explicit text, audio, or images to a public online conference; posting of materials that are slanderous or defamatory in nature; harassment based on sex, race, disability, or other protected status.
- Attempting to monitor or tamper with another user's electronic communications; reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner; reading another person's e-mail.

### **Enforcement**

Penalties for violation of this policy may be imposed under one or more of the following: Morningside University policies and regulations, the laws of the State of Iowa, and the laws of the United States. Penalties may include loss of access to University computing resources, either temporarily or permanently.

Misuse of computing, networking, or information resources may result in the loss of computing privileges. Additionally, misuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable University policies or procedures. Complaints alleging misuse of computing resources will be directed to those responsible for taking appropriate disciplinary action.

Minor infractions of this policy will be handled by Information Services personnel in an informal manner. More serious violations will be referred to the appropriate University authorities for formal investigation and action according to established procedures.



### **Copyright Materials**

The use of copyright materials, such as films, videos, filmstrips, electronic media, etc., for public performance must comply with the Federal Copyright Act (Title 17, United States Code, Section 101 and following), Digital Millennium Copyright Act (DMCA), and Technology, Education, and Copyright Harmonization Act (TEACH). Copyrighted materials used for educational purposes in a classroom setting must comply with the Fair Use Guidelines of the Copyright Act which may be found in the Copyright Act at Section 107. Further copyright exceptions for academia are found in Sections 108 (reproduction by libraries and archives), 109 (first sale), and 110 (use of materials in an educational setting). Copyrighted materials used for recreational purposes as public performance, outside of the private sphere of one's home, are required to obtain a public performance license. To access information on purchasing the rights to show copyrighted materials or purchase a public performance license, contact the Student Activities Advisor or the Vice President for Business and Finance

## **CONFLICT OF INTEREST**

A conflict of interest exists when any individual covered by this policy has a relationship or engages in an activity which impairs or adversely influences his or her judgment with respect to policy promoting the best interest of the University and the public good, or which impairs or adversely influences the performance of his or her duties to the University.

A conflict of interest exists when a person benefits financially, either directly or indirectly, from his or her employment or appointment by the University save and except for compensation and financial benefits paid or granted by the University.

### **Disclosure**

In any case where a conflict of interest exists, or may exist, or the appearance of a conflict of interest may exist, it shall be the duty of the person covered by this policy to disclose his or her interest, including any interest in the organization or entity which may benefit from the person's association with the University and including any such beneficial interest a member of the person's immediate family may have because of the person's association with the University.

Persons who perceive the existence of a conflict of interest shall not endeavor to resolve the conflict or determine that the external benefits will not adversely affect the University; but shall make a full disclosure of the facts, circumstances, relationships and transaction as follows:

1. Vice Presidents shall report to the President and comply with Board approved Policy.
2. Faculty members shall report to the Vice President for Academic Affairs.
3. Other employees shall report to their immediate supervisors, who shall keep the appropriate Presidential Staff members of the University currently informed.

Reports shall be made promptly, and at the discretion of the person receiving the report shall be made in writing and signed by the person making the disclosure.

### **Restraint on Participation**

Persons covered by this policy are encouraged to avoid relationships and transactions that constitute a conflict of interest. When such situations cannot be avoided, the persons involved shall refrain from participating in consideration of the transaction affected by the conflict of interest, unless under special circumstances the University determines that their participation is imperative for the welfare of the University and the public good. If such a waiver is indicated, it shall be in writing and signed by the Vice President making the determination, and a copy of the Waiver shall be provided to the President.

## **CONSENSUAL RELATIONSHIPS**

The University's educational mission is promoted by professionalism in student-faculty relationships and in supervisor-supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Taking note of the respect and trust accorded a faculty member by a student and a supervisor by a supervisee, the faculty and staff recognize that they are presumed to make decisions regarding their relationships with students and supervisees which will not endanger this atmosphere of mutual trust and respect. Faculty and staff should be aware of the possibility that an apparent consensual relationship with a student or supervisee may be interpreted (either now or at a later date) as nonconsensual and, therefore, sexual harassment.

The power differential inherent in faculty/student and supervisor/supervisee relationships may compromise the student's or supervisee's ability to decide and thus call into question the bona fide consensual nature of the relationship. The potential exists for the student or supervisee to perceive a coercive element in suggestions regarding activities outside those appropriate to professional relationships. Moreover, faculty and staff, particularly in relationships with students and persons under their supervision, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. They also need to be aware that a relationship may give rise to a perception on the part of others that the evaluative capacity of the faculty member or supervisor has been compromised.

It is a violation of this policy for a faculty or staff member to undertake an amorous relationship or permit one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation, even when both parties appear to have consented to the relationship.

Amorous relationships between faculty or staff members and students outside the instructional and supervisory context are also strongly discouraged.

The University does recognize that consensual amorous relationships may exist prior to the time a student is assigned to faculty or staff member, as a member of that person's class or is placed in a situation where the faculty or staff person must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. An amorous relationship is a recent amorous relationship if it is ongoing or has been in existence at any time within the six months immediately preceding the assignment of the student or supervisee to the faculty or staff member. Where the faculty or staff member has, or has had a recent amorous relationship with the student or supervisee the following procedures shall be followed:

1. If, at all possible, the student should be advised in his or her course selections to avoid course sections taught by the instructor with whom the student has or has had a recent consensual relationship. Efforts should likewise be made to place a subordinate under the supervision of another supervisor where the supervisor has or has had a recent consensual amorous relationship with the subordinate.
2. In the event it is not possible for the student to avoid the class taught by the faculty member or for the supervisee to avoid the supervision of the supervisor, the faculty member shall advise his or her division chair and the supervisor shall advise his or her supervisor of the present or recent consensual amorous relationship and the following steps shall be taken:
  - A. The division chair shall appoint another instructor to evaluate the student's written work, such as essays, research papers, essay tests, care plans, etc.

- B. The division chair shall appoint another instructor to evaluate the student's non-written work or performance such as artistic performances, teaching practice or clinical practice.
  - C. When an appropriate instructor is not available to evaluate the student's work, the division chair will provide the evaluation.
  - D. A supervisor will request that his or her supervisor evaluate the supervisee employee and if such evaluation is not available, he or she will request that a supervisor of a related division evaluate the employee.
  - E. The supervisor will remove himself or herself from the consideration of the employee for promotion, hiring or determination of salary.
  - F. A student should not be assigned to a faculty advisor with whom that student has or has had a recent consensual amorous relationship. The faculty advisor should request that the student be reassigned.
3. A faculty or staff member who fails to follow the policy set forth in subparagraph 2 above, and does not withdraw from participation in activities or decisions which may reward or penalize a student or supervisee with whom the faculty or staff member has or has had a recent consensual amorous relationship in accordance with this policy will be in violation of this policy.

Persons who are married, or were married, are included within the definition of those persons having, or who have had a consensual amorous relationship.

A complaint alleging violations of the policy regarding consensual relationships may be filed by any person and/or the process may be initiated by the Vice President for Business and Finance or Vice President for Academic Affairs.

### **Disclosure of Crime Statistics**

Campus Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The full text of this report can be located on-line by going to the Security Page on the Portal and select campus security and then the Annual Security and Fire Report or <https://www.morningside.edu/about-morningside/consumer-information/>. This report is prepared in cooperation with Residence Life and the Sioux City Police Department. Campus crime, arrest and referral statistics include those reported to Morningside University Campus Security, other designated campus officials and local law enforcement agencies.

### **Domestic and Dating Violence/Abuse Policy**

Morningside University is concerned about the safety and welfare of all members of the campus community and guests and is committed to providing a living and learning environment, free of all forms of abuse, violence, harassment, and coercive conduct, including domestic abuse, dating violence, or intimate partner violence. In an effort to promote the dignity and well-being of members of the campus community, the University is committed to addressing allegations of domestic abuse, dating violence, and the like. The University provides educational programs to promote the overall awareness of domestic and dating violence and abuse and maintains a list of

resources both on and off campus. The University has developed this policy which is consistent with the Domestic Violence Against Women Act and State of Iowa Code 708.

