

HOLY CROSS  
COLLEGE   
at Notre Dame, Indiana

**Employee Handbook**  
**Board Approved: *October 12, 2012***

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## 1. Welcome to the College

Holy Cross College has prepared this handbook to provide you with an overview of the college's policies, benefits, and expectations. It is intended to familiarize you with important information about the college, as well as provide guidelines for your employment experience with us in an effort to foster a safe and healthy work environment.

The Holy Cross College *Employee Handbook* is not a contract of employment. Any individual may voluntarily leave employment at any time (although we request proper notice) and may be terminated by the college at any time for any reason, within the confines of the law. Any oral or written statements of promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee.

The college retains inherent rights to manage, including, but not limited to, the right to determine the type, location and manner of operations; the number of employees; assignments of work; when and whether to transfer, promote, demote, lay off, or terminate for lack of work or other reasons; and how it will set rules, suspend, discharge or take other disciplinary measures.

The college reserves the right to modify, supplement, rescind, or revise any provision of this handbook from time to time as it deems necessary or appropriate in its sole discretion with or without notice to you.

If any statements in this handbook are not clear to you, please contact Human Resources for clarification. This handbook supersedes any and all prior policies, procedures, and handbooks of the college.

For specific policies pertaining to faculty, please refer to the Holy Cross College *Faculty Handbook* which supplements, and in some respects modifies, certain provisions in this Employee Handbook.

## **1.1 Mission Statement**

The mission of Holy Cross College is to educate and form global citizens with the competence to see and the courage to act.

Holy Cross is a Catholic college that advances the apostolic mission of the Brothers of Holy Cross. Our practical, experiential, liberal arts curriculum applies timeless truths to contemporary life and leads people to wholeness in the image of Christ.

## **2. Terms of Employment**

### **2.1 Employment Objective**

The employment objective of Holy Cross College is to select and retain personnel with high standards of performance and appropriate experience, education, and training. In addition, Holy Cross College strives to hire employees committed to the mission of the college.

## **2.2 Introductory Period**

All non-exempt (hourly) and exempt (salary) employees will be on a probationary status for their first 90 calendar days of employment. This period is used to allow the new employee to demonstrate his/her abilities and to determine if the position meets the expectations of the college. It is also used to evaluate the new employee's work habits, capabilities, and motivation.

Probation periods may be lengthened by the college if it is determined the initial period has not provided sufficient time to appropriately evaluate the employee's performance.

Employees who do not successfully complete their probationary period will not be retained as employees of the college. Completion of the probationary period is no guarantee of continued employment, which remains at all times at will.

## 2.3 Employment Classifications

There are two kinds of work years at Holy Cross College. The first is a full twelve-month work year measured from the starting day of employment. The second is an academic work year which runs from approximately early August to late May. Job descriptions will describe positions that are academic- year-only jobs and supervisors will inform new employees of the schedule which applies to specific positions.

Administration – is comprised of the officers of the college and the Executive Assistant to the President. The official officers currently are the President, the Senior Vice President, Vice President of Finance and Provost.

Faculty – is comprised of all full-time teaching faculty, the dean of faculty, librarians, and adjunct faculty. Specific policies and procedures dealing with faculty status can be found in the Faculty Handbook.

Staff – is comprised of both non-exempt and exempt employees who are not classified as faculty. Although they may teach, their employment falls within the twelve month work year.

Adjunct faculty and coaches - Employment of adjunct faculty and coaches is established by terms and conditions set forth in a written contract or letter of appointment. The contract describes the specific service to be provided, the length of the employment term - typically less than a full year, and the compensation to be paid. Regardless of the number of concurrent periods the individual may be hired to perform these duties, a new written agreement must be executed before compensation will be paid.

Volunteer coaching assistants, volunteer staff, volunteer faculty etc. - An individual who offers to perform services for the college but receives no compensation or benefits for the service is a volunteer. A current employee who wishes to assist the college during non-working hours as a volunteer must have approval from their supervisor to do so. All volunteers must complete an application available from the Office of Human Resources and agree in writing to a background check and interview by an appropriate supervisor.