Morningside University will not tolerate acts of domestic and dating violence and/or abuse. Incidents of domestic and dating violence and abuse may include (but is not limited to) physical assault and aggressive behavior such as hitting, punching, or choking; sexual violence or forcible, non-consensual sex acts between intimate partners (or attempts to commit the same); and emotional abuse. Members of the Morningside University community are strongly encouraged to report all incidents of domestic and dating violence and abuse. Reports of domestic and dating violence and abuse received by the University will be taken seriously and will be investigated.

Domestic and Dating Violence/Abuse may also have certain criminal and civil law repercussions. University personnel are available to assist victims in contacting law enforcement and emergency medical providers, if the individual so chooses.

This policy does not address acts of harassment and sexual misconduct, which are dealt with in separate policies, also found in the Employee Handbook.

## **DOMESTIC PARTNERSHIP BENEFITS POLICY**

**Plan Coverage.** Domestic partners (same gender) of current and future employees are eligible for the same benefits as spouses of current and future employees. Likewise, children of such domestic partners are eligible for the same benefits as children and future employees.

**Enrollment procedures.** To enroll a domestic partner and/or dependents of a domestic partner the employee must complete an Affidavit of Domestic Partnership, which is available from the Human Resources Department. Enrollment procedures and rules for Domestic Partner benefits will be the same as applies to current employees of the University.

**Termination procedures.** If there is a change in status of the domestic partnership, the employee must complete a Notice of Termination form within 30 days of the change and submit it to the Human Resource Department. Benefits will be discontinued on the last day of the month that the statement is received.

**Tax Withholding.** Employees who are considering applying for domestic partner benefits (including medical coverage and tuition benefits) should be aware that this might have significant tax consequences. This description is not intended as tax or legal advice but rather to alert employees of the potential ramifications. Due to Internal Revenue Code provisions, the "fair market value" of certain benefits must be considered as taxable income to the employee. Under federal law, domestic partners do not share the same status and corresponding tax benefits as those of a legal spouse. The University must report the fair market value of certain domestic partner benefits as wages earned by the employee to the Internal Revenue Service. Additionally, the University is required to make additional tax withholdings from the employee's paycheck.

**Confidentiality.** Applications for domestic partner benefits and information provided in the affidavit of domestic partnership will be kept confidential to the extent permitted by business necessity and the law. For example, documents may be disclosed in response to a court order, subpoena, or public records request. Additionally, the University will need to share information with University administration to make appropriate payroll and tax deductions and with third parties with whom the University contracts for benefits programs.

**Liability for False Statements.** If any company or Morningside University suffers a loss because of a false statement contained in the documents submitted in connection with the coverage for a Domestic Partner or as a consequence of the failure to notify the Human Resource Department of a change of circumstance, the company or Morningside University will be entitled to recover reasonable attorney fees in addition to damages for all such losses.

**Waiting Period.** Following the termination of a domestic partnership, a twelve (12) month waiting period must elapse before a Morningside University employee is eligible to designate a new Domestic Partner or re-designate the prior Domestic Partner.

**Legal Issues.** Applying for domestic partner benefits may create legal obligations and have legal consequences. For this reason, the University encourages employees to seek legal advice before applying for domestic partner benefits.

## **DRESS CODE**

Morningside University promotes a well-functioning workplace environment free from unnecessary distractions and annoyances. Employees are to maintain a professional appearance conducive to respect, credibility, and professionalism, which includes suitable attire for the workplace setting and the work being performed. Each employee is responsible for being aware of and following the dress code policy. For most employees on most days, business casual dress is appropriate and required.

Area supervisors will make the final decision on what is appropriate business attire. It is recognized that based on an individual's job responsibilities and varying circumstances the guidelines as noted here may not apply. In this situation the area supervisor shall inform the individual on the proper attire. Employees who have questions about the appropriateness of clothing that is not listed below as unacceptable should use their best judgment about what may or may not be suitable based on the listings below. As a general rule, tight, revealing or otherwise workplace-inappropriate dress is not permitted. Employees are asked to use their best judgment as to what maintains a professional working environment and talk with their supervisors and/or the Director of Human Resources with questions.

### **Unacceptable attire includes, but is not limited to:**

- Denim jeans
- Sweatpants, leggings, exercise apparel
- Shorts, T-shirts, sweatshirts
- Beachwear
- Spaghetti strap, halter, tube, crop, midriff tops
- Athletic shoes

### **Maintenance / Custodial Staff:**

- Uniform shirts must be worn
- Jeans allowed but must be clean
- Shorts allowed if approved by supervisor

## **DRUG-FREE CAMPUS AND WORKPLACE POLICY**

Morningside University has the policy of providing students and employees a drug-free campus environment. Drug abuse affects all aspects of American life: it threatens the student's educational development and the workplace, as well as the community. In compliance with the Drug-Free Workplace Act of 1988, Morningside University is committed to the elimination of drug and alcohol abuse in the workplace. In compliance with the Drug-Free Schools and Campuses Act of 1989, alcohol and drug prevention programs include policy enforcement, education programs and treatment services.

"Workplace" means any office, building, classroom, or property (including parking lots) owned or operated by the University, or any other site at which an employee is to perform work for the employer. An "employee" of the University is any faculty, staff, or student receiving remuneration for services rendered. "Student" means any person registered at the University for any type of academic credit, except for continuing education units, regardless of the length of the student's program of study. "Possess" means to be contained either on a student's or employee's person, or in a student's or employee's motor vehicle, tools, briefcases, book bags, or areas entrusted to the control of the student or employee. "Impaired" means under the influence of an illicit drug or alcohol such that the student or employee is unable to perform his or her assigned tasks properly.

Drug abuse creates problems for the entire University. It decreases the student's capacity to learn, thereby inhibiting one's educational development. It interferes with an employee's efficient and safe performance of work responsibilities and reduces the employee's dependability. Drug abuse can adversely affect health, safety, and productivity while destroying public confidence and trust. Therefore, it is the policy of University that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs or alcohol by students or employees is prohibited at any time on any University property or at any University activity. No employee will report for work or will work or be present in the workplace who is impaired by an illegal drug or by alcohol. No student will attend classes or any University activity who is impaired by illegal drugs or alcohol. Employees or students who are so impaired or who unlawfully possess, use, manufacture, dispense, or distribute illicit drugs or alcohol in the workplace, on any University property or at any University activity are subject to the disciplinary procedures of the University, which may include dismissal, expulsion, and/or referral for prosecution.

Federal law contains further prohibitions against the manufacture, possession with the intent to distribute, or distribution of controlled substances, including narcotic drugs, marijuana, depressant, or stimulant substances. Violation of these statutes may lead to monetary fines, incarceration, and other serious sanctions. For the protection of the students, faculty, administration and staff, Morningside University insists that all illegal activities be reported to the Office of Campus Security.

Iowa law prohibits the manufacture, delivery, possession with the intent to manufacture or deliver, and possession of controlled substances. Local and state laws prohibit possession of open containers of alcoholic beverages outside of a residence or licensed liquor establishment. Possession of alcoholic beverages is prohibited for persons under the age of 21. Operating a motor vehicle while intoxicated is also prohibited.

In 1998 the Iowa Legislature passed legislation allowing for drug testing where "reasonable suspicion" exists. Morningside University reserves the right to request such testing when "reasonable suspicion" exists.

The University recognizes all these regulations in its commitment to maintaining a healthy campus and workplace.

Morningside University promotes wellness and recognizes chemical dependency as a major threat to wholeness of personal health. The University is therefore committed to seeing that all its students and employees understand that:

- The use of alcohol and/or illegal drugs can interfere physically, mentally, socially and spiritually with the ability to perform important functions
- These drugs impair physical coordination and mental alertness and may damage the immune system, resulting in irreversible health problems and death
- Social behavior following use of alcohol or illegal drugs may be destructive to relationships

Violations of this policy may lead to required participation in a substance abuse rehabilitation or treatment program and/or disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

Any employee receiving a criminal drug statute conviction for a violation occurring in the workplace shall notify Human Resources, the Office of the Vice President of Academic Affairs and Dean of the University, or the Office of Vice President for Student Affairs of such conviction not later than five days after such conviction, and such offices will immediately report this information to the Vice President for Business and Finance. If the employee reporting such a conviction is employed under a contract or grant, Morningside University, through the Office of the Vice President of Academic Affairs and Dean of the University, will notify the appropriate granting or contracting agencies within ten days after receiving such notice of a criminal drug statute conviction. Within 30 days of the employee's conviction the University will impose corrective action on the employee, and/or require satisfactory participation in the drug abuse assistance program as a Stipulation of the Drug Free Workplace Act.