All volunteers serve with the knowledge that they may have their service to the college terminated at any time for any reason.



## **2.4 FLSA Classifications**

The Fair Labor Standards Act makes the following distinction about labor hours, employee related duties, and compensation.

Exempt (salaried) employees – An exempt employee is one whose duties and responsibilities are of an executive, administrative, or professional character as described under the Fair Labor Standards Act (FLSA) and who is paid on a salary basis. Such employees are exempt from the overtime and certain other provisions of the FLSA. Exempt employees sometimes perform work in excess of the typical 40-hour workweek without additional compensation.

Non-Exempt (hourly) employees – A non-exempt employee is covered by the provisions of the FLSA, including the provision for payment of all overtime hours worked. Non-exempt employees may work part time or full time schedules.

## **2.5 Performance Evaluations**

Employees may have their job performance reviewed on a periodic basis by their supervisor to provide both the employee and the college an opportunity to discuss the employee's job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss methods for improving performance.

Performance reviews can also serve: to assess efficiency and effectiveness in developing and achieving job objectives, to provide for professional growth, and to construct a statement of future goals and objectives to be met by the staff member during that year. While performance evaluations are a mechanism to report efficiency and effectiveness in achieving job objectives, they are not disciplinary actions. A positive performance evaluation does not guarantee an increase in salary, a promotion, or continued employment.

## **2.6 Resignation**

Resignation is the separation of services by voluntary action of an employee. An employee may separate his/her employment at any time. If an employee chooses to resign from his/her employment, the college requests that a minimum of two weeks' notice be given by the employee to his/her supervisor and the Office of Human Resources.

Upon resignation or separation of employment, employees must complete separation checklists with their supervisors. This includes returning all college property including but not limited to office keys, college telephone directories, college documents or files, donor lists, student lists or applications, computers, personal data assistants, cell phones, printers, office supplies, and other contact lists. If an employee has any questions as to whether an item is college property, he/she must ask his/her immediate supervisor.

For record-keeping purposes and termination of benefits, the last day physically present on the job is considered the last day worked. Unused vacation will be paid after this date. Some employees resigning or terminating their employment with the college may be asked to have an exit interview with a college officer or the Office of Human Resources.

## **2.7 Exit Interview**

When an employee separates employment with the college, he/she may have valuable information about improvement opportunities for the college.

Exit interviews may be conducted to gather information that can provide insight on things that may not always be accessible or gathered during employment tenure. Exit interviews may be conducted before the employee leaves, along with other exit procedures such as discussion of continuation of benefits, final pay, references, and return of company property, or at a later date.

### **3. General Policies**

#### **3.1 Equal Employment Opportunity**

Holy Cross College complies with applicable federal and state statutes related to institutions of higher education, including all federal and state nondiscrimination laws. It is the policy of the college to provide equal opportunity to employees, candidates for employment, students, and applicants for admission. The college is committed to creating and maintaining a positive learning and working environment. It does not discriminate on the basis of race, color, sex, disability, national origin, age, or any other category protected under state or local law in employment or in its education programs or activities.

Holy Cross College will take appropriate steps to provide reasonable accommodations, upon request, to qualified individuals with disabilities so long as doing so does not cause an undue hardship. Holy Cross College will also provide reasonable accommodation, upon request, to an employee's religious beliefs so long as doing so does not constitute an undue hardship. If an individual needs accommodation, he/she should provide a written description of his/her situation and needs to the Office of Human Resources and immediate supervisor.

If an individual believes this policy has been or is being violated, he/she must report the violation(s) immediately. Violations of Holy Cross College's Equal Employment Opportunity Policy will not be tolerated and will result in appropriate discipline up to and including discharge.

## 3.2 Sexual Misconduct and Harassment Policy

**Holy Cross College prohibits, does not tolerate, will not condone, and takes all reasonable measures to prevent sexual misconduct of any kind.** Sexual misconduct includes, but is not limited to, the following: Sex-Based Harassment; Sexual Harassment; Gender-Based Harassment; Unwelcome Conduct; and Hostile Environment. These unacceptable practices are not tolerated by the College, and are defined as follows:

- Sex-Based Harassment includes sexual harassment and gender-based harassment.
- Sexual Harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.
- Gender-Based Harassment is unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.
- Unwelcome Conduct is conduct considered "unwelcome" if the student did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have welcomed some conduct does not necessarily mean that a student welcomed other conduct. Also, the fact that a student requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.
- A Hostile Environment exists when sex-based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from the College's programs or activities. A hostile environment can be created by anyone involved in a College's program or activity (e.g., administrators, faculty members, students, and campus visitors). In determining whether sex-based harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. The College will also need to find that a reasonable person in the student's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment.

Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

### ***Title IX***

The Director of Human Resources serves as the Title IX Coordinator at Holy Cross College. The Title IX Coordinator oversees all Title IX complaints and is available to meet with students as needed. Holy Cross College does not discriminate on the basis of sex in its education programs and activities by choice and in accordance with Title IX. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator, Gwen DeMaegd, Director of Human Resources, 54515 SR 933 North, Notre Dame IN 46556 574.239.8349, [GDeMaegd@hcc-nd.edu](mailto:GDeMaegd@hcc-nd.edu) or to the Office of Civil Rights.

College Title IX contacts are:

- Catherine Ficker and Adam DeBeck, serve as the Deputy Title IX Coordinators for students
- Gwen DeMaegd serves as the Title IX Coordinator for faculty and staff.

Students are free to approach either of these individuals with questions, concerns, and/or to report an actual, alleged, or suspected Title IX incident.

### **Violence Against Women Act Crimes**

**Holy Cross College prohibits all forms of violence, and specifically those identified as crimes by the Violence Against Women Act (VAWA), including dating violence, domestic violence, sexual assault, and stalking.** The specific definitions of these particular crimes are as follows:

Dating Violence: “Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of “domestic violence”
- Dating violence is explicitly prohibited by our Student Code of Conduct and in our Employee Handbook, and is subject to adjudication accordingly.”

Domestic Violence: “A felony or misdemeanor crime of violence committed –

- By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred."

***Sexual Assault:*** "An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program." The notion of consent is of particular importance to this offense.

***Stalking:*** "Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition –

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling."

### ***Important Violence Against Women Act Definitions***

***Consent:*** "The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter." This means that, "Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not be able to consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including but not limited to the absence of 'no' or 'stop,' or the existence of a prior or current relationship or sexual activity."

***Fondling:*** "The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instance where the



victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.”

*Incest*: “Sexual intercourse between persons who are related to each other within the degrees where in marriage is prohibited by law.”

*Rape*: “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

*Statutory Rape*: “Sexual intercourse with a person who is under the statutory age of consent.” In the state of Indiana, the age of consent is 16.

*Dating Violence*: Many sexual assaults on college campuses are perpetrated by acquaintances.

- In most cases, at least one of the persons involved is under the influence of alcohol or other drugs. About 75% of male students who take part in acquaintance rapes had been drinking; about 55% of female students had. The best defense is not to drink alcohol.
- Don’t assume that anyone is “too nice” to commit sexual assault.
- Carry a cell phone at all times to call for help if needed.
- Avoid being alone especially in unsafe situations and with strangers and persons you don’t know well or with whom you don’t feel safe.
- Never leave a drink unattended because of “date rape” drugs, which have no odor or color when mixed with drinks.

### ***Sexual Harassment***

**Sexual harassment, which includes sexual violence, is prohibited by College.** Student complaints of sexual discrimination against College employees, other students, or third parties are to be filed with Campus Safety and Security. Accusations of sexual discrimination, sexual harassment, sexual misconduct, or sexual violence against Holy Cross College students, regardless of where the conduct occurred, will be adjudicated in accordance with the policies and procedures outlined in the Student Handbook. Such accusations against College employees or third parties will be addressed by the College administration in accordance with employment law. All such complaints will be investigated impartially, and both parties will have equal opportunity to bring witnesses, evidence, make statements, to be informed simultaneously with the complainant/respondent of the outcome, and to appeal the outcome.

For the purposes of this policy, “proceeding” refers to the standardized and specific process to investigate and adjudicate a complaint, and “result” refers to outcome of the proceeding.