Further, an employee found to be otherwise in violation of these policies prohibiting the use of illicit drugs or abuse of alcohol on the University's campus or in connection with its activities may be required to participate in a drug abuse or rehabilitation program or may be subject to disciplinary action (up to and including suspension, suspension without pay, and termination). Such actions may also implicate local, state, and federal laws and Morningside University will cooperate, as required, with law enforcement authorities.

In 1998 the Iowa Legislature passed legislation that allows for drug testing where "reasonable suspicion" exists. Drug or alcohol testing can be requested and/or required if there is evidence that an employee is using or has used alcohol or other drugs in violation of the employer's written policy.

Evidence would include:

1. Direct observation of alcohol or drug use or abuse or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of alcohol or other drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the current employer.
5. Evidence that an employee has caused an accident while at work which resulted in an injury to a person for which injury, if suffered by an employee, a record or report could be required under Chapter 88, or resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed one thousand dollars.

6. Evidence that an employee has manufactured, sold, distributed, solicited, possessed, used or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.

### **Health Risks Associated with the Abuse of Alcohol and Use of Illicit Drugs**

Specific serious health risks are associated with the use of alcohol and illicit drugs. Health risks of using alcohol or other drugs include both physical and psychological effects. The health consequences of drugs depend on the frequency, duration and intensity of use. For all drugs, there is a risk of overdose. Overdose can result in coma, convulsions, psychosis or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illegal drugs are uncertain.

Continued use of substances can lead to tolerance (requiring more and more of a drug to get the same effect), dependence (physical or psychological need), or withdrawal (a painful, difficult and dangerous symptom when stopping use of drugs).

The Drug Free Workplace Act [1988] applies to employees of the University and students who are Pell Grant recipients. It requires the University to certify that as a federal grantee it will provide a drug-free workplace. The Drug Free Schools and Communities Act [1986] and Amendments [1989] require that as a condition of receiving funds or any other form of financial assistance under any federal program, an institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students. While these are distinct regulations, the University is stating its intent to comply with both with the policy that are in place.

Human Resources shall offer drug abuse training and treatment referral in appropriate circumstances. Student Health Services and Personal Counseling Services provide information on health issues and legal consequences associated with drug use, and offer referral for counseling and treatment.

Morningside University Counseling Services provides evaluation and counseling for students in relation to abuse of alcohol and other drugs and refers students to other resources that might be appropriate for them. Lists of community and area evaluation and counseling services are available from the following offices: Counseling Services (5606), Health Service (5178), and the Human Resources Office (5114).

Should employees have any questions regarding the implications of this drug-free workplace requirement, they should contact either the Director of Human Resources, or the Vice President for Business & Finance.

### **Emergency Response**

A written plan assists the University in handling most emergency situations and addresses situations such as severe weather, natural disasters, utility failures, and other catastrophes. Anyone observing suspicious activity should notify Campus Security immediately – phone (712) 274-5234.

In the event of a significant emergency situation, the University will issue an alert to all employees and students via text messaging and email. Employees need to register their cell phone numbers to receive these alerts. Other than for a periodic test, these messages will be sent only for very serious situations. To register, go to the portal, click on ENS and use your log-in information to access the site. At the bottom of the page, you can manage what notifications you would like to receive.



## **EMPLOYEE DEATH BENEFIT**

In an effort to help the family of a deceased employee the University will institute the following death benefit policy as of January 1, 2010.

### **Policy**

In the unfortunate event of an employee dying while being considered an active employee of the University, the University will pay the estate of the deceased employee an amount equal to 90 days of regular pay.

This benefit shall be in addition to any Life Insurance benefit the employee may receive.

## **EMPLOYEE NON-HARASSMENT POLICY**

Morningside University will not tolerate harassment of its employees. Any form of harassment related to an employee's age, sex, religion, creed, race, color, sexual orientation, disability, or national origin is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term "harassment" includes, but is not necessarily limited to:

Slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's age, sex, religion, creed, race, color, sexual orientation, disability, or national origin. Harassment also includes unwelcome sexual advances, requests for sexual favors and other verbal, graphic, or physical conduct of a sexual nature. (see Sexual Harassment Policy)

Violation of this policy by an employee shall subject that employee to disciplinary action, up to and including discharge.

If an employee feels that he or she is being harassed by any other employee because of age, sex, religion, creed, race, color, gender identity, sexual orientation, disability, genetic information, or national origin, the employee should at once make this known to his or her immediate supervisor. The supervisor will promptly notify the Vice President for Business and Finance, or the Vice President for Academic Affairs and Dean of the University who will see that the matter is investigated, and that, where appropriate, disciplinary action is taken. If the employee does not feel the matter can be discussed with the supervisor, the employee should arrange for a conference with the Vice President for Business and Finance or the Vice President for Academic Affairs and Dean of the University to discuss the complaint.

Harassment of University employees in connection with their work by non-employees may also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee should report such harassment to his or her supervisor or to the Vice President for Business and Finance or the Vice President of Academic Affairs and Dean of the University, who is responsible for investigating all such incidents. Appropriate action will be taken against violation of this policy by any non-employee.

## **EQUAL EMPLOYMENT OPPORTUNITY**

Morningside University recognizes its moral and legal obligation to provide a work environment in which employment opportunities are open to all qualified individuals without discrimination on the basis of age, sex, religion, creed, race, color, gender identity, sexual orientation, disability, genetic information, marital status, or national origin. The University affirms its commitment to this principle which not only establishes the goal of achieving equal opportunity in employment, but which also detects and eliminates any elements of discrimination in employment which may be found to exist within the institution. The University also commits itself to maintaining on a non-discriminatory basis the conditions for continuing employment and for individual advancement within the job structure of the University.

### **Persons with Disabilities**

The University will make reasonable accommodations in accordance with the Americans with Disabilities Act, Amended 2008. An employee who believes that he or she needs reasonable accommodations should contact his or her supervisor or the Director of Human Resources.

## **Hazardous Chemical Communication (Worker Right to Know)**

Many different chemicals are used on campus. They range from common household cleaning fluids to chemicals used in science experiments. While some pose no danger, others may cause or contribute to different health effects. The Hazard Communication Standard (HCS) is based on a simple concept – that employees have both the need and right to know the hazards and identities of the chemicals they are exposed to when working. They also need to know what protective measures are available and how to respond when exposed to a chemical. All chemical products are required to have a material safety data sheet (MSDS).

## **Mandatory Child Abuse Reporting**

The purpose of this policy is to provide guidance to staff, faculty, and students of the Morningside University community regarding the mandatory requirements in Iowa law that govern the reporting of suspected cases of child abuse; and to affirm the commitment of the University to the protection of the safety and welfare of children who come into contact with the Morningside University community.

Morningside University will not tolerate sexual misconduct in any form. Sexual misconduct may include (but is not limited to) acquaintance or date rape, non-consensual sexual intercourse (or attempts to commit the same), non-consensual sexual contact (or attempts to commit the same), or sexual exploitation. Members of the Morningside University community are strongly encouraged to report all incidents of sexual misconduct. Reports of sexual misconduct received by the University will be taken seriously and will be investigated.

Acts of sexual misconduct may also have certain criminal and civil law repercussions. University personnel are available to assist victims in contacting law enforcement and emergency medical providers.

### **Definitions:**

**“Attends”** means to care for; look after; to take charge of, to watch over.

**“Child”** means any person under the age of eighteen (18).

**“Counsels”** To advise or instruct.

**“Examines”** To observe, test, or investigate, in order to evaluate general health or determine a medical condition.

**“Physical abuse”** means non-accidental acts or omissions that cause, or fail to prevent, physical injury to a child.

**“Sexual abuse”** means the commission of a sexual offense according to Iowa law, including rape, sexual assault, molestation, incest, indecent exposure, or exploitation of a child in a manner in which the child is used for gratification or sexual enjoyment by another person as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child.

### **Policy Statement**

In adherence with Iowa Senate file 2225 Morningside University employees will endeavor to protect the welfare of minors while on Morningside University campus. Employees will be defined as all University employees, and not limited to, faculty, coaches, student employees, administrators and staff. All minors who are either on campus or participating in off-campus University-sponsored program will be covered by the scope of this policy. This policy is intended to be broad, and any uncertainty about whether reporting is required should be resolved in favor of making a report.

### **Who Must Report**

This policy requires anyone who, in the scope of their employment responsibilities, examines, attends, counsels, or treats a child, to report suspected physical or sexual abuse of a child. If you are not sure whether you are required to report, this policy encourages you to err on the side of caution and report. You do not need to have proof that abuse has occurred in order to be required to report.

### **When to Report**

A report of child abuse should be made when an act of abuse is seen, known about, or reasonably suspected. The report should be made within twenty-four hours after becoming aware of the suspected abuse or as soon as reasonable practicable.

### **Reporting Procedures:**

In the event of an emergency, first call 911.

Suspected abuse must be reported to:

1. The Director of Security: Phone (712)-274-1711, Email [lyon@morningside.edu](mailto:lyon@morningside.edu); or the Campus conduct Hotline at (877)-943-5787.

**AND**

2. Department of Public Safety: Phone (515)-725-6010, Email [dcinfo@dps.state.ia.us](mailto:dcinfo@dps.state.ia.us)

A written incident report shall also be provided to the Vice President for Business and Finance within 48 hours of the event that caused the employee to believe that a child has been subject to abuse. Questions regarding the applicability of these requirements to a particular individual or situation may be directed to Vice President for Business and Finance.

When making a report of child abuse under this policy, callers will be asked to provide the following information to the best of their knowledge:

- Name of the alleged victim(s)
- Name of the alleged perpetrator(s)
- Time and date of the incidents being reported
- Location where the incidents occurred
- Any additional information known about the abuse

#### **Mandatory Reporters Under Iowa Code 232.69**

Mandatory Reporters have additional responsibilities to report all forms of child abuse as described in Iowa Code 232.68(2). Under 232.69, Mandatory Reporters must report suspected abuse to the Department of Human Services. Child Abuse can be reported to the Department of Human Services by calling the toll-free child abuse reporting hotline 24 hours a day: 1-800-362-2178.

#### **Prohibition on Retaliation**

Consistent with Iowa law, the University will take no retaliatory action against an employee who makes a good faith report of child abuse.

#### **Responsibilities of the Institutions**

##### **A. Information Dissemination**

Employees, students and other members of the campus community shall be informed of this policy through employee or student handbooks, and any other appropriate means of communication.

##### **B. Training**

Employees and students who have regular contact with children will receive periodic training

##### **C. Cooperation with Other Agencies**

The University will cooperate fully and appropriately with any investigation of suspected child abuse by a local department of social services or law enforcement agency. If the individual suspected of child abuse is an employee, student, or contractor of the University, the University will coordinate its own investigation or other activities in response to a report with the appropriate local agency.

## **NEPOTISM**

It is the policy of the University to seek the most qualified persons to fill its teaching, administrative, and staff positions. However, effective from the date of this policy, no family member may have direct supervision over the progress, performance, pay, or welfare of another member of the same family and together they may not be involved with matters of financial controls and physical inventories of University properties.

For the purpose of this policy, members of the same family include spouses, domestic partners, children, stepchildren, grandchildren, parents, grandparents, siblings, in-laws, uncles, aunts, nieces, nephews and cousins.

## **NONDISCRIMINATION POLICY**

Morningside University believes in and promotes non-discrimination. It is our policy and practice to promote equal opportunities without regard to age, sex, religion, creed, race, color, gender identity, sexual orientation, marital status, disability, genetic information, or national origin. This basic philosophy applies not only in searching for new employees, but also in the recruiting of students. It is believed that there should be no discrimination in the selection or placement of employees, as well as in administration, supervision, compensation, training, promotions, and termination of employment. Every other practice or procedure, both in the areas of academics and business, must subscribe to the intent of this basic philosophy which is inherent in Judeo-Christian principles.

The University is committed to providing all of its students, faculty, staff and visitors with equal access to its programs, events, and facilities. In compliance with Section 504 of the Rehabilitation Act of 1973, the University has made modifications to some of its building and grounds to allow equal access for students and faculty. The University strives to provide reasonable accommodations to individuals with disabilities, including modifications in classroom schedules, locations and adjustment of classroom to regular program and degree objectives offered.

Persons wishing additional information about this policy or assistance to accommodate individual needs should contact, the Equal Employment Opportunity Officer at the Business Office. The telephone number is 274-5142.

## **OTHER POLICIES, RULES AND REGULATIONS**

**Solicitation and Distribution:** Distribution, canvassing and placing of signs and posters for solicitation purposes, chain letters, and collection of any kind, and sales of tickets or merchandise are not permitted on University property unless prior approval is granted by the Vice President for Business and Finance.

**Political Activity:** Each employee of Morningside University is specifically exempted from any obligation or compulsion to support any candidate or cause even though the support of such candidates or cause may be urged or suggested by any other employee of the institution, or department. An employee of the University who may be expressing personal support for a candidate or partisan issues should do nothing to suggest or imply that they speak as a representative of Morningside University.

Morningside believes it is important for staff members to take an active interest in political and governmental activities and to support principles, issues, parties or candidates of their choice. All such involvement must be done on an individual basis, and not as a representative of Morningside University. In addition, any political campaign activity must take place on the staff member's own time. Morningside University will not reimburse any individual for political contributions or expenditures.

Any staff member desiring to run for an elective political office or to accept an appointment to a political position should discuss this intent with the President. The potential conflict of interest in holding such an office

is occasionally not resolvable, in which case the staff member should either resign or take a leave of absence, depending on circumstances.

Employees of Morningside University may serve in federal, state, local or county elective offices provided the duties and responsibilities of this participation does not interfere with the performance of the employee's work obligations to the institution. Approval will depend upon the effect the elective office will have on the employee's ability to perform his or her University duties. However, in no case will approval carry with it any obligation of Morningside University to support any candidate.

## **OUTSIDE EMPLOYMENT**

It is the policy of the University to permit employees to hold second jobs, subject to certain restrictions as outlined below.

### **Restrictions to Outside Employment**

The University requires that employees' activities away from the job must not compromise the University's interests or adversely affect job performance and ability to fulfill all responsibilities to the University.

Full-time employees are permitted, but are not encouraged to engage in outside employment or other work activity.

Employees are cautioned to consider carefully the demands that additional work activity will create before seeking or accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, such employment must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problem.

The University will be particularly concerned about outside employment that—

- will reduce the employee's efficiency in working for the University or
- involves working for an organization that does a significant amount of business with the University such as major contractors, suppliers, etc.

All employees are prohibited from engaging in any activity that compromises the University's image. This prohibition includes the unauthorized use of any University tools, equipment, or resources. In addition, employees are not to conduct any outside business during paid working time.

Employees who have accepted outside employment are not eligible for paid or unpaid excused absence leave when the absence is used to work on the outside job or is the result of an injury sustained on the second job. Fraudulent use of sick leave will be subject to disciplinary action up to and including termination.

### **Administration**

It is recommended that employees, who accept outside employment, including self-employment, should notify their immediate supervisor. The notification should state the name and address of the outside employer, the nature of the job, and the hours and days of employment.

Questions concerning this procedure should be addressed to the Human Resources Department.

## **PERSONNEL RECORDS**

The official personnel records for all employees (except student employees) of the University shall be maintained in Human Resources. Documents made as a part of an employee's record shall include application forms, performance evaluations, job descriptions, résumés, vitas, personnel correction notices, salary information, and related materials. No document may be incorporated into an employee's record unless that employee has previously been afforded an opportunity to examine the document. Medical records shall not be placed in the official personnel file.