A “preponderance of evidence” standard (i.e., “more likely than not”) is used to resolve complaints of sexual discrimination. The College will take steps to stop the harassment, prevent recurrence of harassment, and correct its discriminatory effects on the

complainant and others, if appropriate. The College will also take steps to prevent retaliation, and take strong responsive action if it occurs.

Harassment occurs when a person who, with intent to harass, annoy, or alarm another person:

- makes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature.
- makes a telephone call, whether or not a conversation ensues;
- communicates by mail or other form of written communication;
- uses a computer network or other form of electronic communication to transmit an obscene message, or indecent or profane words to a person referring to sexual conduct in an offensive way.

### *Sexual Offenses*

Sexual offenses are forms of sexual harassment prohibited by Title IX. Sexual behavior of any kind that occurs forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, is considered to be a sexual offense. Holy Cross College neither tolerates nor condones any form of sexually abusive behavior on the part of its community members, whether physical, mental, or emotional.

More specifically, **the Violence Against Women Act (VAWA) identifies the following actions as crimes** – dating violence, domestic violence, sexual assault, and stalking – and **these actions**, along with any actions that are demeaning to others including, but not limited to, verbal/written harassment, **are specifically, explicitly, and expressly prohibited by the College.**

### *Victim Rights and Options*

Whether occurring on or off-campus, the College will support student requests for assistance in reporting sexual offenses to local police and/or College officials charged with investigating such conduct. The victim of a sexual offense may choose for the investigation to be pursued through the criminal justice system and the College Student Conduct process, or only the latter. When making the decision of how to proceed, the victim of a sexual offense may wish to consult with and discuss options with his or her hall director, the Director of Residence Life and Housing, the Dean of Students, the Campus Minister, the Director of Counseling and Health Services, his or her parents, close friends, or legal counsel, none of which obligates the student to pursue a particular course of action. In the end, the decision of when, how, and to whom to report an incident and pursue legal action rests entirely with the victim of a sexual offense.

Because a sexual offense is a traumatic experience, the student is encouraged to seek counseling services to help his/her recovery. The College offers counseling to students through the Director of Counseling and Health Services. S.O.S. (Sex Offense Services) is a 24-hour sexual offense crisis agency, with both trained volunteers and professional staff to assist recovery through confidential counseling and other support services.

If a student requests, the College will honor changes in class schedule and/or housing assignment, if reasonably possible and available. Requests for changes should be made through the Dean of Students.

### **Complaint Reporting Options**

Complainants have reporting options that are confidential and non-confidential, and should be clear on the obligations of the person to whom they are reporting. If a suspected Title IX offense is reported to a non-confidential College official, the College is bound by federal statute to investigate the matter to fullest possible extent, *regardless of the complainant's wishes*.

**Confidential Reporting Options** – sharing information and/or seeking resources from confidential sources will not result automatically in an investigation. The following confidential resources area available to Holy Cross college students:

- Student Counselors – Tom DeHorn, Director of Student Counseling and Health Services located in room V-174, telephone number (574) 239-8383, and via restricted email at [counselingservices@hcc-nd.edu](mailto:counselingservices@hcc-nd.edu)
- Nurses – Student Health Clinic, Pfeil Athletic Center (574) 239-1067 [healthservices@hcc-nd.edu](mailto:healthservices@hcc-nd.edu)
- Priests – only within the Sacrament of Confession
- S-O-S of the St. Joseph County Family Justice Center – phone (574) 289-4357 (see below for additional information)
- St. Joseph Regional Medical Center SANE (Sexual Assault Nurse Examiner) Available 24/7 (574) 335-5000
- Memorial Hospital SANE (Sexual Assault Nurse Examiner) Available (574) 647-1000

**Non-confidential Reporting Options** – sharing information about an incident of sexual assault, harassment, and/or sexual misconduct will result in an investigation as required by Federal Law. The following non-confidential resources are available to Holy Cross College students:

- College Title IX Coordinators – Gwen DeMaegd, Catherine Ficker, Adam DeBeck
- Campus Safety and Security – you may approach any Campus Safety and Security officer and/or contact them at (574) 239-8312
- Hall Staff – Hall directors and/or RAs.