Personnel files are the property of the University and access to the information they contain is restricted. Generally, only management officials and representatives of the University who have a legitimate, verifiable reason to review information in a file are allowed to do so. With advance notice, an employee may review material in his or her file but only in Human Resources and in the presence of a representative of Human Resources. Such examination must be done within normal business hours. No information in a personnel file will be disclosed to anyone outside the University without a signed consent from the employee specifically authorizing the release of the information, except as listed below:

- a) Basic information such as employment, work telephone number, and job title may be verified without notification to the employee.
- b) Human Resources will comply with lawfully issued subpoenas and judicial orders.

It is the responsibility of each employee to promptly notify Human Resources of any changes in personal information. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times.

Any employee who questions the accuracy or completeness of information contained in his or her file should notify his or her supervisor, who will apprise Human Resources. Human Resources reserves authority to make the final determination as to the contents of such file. However, an employee is entitled to place a brief, signed statement in the file identifying the alleged errors or inaccuracies. Personnel files shall be retained indefinitely for all active employees. Records of employees who have terminated University employment shall be retained in archival form for 12 years after termination.

## **SAFETY AND HEALTH**

It is the policy of the University that each work location is kept free of hazards that may cause physical harm or illness to employees. All members of the campus community are responsible for implementing this policy. Direction and assistance are provided by the Safety Committee, the Director of Physical Plant, and the Vice President for Business and Finance.

Failure to follow the following policy and procedure may result in loss of benefits to the injured or ill employee, or violation of the Workers' Compensation laws and the Federal Occupational Safety and Health Act.

It is the responsibility of each employee to do the following:

- Perform work in a safe manner
- Report any injury or occupational illness to the supervisor immediately

The supervisor is responsible for the following:

- Knowing and enforcing the safety and health requirements for all tasks
- Keeping subordinates informed of required safe practices
- Ensuring that each employee is properly instructed in the safest manner to perform work
- Ensuring that the physical areas in which employees work are free of hazards
- Ensuring that safe materials and substances are used or that protective equipment is used
- Ensuring that each employee is informed of the potential danger to his or her health or safety if instructions are not followed
- Taking appropriate disciplinary action promptly upon the occurrence of a willful violation
- Seeking the advice of the Safety Committee if a question concerning a safety procedure arises which he or she cannot handle alone
- Seeing that an injured or ill person receive proper and immediate treatment for any injury or illness
- Promptly notifying Human Resources of accidents or illnesses involving employees.
- Thoroughly investigating the circumstances of each accident or illness
- Notifying the Director of Physical Plant of the material or substance which may have induced an occupation illness.

The Human Resources Office is responsible for notifying an injured employee of his or her Workers' Compensation benefits. Members of that office are also responsible for filing the required reports on a timely basis.

If an employee is injured on the job the following actions should be taken:

1. Obtain first aid and medical assistance as needed. The injured party should be instructed to go to a medical care provider chosen by the University. The University retains the right to initially control medical treatment.
2. Investigate each accident or occupational illness promptly and thoroughly. Supervisors should file the required safety and health reports (incident report) with the Human Resource Office.

Upon receipt of the incident report the Human Resources Office will, if appropriate, inform the employee of Workers' Compensation benefits and rights and provide the original incident report information to the insurance company.

## **SECURITY POLICY**

Morningside University is concerned about the safety and welfare of all campus members and guests, and is committed to providing a safe and secure environment. Because no campus is isolated from crime, the University has developed a series of Policies and Procedures that are designed to ensure that every possible precautionary measure is taken to protect persons on the campus.

While Morningside cannot and does not guarantee a crime-free environment, the University does strive to provide a safe educational and living environment.

Iowa is at the forefront of an effort to inform students, faculty, and staff about safety procedures on University and university campuses. As a result of Title II Public Law 101-542, Morningside University developed this policy to provide an overview of the University's Security Program. The University's Department of Campus Security is responsible for campus security. The Department consists of one full-time Director of Security and 15 to 20 part-time student Security Officers. Although personnel do not have powers of arrest, the Department



maintains an excellent working relationship with the Sioux City Police Department and other law enforcement agencies.

The Department of Campus Security provides a Campus Escort Service. If an escort is desired students should call the Security Office (274-5234).

### **Incident Reporting**

The University's Campus Security Department handles complaints on campus and coordinates investigations with outside agencies as necessary. The University files a yearly statistical crime report with the state police and the United States Department of Education.

Students, faculty and staff should promptly report all crimes and medical or fire emergencies to the Campus Security Department and as necessary with local fire or police departments. When a report is received, an officer will be dispatched to the caller's location for investigation. When necessary, a follow-up investigation is conducted by the department and coordinated with local police agencies. In the case of a medical or fire emergency, the Campus Security Department notifies the appropriate emergency personnel.

Emergencies occurring within a residence hall should be immediately reported to a member of the Housing Staff. The staff member will then contact any additional emergency or security personnel needed to assist.

### **Facility Security**

Most University facilities and corresponding programs are open to the public during respective hours of operation. Identification and/or sign in registration are not currently required.

University facilities and landscaping are maintained so as to minimize hazardous conditions. Malfunctioning lights and other unsafe conditions are reported immediately to the Maintenance Department for repair or correction. In addition, Lighting Reports and Physical Security Reports are compiled by the Campus Security Department and forwarded to the Maintenance Department for appropriate action.

Residence halls are a special concern. Presently, campus facilities house undergraduates. Single, mostly double, and very few triple accommodations are available. Four buildings house both genders in separate wings. Upper-class students have the opportunity to choose both their room location and roommate. Freshmen are assigned to rooms as they return admissions deposits and indicate interest in on-campus accommodations. Changes in room assignments are made upon reasonable request. Each resident is provided with a room key that operates the room door lock as well as the main entrance. Doors marked "exit only" or "emergency exit only" are not accessible from the outside. Such doors are to be used for exit purposes only. Windows are equipped with locks operable by the room occupants. Campus security officers patrol both the exterior of the residence halls and campus parking lots while residence hall staff monitor the interior of the residence halls and secure all entrances and exits. During low-occupancy periods, the residence halls are locked and keyway cores are changed. Students who receive permission to stay on campus during such periods are registered with the Housing Department.

Local police officers monitor University-sponsored off-campus activities, such as dances and athletic events. Campus events are monitored by campus security officers.

### **Student Safety Education**

Both the Office of Student Affairs and the Department of Campus Security provide educational materials and programs to the University community throughout the year. The vast majority of incidents on University

campuses can be avoided if students recognize that they can become victims and take basic precautions, such as walking in groups at night and keeping residence hall doors locked. This message as well as specific policy issues and problems are routinely addressed at residence hall floor meetings or in the student newspaper. In addition, each residence hall room has posted information concerning emergency evacuation procedures in case of a fire or tornado and general information on campus security matters. Through these efforts University community members are encouraged to care not only for themselves, but for each other. Additional detail concerning student or residence hall regulations is included in the Student Handbook, provided to each student annually. Additional statistical analysis of crime is available upon request from the Department of Campus Security.

All federal, state and local laws and ordinances including those regarding alcohol and illegal drug possession, use and sale are applicable to the Morningside University campus. The University reserves the right to sanction individuals who violate these laws.

The possession of any type of firearm or weapon and the possession of any type of explosive, hazardous chemicals or fireworks are strictly prohibited. Background investigations are not conducted with prospective students or all employees. When information concerning criminal conduct is brought to the University's attention it is given appropriate consideration.

Students who are convicted of a criminal offense after admission are subject to the University's judicial process. If the student is found guilty by the University, penalties can range from probation up to and including suspension and/or dismissal from school.

**For additional information contact:**

Director of Campus Security, (712) 274-5234

**For a copy of the University crime statistics, please contact:**

Department of Campus Security, Morningside University  
1501 Morningside Avenue  
Sioux City, IA 51106

## **SEXUAL ABUSE/SEXUAL ASSAULT POLICY**

Morningside University is concerned about the safety and welfare of all campus members and guests. In an effort to promote the dignity and well-being of members of the campus community, the University is committed to addressing allegations of sexual abuse and/or sexual assault and providing educational programs to promote the awareness of rape, acquaintance rape, and other sex offenses.

The University has developed this policy which is consistent with the Student Right-To-Know and Campus Security Act P.L. 101-542 and the Iowa House File 2028.

Sexual abuse and sexual assaults also have certain criminal and civil law repercussions. Where Morningside University might determine that a case of sexual abuse and/or sexual assault has taken place, the University will fulfill its legal obligation to report the same to the appropriate law enforcement or other legal authority for appropriate disposition, as by law required.

### **Definitions**

Pursuant to Iowa law, the following is the statutory definition of sexual abuse:

#### 709.1. Sexual Abuse Defined.

Any sex act between persons is sexual abuse by either of the participants when the act is performed with the other participant in any of the following circumstances:

1. The act is done by force or against the will of the other. If the consent of acquiescence of the other is procured by threats or violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
2. Such other participant is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual abuse.
3. Such other participant is a child.

NOTE: The term sex act or sexual activity means any sexual contact between two or more persons, by penetration of the penis into the vagina or anus, by contact between the mouth and genitalia or anus of another person or by the use of artificial sexual organs or substitutes therefore in contact with the genitalia or anus.

NOTE: A child is a person age fourteen or younger.

#### 709.5. Resistance to Sexual Abuse.

Under the provisions of this chapter it shall not be necessary to establish physical resistance by a participant in order to establish that an act of sexual abuse was committed by force or against the will of the participant. However, the circumstances surrounding the commission of the act may be considered in determining whether or not the act was done by force or against the will of the other.

#### 709.11. Assault With Intent To Commit Sexual Abuse.

Any person who commits an assault as defined in Section 708.1 with the intent to commit sexual abuse is guilty of a Class "C" felony if the person thereby causes serious injury to any person and guilty of Class "B" felony if the person thereby causes any person a bodily injury, other than serious injury. The person is guilty of an aggravated misdemeanor if no injury results.

#### **Procedures to be followed by Students and Employees in the event of Sexual Abuse/Sexual Assault:**

1. Contact a friend, resident assistant (R.A.), hall director, campus security, campus nurse, University staff or faculty, or someone you feel safe with.
2. Get medical attention. You should go to the hospital of your choice as soon as it is safe and possible.

-Mercy Medical Center, 801 5<sup>th</sup> Street, or  
-UnityPoint Health—St. Luke's, 2720 Stone Park Blvd.

Request a medical examination by the emergency room physician using a Sexual Assault Kit required for evidence in cases of sexual assault. Even if you decide not to press charges, you need to be examined and treated for possible pregnancy, sexually transmitted diseases, and/or injuries related to the assault.

3. Preserve all evidence. Do not change your clothes, shower, bathe, or douche. If possible, do not go to the toilet. Save all clothing, linens, or other items that may have been touched by the assailant to be given to the Police for evidence. All physical evidence, including seminal fluids, hair, blood types, and scrapings of flesh from the victim's fingernails are used in court.
4. Sexual assault is a crime and should be reported. Students should report the incident to the Vice President for Student Life/Enrollment and employees should report the incident to the Director of Human Resources, whether or not you plan to file charges. Reporting sexual abuse/sexual assault does not commit you to filing charges. You can make that decision later. The information will be kept confidential to the fullest extent possible by law.

Incidents of sexual abuse/sexual assault may be reported either by the victim, or by another person who shall serve as a liaison with the appropriate University personnel. Report the incident to a member of the faculty, administration, or professional staff at Morningside University if you are uncomfortable reporting to the incident to the Vice President for Student Life/Enrollment or the Director of Human Resources. If you wish, this person may assist you during any investigative proceedings. Or call on one of the following.

- Campus Security (274-5234)
- Student Health Center (274-5178)
- Sioux City Police Department (279-6960) or *Dial 911*
- Council on Sexual Assault & Domestic Violence (258-7233)

5. If the alleged victim wishes to file charges against the alleged assailant, the University shall assist in initiating the process. Contact the Director of Campus Security.
6. Get help and support, such as counseling. The University recognizes that persons who are the victims of sexual abuse/sexual assault have an important personal need for advocacy and support. The Personal Counselor maintains a record of advocacy and support services available, i.e., Council on Sexual Assault and Domestic Violence (258-7233) and other agencies that may assist in this regard. The campus and the community offer services to assist the victim of sexual abuse/sexual assault, including the transportation to the hospital, as advocates in the legal process, and in working toward psychological recovery from the assault.

### **Student Disciplinary Action**

Violation of the sexual abuse policy will result in disciplinary action for any perpetrator who is found guilty of the offense under University disciplinary procedures. The disciplinary action may include counseling to understand the impact of this behavior on others and may result in action up to and including suspension from school or termination from employment.

Both the accuser and the accused are entitled to the same opportunity to a conduct committee hearing as outlined in the Student Rights, Freedoms, and Responsibilities Statement.

Both the accuser and the accused shall be informed of the outcomes of any campus disciplinary proceedings brought alleging a sexual assault.

Room transfer policy in the Student Handbook states that the school has the right to change a student's room assignment for medical, disciplinary or health reasons.

As stated in the Student's Rights, Freedoms, and Responsibilities Statement, a student has the right to be present on campus and attend classes except for reasons relating to the student's physical or emotional well-

being or for reasons relating to the safety of students, faculty, or University property. Any student perpetrator who is found guilty of sexual abuse or sexual assault may be suspended indefinitely from the institution.

## **SEXUAL HARASSMENT POLICY**

Morningside University is committed to fostering a healthy learning and working environment and to upholding the dignity and integrity of its individual members and the institution. Sexual harassment and sexist behavior limit an individual's options, experiences, and opportunities for full achievement and will not be tolerated at Morningside University. The University prohibits sexual harassment of or by members of the University community, guests, or visitors to campus. Sexual harassment violates both University policy and, when a student is the victim, Title IX of the Educational Amendments of 1972; or when an employee is the victim, Title VII of the Civil Rights Act of 1964, as amended.

### **Definition**

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal, visual, or physical conduct of a sexual nature when:

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

Sexual Harassment is understood to include a range of behaviors. In determining whether a specific conduct constitutes sexual harassment, the University will look at the totality of circumstances, including the nature of the alleged incident, the effect on the individual to whom the behavior is directed, and the context in which it occurred.

### **Procedures**

#### ***Advising/Consultation***

Members of the Morningside University community who have general concerns regarding sexual harassment may contact the Office of Academic Affairs (274-5103) to be directed to the campus representative. Persons who feel there has been an incident of sexual harassment are encouraged to consult with the campus representative immediately.

Any individual has the opportunity to consult with the campus representative in matters pertaining to sexual harassment. The incident or concern will be discussed for clarification and problem identification. The campus representative may provide information, suggest resources, and assist in identifying reasonable options for resolution. The discussion will take place in confidence. Merely discussing a complaint does not preclude an individual from filing formal charges, nor is the advising phase required prior to the filing of a formal complaint. Formal complaint procedures are initiated when a member of the University community files a signed, written complaint. Individuals should be aware, however, that allegations involving a clear violation of the sexual harassment policy must be investigated whether or not a formal complaint is filed.

#### ***Formal Complaint Procedures***

Any person who believes that he or she has been subjected to sexual harassment may file a formal complaint. The campus representative is available to assist with the composition of such a complaint. Guidelines governing the formal complaint stage are as follows:

1. The complainant will file a signed statement indicating the name(s) of the accused, the nature and date(s) of the incident(s), and a statement indicating that this is a formal complaint.
2. The written complaint will be forwarded to the campus representative for initiating the conduct process.

3. The campus representative will promptly notify the accused party of the complaint and will conduct a full, impartial, and timely investigation into the alleged incident. In order to investigate fully, the campus representative may confer with any personnel he/she feels is appropriate.
4. All written records will be retained in a locked, secure area to protect the rights and privacy for all concerned parties and will be treated with the highest level of confidentiality.