### **Procedures for Making a Sexual Offense Complaint**

A student may wish to file a complaint with the College in addition to or instead of filing a complaint with the local police. Discussing this option with the Dean of Students or the Director of Residence Life and Housing **does not constitute an official report** and **does not obligate** the student to file a formal complaint. To make a formal complaint:

- Requires the student making the complaint – referred to as the complainant – to submit a detailed written statement to a non-confidential College official which describes what occurred and names any persons who participated in or witnessed the alleged offense.
- The accused student – referred to as the respondent – and any known witnesses will also be asked to submit a detailed written statement to the same effect.
- Based upon the findings of the investigation, and in consultation with the Dean of Students, the Director of Residence Life and Housing may elect to handle the matter administratively through a conference or refer the matter to a Title IX Hearing.
- Investigations of alleged sexual offenses will be conducted in a prompt, fair, impartial, and confidential manner, normally completed within 60 calendar days of receiving the official complaint.
- In accordance with Title IX guidelines, a preponderance of evidence standard (i.e., more likely than not) will be employed in determining if a violation has occurred.

Whether occurring on or off-campus, the College will assist students in reporting sexual offenses to local police and/or College officials charged with investigating such conduct. A student may wish to consult with his or her hall director, the Director of Residence Life and Housing, the Dean of Students, the Campus Minister, the Director of Counseling and Health Services, his or her parents, close friends, or legal counsel. In the end, the decision to report the incident and pursue legal action rests entirely with the student.

### **Complaint Investigation and Adjudication Procedures**

In accordance with the Federal DOE guidelines, cases of alleged sexual offenses, including domestic violence, dating violence, sexual assault, and stalking, the same procedures governing investigations, conferences, and hearings will be observed (*see Procedure for Dealing with a Disciplinary Infraction*), with the same possible outcomes ranging from verbal or written reprimand to expulsion from the College, along with the two following additional procedures:

1. *The complainant and the respondent are entitled to the same opportunities to have and advisor present during a conference or hearing.*
2. *Both the complainant and the respondent will be simultaneously notified in writing of the results of any conference or hearing. This notification will normally take place within seven days of the conference or hearing. Both the respondent and*

*complainant may also appeal the results, be informed of any changes to the results that may occur, and when the results become final.*

Appeals, which may be filed by either the respondent or complainant, must be submitted within three (3) working days of written notification of the conference or hearing outcome.

The Title IX prohibits any retaliatory action or harassment by the respondent (i.e., alleged perpetrator) or his/her associates against a complainant of sexual harassment or violence. Name-calling, taunting, making disparaging remarks, physical/emotional intimidation, and other such inappropriate actions of a harassing nature and/or which make the complainant feel uncomfortable, victimized, harassed, and or threatened – either in person and/or virtually – are among the prohibited actions. Incidents of this nature are to be reported to Campus Safety and Security or the Dean of Students.

### ***Information & Support Services for Victims of Rape & Sexual Offenses***

The first priority of a student who has experienced a sexual offense is to get to a place of safety. The student should then obtain necessary medical treatment. The College strongly recommends that a victim of a sexual offense report the incident in a timely manner. A sexual offense should be reported directly to Campus Security, Hall Director, Director of Residence Life and Housing, Dean of Students or any Vice President, or if the offense occurred off-campus, the local police. Speaking with the police **does not obligate** the student to press charges. Filing a police report will ensure that the victim of a sexual offense receives the necessary medical treatment and tests. It also provides the opportunity for timely collection of evidence helpful in prosecution. The victim should avoid showering, douching, using the toilet, or changing clothes before seeking help at the emergency room, as this may destroy physical evidence that could be obtained during the exam.

***Sex Offense Services (S-O-S) Rape Crisis Center, South Bend***  
***533 N. Niles Ave, South Bend, IN 46617 Mon-Fr 8am – 4:30pm (574.234.6900)***

**S-O-S** is St. Joseph County's rape-crisis center, housed within the Family Justice Center (FJC) of St. Joseph County. S-O-S is **staffed by trained professionals and volunteer advocates** who are **available 24 hours a day/7 days a week**. 24-Hour Crisis Line (574.289.4357)

S-O-S staff can provide **confidential counseling and recovery services**, as well as support and information about communication with the police, family and friends. S-O-S Volunteer Advocates provide emotional support and information **on the phone and in person at area hospital Emergency Rooms** around the clock. Specially trained professionals offer confidential counseling, group therapy, information, and referrals. S-O-S Advocates can act as a liaison between the victim and the legal process, and **can accompany the victim to court, if desired**.

**St. Joseph County Prosecutor's Office, Special Victim's Unit  
533 N. Niles Ave, South Bend, IN 46617 (574.235.7818) Mon-Fr 8am – 4:30pm**

This specially trained unit of the St. Joseph County Prosecutor's Office consists of victim advocates, law enforcement investigators, prosecutors, paralegals, and other prosecutorial support staff. Twelve detectives who are trained and experienced in domestic violence, sexual assault, and child abuse cases come together from the three major police departments in St. Joseph County--the South Bend Police Department, Mishawaka Police Department, and the St. Joseph County Police Department--to **coordinate their efforts and to concentrate on these specific crimes**. They work under a Commander and Assistant Commander and a prosecutorial staff whose expertise is these types of crimes as well.

**For more information on ways to reduce your risk of sexual assault:**

<http://www.rainn.org/get-information/sexual-assault-prevention>

<http://www.cdc.gov/Violenceprevention/sexualviolence/index.html>

National Sexual Assault Hotline: 1.800.656.HOPE (1.800.656.4673)

United States Department of Justice:

### **3.3 Integrity Policy**

Holy Cross College is committed to the highest possible standards of ethical and legal business conduct. We encourage officers, trustees, and employees (including student employees) to raise concerns about the College's conduct with the assurance that they will be protected from reprisals for good faith reports about improper conduct on the part of a member of the College community.

#### **Policy**

Holy Cross College officers, trustees, and employees have a responsibility, in the discharge of their college duties, to abide by federal and state laws and regulations as well as College policies. Any officer, trustee, or employee who has knowledge of improper conduct which he or she reasonably believes violates the law or College policy should disclose such conduct to an appropriate College official or to an independent, impartial third-party hotline retained by the College for such reporting. The College has a responsibility to investigate any alleged improper conduct and may discipline any individual found to have engaged in such conduct, up to and including termination of employment. The College reserves the right to refer such conduct for civil and criminal prosecution.

#### **Improper Conduct Defined**

Improper conduct by any officer, trustee, or employee of Holy Cross College that is undertaken in the performance of the individual's official duties or with the appearance or representation that it is undertaken in the performance of official duties, whether or not the action or activity is within the scope of his or her duties, should be reported to an appropriate College official or to the independent, impartial third-party hotline. Actions or activities which are improper may include, but are not limited to the following:

- a. Violation of any federal or state law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft, fraudulent claims, fraud, or conversion;
- b. Misuse or misappropriation of College property;
- c. Economically wasteful or gross misconduct, incompetence or inefficiency which creates for the College potential exposure to liability and/or financial irregularities;
- d. The action or activity appears to be the result of a criminal act;
- e. Significant threat to the health or safety of members of the College community;
- f. Scientific misconduct;
- g. Invasion, unauthorized alteration or falsification, of college records and computer files;
- h. Violation of the College's Conflict of Interest Policy; and

- i. Interference with a College investigation conducted in accordance with this policy, including the withholding, destruction or tampering with evidence or any effort to influence, coerce, intimidate or retaliate against complainants or witnesses.

### **Reporting Procedure**

Reports of improper conduct may be made to the appropriate College official or to an independent, third-party hotline. Employees may also find information on filing a report on the College website under the “About” tab and Human Resource Policies and Handbooks.