## **Resources**

Students, faculty, staff, and administrators are encouraged to discuss concerns related to sexual harassment with the resources listed below:

### ***Campus Resources***

Campus Representative

Personal Counseling Services – lower level, Olsen Student Center, 712-274-5606

Student Health Office – lower level, Olsen Student Center, 712-274-5178

Office of Campus Safety & Security – room 109, Learning Center, 712-274-5234

Office of the Dean of Students – 1<sup>st</sup> floor, Lewis Hall, 712-274-5191

Office of Residence Life – lower level, Olsen Student Center, 712-274-5161

Campus Ministry – lower level, Olsen Student Center, 712-274-5148

### ***Off-Campus Resources***

Council on Sexual Assault and Domestic Violence – 712-258-7233

Mercy Medical Center – 712-279-2010

UnityPoint Health -- St. Luke's – 712-279-3500

Sioux City Police Department – 712-279-6960

## **TOBACCO POLICY**

Morningside University facilities and grounds, including vehicles owned or leased by Morningside University, are off limits for tobacco use, including but not limited to cigarettes, cigars, chewing tobacco, snuff, pipes, snus, Electronic Smoking Devices (ESD) and nicotine products that are not Food and Drug Administration (FDA) approved for tobacco cessation. This requirement extends to students, employees, and visitors. This policy applies at all times, including school-sponsored and non- school-sponsored events. Persons failing to abide by this policy are required to extinguish their smoking material, dispose of the tobacco/nicotine product, or leave Morningside University premises immediately.

## **VOLUNTEERISM POLICY**

Morningside University recognizes it is our responsibility to help enrich our surrounding communities of residence and work. We encourage our employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

The following guidelines are for the Morningside University employees who serve as volunteers in community programs that are either of personal interest or are University related initiatives.

- Volunteer time should not conflict with work schedule and other work-related responsibilities, create need for overtime, or cause conflicts with other employees' schedules.
- Employees must get preapproval from their managers before time off can be taken for volunteer activities. It is at the Managers discretion to approve time off for such activities.

- Should an employee volunteer their time for personal interest programs, which are those programs whose goals are considered strategically relevant to the mission of the University but not related to University activities, PTO should be taken.
- Should an employee volunteer their time for a University related program, which are programs whose goals are considered of strategic importance to the University and for which the University is involved, PTO is not required to be taken.

The Human Resource Department may be contacted at 274-5114 for any questions.

## **WEAPONS POLICY**

Morningside University prohibits possession, use, and transportation of any dangerous or potentially dangerous weapons described below on all University properties.

1. Fixed blade knives concealed on the person or in vehicle (e.g., Bowie knife, knife, or instrument of like kind or description)
2. Shotgun or rifle or other shoulder gun
3. Pistol or revolver
4. Air gun (e.g., air or gas powered rifle or pistol)
5. Bow and arrow (e.g., archery equipment)
6. Slingshots (including throwing weapons)
7. Swords
8. Crossbows
9. Brass knuckles
10. Fireworks or explosive devices

This policy shall apply to all faculty, staff, students of Morningside University, and to all visitors to the campus or University properties. This policy shall not apply to duly authorized law enforcement officials in the lawful discharge of their duties.

Temporary exclusions may be granted by written permit only by the Director of Campus Security or his authorized designee for job related, educational, or demonstration purposes.

Where applicable, all federal, state, and local laws and ordinances will be strictly enforced by the Morningside University Security Department and respective mutual aid agencies and shall be separate from this administrative policy.

## **WHISTLEBLOWER POLICY**

### **I. Purpose and Applicability**

The purpose of this policy is to set forth the Morningside University's policy on Board member, employee, volunteer, student, alumni, vendor, and applicant (either for employment or admission) ("Covered Individuals") disclosure of misconduct relating to accounting, or auditing matters (including

fraud), and misconduct relating to a violation of a state or federal statute; a violation or noncompliance with a local, state, state, or federal rule or regulation; or with reference to an employee's safety or health or unsafe working conditions or work practices in the employee's employment or place of employment. This policy is also designed to protect Covered Individuals from retaliation in the form of an adverse employment action for disclosing what they believe evidences certain unlawful or unethical practices. This policy is applicable to all employees of Morningside University and to applicants of jobs at Morningside University.

## **II. Statement of Policy**

It is the policy of Morningside University that Covered Individuals shall be free without fear of retaliation to make known allegations of alleged misconduct existing within Morningside University that they reasonably believe may constitute the following: a violation of a state or federal statute; a violation or noncompliance with a local, state, or federal rule or regulation; or with reference to employee's safety or health, unsafe working conditions or work practices in the employee's employment or place of employment; or misconduct relating to accounting or auditing matters (including fraud). This policy also protects Covered Individuals who refuse to participate in an activity that would result in a violation of a state or federal rule or regulation. It is further the policy of Morningside University that Covered Individuals shall be free without fear of retaliation to make known allegations of alleged misconduct existing within Morningside University that they reasonably believe constitute a violation of Morningside University's state policies, procedures, or legal obligations.

Covered Individuals shall not take or refuse to take any employment or other action in retaliation against any individual(s) or organization who discloses information regarding misconduct under this policy in good faith or who, following such disclosure, seeks a remedy provided under this policy or any law or other Morningside University policy. Retaliation for disclosures made under this policy may result in suspension, termination, cancellation of the applicable vendor contract, removal from campus, or any other action Morningside University deems necessary. Intentionally providing false information regarding an actual or potential violation of this policy may also result in discipline under this policy, including suspension, termination, cancellation of the applicable vendor contract, removal from campus, or any other action Morningside University deems necessary.

## **III. Process for Disclosure**

- A. Covered Individuals shall disclose all relevant information regarding evidenced misconduct to the President in a signed written document within ninety (90) days of the day on which he or she first knew of the misconduct. If the employee or applicant would rather contact a source outside of Morningside University may, he or she may contact the confidential Campus Conduct Hotline service provided by EIIA. Campus Conduct Hotline reports may be made by calling toll-free (866) 943-5787.
- B. The President shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
- C. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Human Resource Director. The Human Resource Director shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure. This includes



possible notification of the Board Chair.

D. The disclosure recipient will be responsible for:

- Ensuring all investigations are carried out in a fair and unbiased manner.
- Ensuring that those making complaints and/or reporting compliance concerns are treated fairly, their confidentiality is protected to the extent the law allows, and no retaliation takes place.

E. In the case of disclosure involving financial misconduct, the President shall also provide the disclosure to the Audit Committee for their review and consideration.

F. In the case of disclosure to the President that does not involve financial misconduct, the Audit Committee shall be entitled to receive a summary of the disclosure.

#### **IV. Complaints of Retaliation as a Result of Disclosure**

A. If an employee(s) or applicant believes that he or she has been retaliated against in the form of adverse employment action for reporting possible misconduct under this policy, he or she may file a written complaint requesting an appropriate remedy.

B. For purposes of this policy, an adverse employment action shall be defined as actions including: discharge, demotion, suspension, being threatened or harassed, or in any other manner discriminated against with respect to compensation, and conditions or privileges of employment. This policy does not prohibit an employment action that would have been taken regardless of a disclosure of information.

#### **V. Process for Adjudication of Complaints Stemming from Disclosure**

A. An employee or applicant must file a complaint with the President within ninety (90) days from the effective date of the adverse employment action or from the date on which the employee or applicant should reasonably have had knowledge of the adverse employment action.

B. Complaints shall be filed in writing and shall include:

1. Name and work address of the complainant;
2. Name and title of Morningside University official(s) against whom the complaint is made;
3. The specific type(s) of adverse employment action(s) taken;
4. The specific date(s) on which the adverse employment action(s) were taken;
5. A clear and concise statement of the facts that form the basis of the complaint;

6. A clear and concise statement of the complainant's explanation of how his or her report of possible misconduct is related to the adverse employment action; and
  7. A clear and concise statement of the remedy sought by the complainant.
- C. Within sixty (60) days of receipt of a complaint, the President or (Human Resource Director in the case involving the President) shall consider the written complaint, shall conduct or have conducted an investigation which, in his or her judgment, is consistent with the circumstances of the complaint and disclosure, and shall report to the complainant the conclusions of the investigation
- D. The determination shall be in writing and shall include the findings of fact, the conclusions of the investigation, and if applicable, a specific and timely remedy consistent with the findings. The decision of the President or Human Resource Director shall be final.

Reviewed 6-18-21

## **Workplace Violence Policy**

### **I. PURPOSE**

Morningside University is committed to maintaining an environment that is safe and free from violence and will not tolerate violent or threatening behavior. Morningside University has a "zero tolerance" for threatening or violent behavior on its campus.

### **II. SCOPE**

This Policy applies to all students, faculty, staff, visitors, volunteers, vendors and contractors on University premises and at University sponsored events.

### **III. OBJECTIVE**

The objective is to define standards of conduct and protocols designed to protect the health, safety and welfare of the Morningside University community and to protect University facilities in accordance with the mission of Morningside University.

Acts of violence, threats, and aggression are considered to be misconduct and will be taken seriously and immediately investigated. Individuals who make substantial threats, exhibit threatening behavior or engage in violent acts on Morningside University property will be removed from the campus as quickly as safety permits. Violations of this policy will result in sanctions up to and including termination of employment, suspension or expulsion and/or permanent removal from Morningside University and its grounds.

### **IV. DEFINITIONS**

The following definitions apply to this policy:

"Physical Attack" means any form of aggression resulting in a physical assault with or without the use of a weapon.

“Stalking” means the willful, malicious and repeated following of another person and creating a credible threat with intent to place the other person in reasonable fear of his or her safety.

"Threat" includes a communicated intent to inflict physical or other harm on any person or property.

"Threatening Behavior" means any verbal, physical or visual behavior that is provoking and unsafe, which by its very nature could cause physical or other harm to any person or property. It may or may not include an actual physical attack.

"Violence" means any threats, threatening behavior or conduct against persons or property that is sufficiently severe, offensive or intimidating to alter the employment conditions or learning environment at Morningside University and/or creates a hostile, abusive or intimidating work environment for one or more students or employees. Acts of violence include verbal or physical actions that create fear or apprehension of bodily harm or threaten the safety of a supervisor, co-worker, faculty member, student, independent contractor, volunteer or visitor to Morningside University.

## **V. PROHIBITED BEHAVIOR**

Violence, threats of violence, threatening behavior, physical attacks and stalking by an employee, student or visitor to Morningside University are violations of this policy and are strictly prohibited. Violations of this policy will result in discipline, up to and including termination, expulsion or removal from campus.

Examples of such behavior include on or off duty or off premises acts that adversely affect Morningside University and include but are not limited to:

- Any attack which involves violence
- Any act which involves a physical attack
- Behavior or actions that would be interpreted by a reasonable person as carrying a potential for violence and/or acts of aggression
- Any act that threatens harm to another person or damage to property
- Domestic violence
- Stalking (including electronic stalking) or similarly harassing behavior toward employees, students or campus visitors
- Sending threatening, intimidating letters, notes or emails or use of any other social media
- Verbally threatening to harm another person or destroy property
- Using threatening, intimidating or abusive language and/or gestures;
- Threatening to harm an individual or his or her family, friends, or their property;
- The intentional destruction or threat of destruction of property owned, operated or controlled by Morningside University;
- Making harassing or threatening telephone calls, letters, e-mail messages, or other forms of written or electronic communications, including use of social media;

The following conduct also violates this policy:

- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Morningside University property. This prohibition includes dangerous chemicals and any other implement for infliction of bodily injury or death. Possession includes, but is not limited to, the presence of a weapon on the employee's person, in his/her vehicle, desk, locker, lunch box, purse, offices, or file cabinets.
- Refusing to submit to an inspection for the possession of a weapon that is requested by Morningside University.

- Refusing to participate in an investigation pertaining to allegations or suspicion that an act of violence has or is likely to occur, or an investigation pertaining to the possession of a weapon by the employee or a co-employee;
- Intentionally providing false information or intentionally withholding information during an investigation pertaining to allegations or suspicion that an act of violence has or is likely to occur, or an investigation pertaining to the possession of a weapon by the employee or a co-employee.

## **VI. SEEKING EMERGENCY ASSISTANCE**

Should a violation of this policy occur and you need immediate assistance, contact Campus Security at 712-274-5234 or call the Sioux City Police Department at 712-279-6960

## **VII. SEEKING ASSISTANCE FROM MORNINGSIDE UNIVERSITY RESOURCES**

Morningside University provides resources to address potential or actual acts of violence and aggression or other violations of this policy. Individuals are encouraged to seek assistance from Campus Security, Campus Conduct Hotline, Human Resources and Counseling Services, as set forth below.

Departments are encouraged to offer training regarding Violence in the Workplace to be arranged with Campus Security and Human Resources. For student programs, contact Campus Security or Residence Life.

## **VIII. REPORTING A VIOLATION OF THIS POLICY**

Any member of Morningside University community, including contractors or visitors can report a violation of this policy and seek assistance. In general, threats should be reported to the following departments, depending on the identity of the persons involved and the perceived imminence or gravity of the threat:

1. Campus Security serves members of the Morningside University community, contractors and visitors who experience violence or threats of violence. Campus Security provides consultation and preventive services as well as an immediate law enforcement response.

**Campus Security**  
**Olsen Student Center**  
**712-274-5234**

2. The Office of Student Services, which will address violence or threats of violence perpetrated by a student. Members of the Morningside University community, contractors and visitors concerned about such violence should contact one of the following departments Campus Security, Residence Life staff, or Student Services.

3. The Office of Human Resources, which will address violence or threats of violence that involves a faculty or staff member. Morningside University employees, contractors and visitors concerned about violence should report their concerns to the appropriate manager and/or Human Resources. Supervisors receiving a report should contact Campus Security and the Office of Human Resources immediately.

4. Upon receiving a credible report of a threat, the above departments are responsible for assessing the threat, creating an assessment team and implementing the threat assessment response if necessary.

## **IX. RESPONSIBILITIES AND IMPLEMENTATION OF THIS POLICY**

In keeping with the spirit and intent of this policy, and to ensure that Morningside University's objectives in this regard are attained, it is the responsibility of all members of Morningside University's community to help prevent violence.

It is the commitment of Morningside University to:

- Take prompt and remedial action, up to and including termination of employment or expulsion, against any employee or student who engages in any of the conduct defined above.
- Take appropriate action in dealing with vendors or visitors to Morningside University's facilities who engage in such behaviors. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law and will not be allowed on campus grounds.
- Prohibit students, employees, guests, vendors and visitors from bringing unauthorized firearms or other weapons onto Morningside University premises.
- Establish appropriate security measures at the property to promote safety and security.

## **X. NON-RETALIATION**

Morningside University prohibits retaliation against any individual who in good faith reports a potential violation of this policy, cooperates with an investigation regarding any matter covered by this policy, or who reports, in good faith, an incident of abuse or other warning signs. An individual bringing a complaint or assisting in the investigation of such complaint will not be adversely affected in their terms and conditions of employment or educational experience, discriminated against or discharged because of the complaint or assistance, provided that the complaining individual has not violated this policy. Retaliation will result in separate discipline up to, and including dismissal, expulsion or removal from Morningside University.

## **XI. CONFIDENTIAL COUNSELING**

1. Morningside University employees and family members may contact the Employee Assistance Program for any personal concerns related to violence or aggressive behavior. UnumProvident sponsors the Morningside Employee Assistance Program, please call 1-800-854-1446 for counseling assistance.
2. Morningside University employees or students may contact the Campus Conduct Hotline by calling 1-866-943-5787.
3. Morningside University fulltime undergraduate students may contact Student Personal Counselor: Bobbi Meister, Lewis Hall, 2<sup>nd</sup> Floor, 712-274-5606
4. **National Sexual Assault Hotline: (800)656-HOPE (4673)** Information, support, intervention, and local resources
5. **National Domestic Violence Hotline: (800)799-7233** or TTY: 1(800) 787-3224  
Crisis Intervention, safety-planning, information, and referrals
6. **National Center for Victims of Crime - Stalking Resource Center: (800)FYICALL (304-2255)** M-F 8:30am - 8:30pm EST, otherwise email at: [gethelp@NCVC.org](mailto:gethelp@NCVC.org). Crisis Intervention, information, and support

Morningside University reserves the right to amend or modify this policy as necessary.

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<sup>i</sup> Record Retention and Document Destruction Policy is available in the Business Office.

<sup>ii</sup> Staff handbook is available from Human Resources or online from the Human Resources web page.

Rev.03/2018