### **3.4 Non-Retaliation**

Holy Cross College’s Policies will have little positive effect unless Holy Cross College’s employees can report violations of those policies without fear of retaliation from the college or fellow employees. Consequently, the college cannot and will not tolerate acts of reprisal taken against any employee for reporting what he/she, in good faith, reasonably believes constitutes a violation of college policy. No employee who reports what he/she reasonably believes constitutes a violation of college policy will suffer any adverse employment consequences because of such a report. Any employee of the college who retaliates against or harasses another employee for making such a report, or encourages another to do so, will receive appropriate discipline up to and including discharge. If an employee believes this policy has been violated, he/she must report the violation immediately.

**Note:** It is a serious transgression for an employee to claim that a violation of the EEO Policy or the Anti-Harassment Policy has occurred, or that retaliation for reporting such a violation has occurred, when there is no basis for the employee’s allegation. In such a case if the college's investigation demonstrates that the employee filed false or malicious charges, appropriate discipline will result, up to and including discharge.

If an employee believes that he/she or any other employee is being subjected to conduct or comments that violate the college’s EEO, Anti-Harassment, or Non-Retaliation Policies, he/she has a responsibility to report all good faith concerns to a supervisor, the President of Holy Cross College, Dean of Students, or by calling the Reporting Hotline at 574.239.1069. In those limited circumstances when an employee may not feel comfortable reporting his/her concerns to any of those resources, he/she may report his/her concerns to the Vice President of Finance or any member of the Administration.

Supervisors who become aware of any potential violation of this policy must report the potential violation to the Office of Human Resources. If alleged violations are by their own supervisors, however, supervisors should report potential violations to the Vice President of Finance, or any member of the Administration.

Any employee who fails to report potential violations of the college’s EEO, Anti-Harassment, or Non-Retaliation Policies will be subject to appropriate discipline up to and including discharge.



It is the duty and responsibility of every employee of the college to help maintain a comfortable work environment free from unlawful discrimination, harassment, and retaliation.

### **3.5 Background Checks**

To protect the welfare and provide for the safety of students, employees, and the college's resources, a background check will be conducted on new and rehired employees. The college also reserves the right to conduct a background check on other employees, independent contractors, volunteers, and others, as it deems appropriate. Applicants will be advised that this background check is a condition of employment or other professional relationship with the college, and that all convictions must be included on the application and/or disclosed during the interview/employment process, unless nondisclosure is specifically allowed by applicable law.

Criminal convictions will influence the selection of applicants, and the continued employment of existing employees, where such information is job-related to honesty, substance abuse, violence, or illegal sexual behavior. Employees must inform their supervisors within five business days if they are charged with or convicted of a crime, excluding minor traffic infractions.

### **3.6 Job Postings**

It is the policy of the college, insofar as practical, to fill vacancies through promotions, transfers or reassignment opportunities within the ranks of the current workforce. Although years of service will be considered in reaching such decisions, the primary factors must be the contributions, abilities, and qualifications of the individual under consideration. Promotions, advancements or changes of classification may involve changes in employment status (part-time or full-time); however, such changes in status will not affect the anniversary/hire date or years of service with the college.

Employees are notified by email of open positions. Vacancies and open positions may be posted on the college's website, [www.hcc-nd.edu](http://www.hcc-nd.edu) under the "About" / Career Opportunities". All persons interested in applying for a posted position should comply with the stated procedures listed on the website. Any employee needing accommodation for a disability in doing so should contact the Office of Human Resources.

### **3.7 Workplace Bullying**

Workplace bullying is defined as unwanted conduct, comments, actions or gestures that affect an employee's dignity, psychological or physical health and well-being. Bullying may result from the actions of one individual towards another, or from the behavior of a group.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives that Holy Cross College will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Bullying and psychological harassment can take many forms and may occur when the behavior or conduct:

- would reasonably tend to cause offense, discomfort, humiliation or embarrassment to another person or group;
- has the purpose or effect of interfering with a person's work performance;
- creates an intimidating, threatening, hostile or offensive work environment

**Examples:**

Although there can be no exhaustive list, examples of behavior and impact that may signify bullying include, but are not limited to:

Behavior	Impact
<ul style="list-style-type: none"><li>• insulting or derogatory remarks, gestures or actions</li><li>• rude, vulgar language or gestures</li><li>• malicious rumors, gossip or negative innuendo</li><li>• verbal aggression and/or verbal abuse</li><li>• shouting, yelling</li><li>• swearing, name-calling</li><li>• glaring or staring</li><li>• outbursts or displays of anger directed at others</li><li>• targeting an individual through persistent, unwarranted criticism</li><li>• public ridicule</li><li>• verbal, written or physical threats and intimidation</li><li>• mobbing and/or swarming</li><li>• misuse of power or authority</li><li>• isolation and/or exclusion from work-related activities</li></ul>	<ul style="list-style-type: none"><li>• undermines</li><li>• humiliates</li><li>• offends</li><li>• embarrasses</li><li>• intimidates</li><li>• threatens</li><li>• frightens</li><li>• de-motivates</li><li>• demoralizes</li></ul> <p>Can cause:</p> <ul style="list-style-type: none"><li>• depression</li><li>• anxiety</li><li>• emotional distress</li><li>• physical distress</li><li>• low morale</li><li>• inability to perform work tasks</li><li>• absenteeism</li><li>• loss of productivity</li><li>• turnover</li></ul>

Bullying may be the result of deliberate intention or not. It is important to recognize that it is the impact of the behavior on others, not the intent, which determines whether or not bullying has occurred.

Generally, a “course of conduct” or pattern of behavior is required for a finding of bullying to be made. However, depending upon the severity and impact of the behavior, a single significant incident may constitute bullying, if it is found to be sufficiently offensive, threatening or intimidating.

To determine whether or not bullying has occurred, each situation must be examined reasonably and objectively, based on its specific facts.

## **Distinguishing Bullying from other behaviors**

It is recognized that there may be some circumstances where an employee experiences stress or discomfort in the workplace, which is not related to bullying or inappropriate behaviors. Unless there is evidence that demonstrates a pattern of humiliating, offensive, or intimidating behavior, as described previously or there is evidence of one incident having severe impact, such situations may not constitute a basis for complaint under this policy.

For example, bullying would not include:

- the normal exercise of supervisory responsibilities, including performance reviews, direction, counseling and disciplinary action where necessary, provided they are conducted in a respectful, professional manner, in accordance with the college policies and procedures.
- social interactions, jokes and bantering, which are mutually acceptable, provided the interactions are respectful and there is no negative impact for others in the work environment.
- disagreements, misunderstandings, miscommunication and/or conflict situations, provided the behavior of the individuals involved remains professional and respectful

Where the above examples may not demonstrate a breach of this policy, it remains important to ensure that appropriate measures are still taken to address any issues of concern, in keeping with the guiding principles of this document.

Employees should immediately report behavior that they believe violates this policy to their immediate supervisor or Human Resources. Complaints of bullying will be taken seriously and will be investigated as soon as practicable. No employee shall be retaliated against for having complained of conduct pursuant to this policy.

#### **4. Standards and Expectations for the Workplace**

Employees should never hesitate to ask a question or report a concern. If an employee becomes aware of a situation in which he/she believe the college's ethical and/or legal guidelines have been violated or feel they are being pressured or asked to compromise their values, it is his/her responsibility to communicate this concern to their immediate supervisor or the Vice President of Finance.

It is important for employees to know that they will not be disciplined, lose their jobs, or be retaliated against in any way for asking questions or voicing concerns about the college's ethical or legal obligations, as long as they are acting in good faith. *Good faith* does not mean that you have to be right – but it does mean that you believe you are providing truthful information.

The college has posted its 'Reporting and Non-retaliation and Non-retribution Policy' both on the college website.

## **4.1 Safety**

The college believes in maintaining safe and healthy working conditions for its employees. To achieve the goal of providing a safe workplace, each employee must be safety conscious. The college has established the following policies and procedures in order to provide safe and healthy working conditions. Each employee is expected to follow these policies and procedures, to act safely, and to report unsafe conditions to his/her supervisor in a timely manner.

- 4.2 Reporting and Unsafe Working Conditions or Practices
- 4.3 Smoking at the Workplace
- 4.4 Violence and Weapons
- 4.5 Drug and Alcohol Free Workplace
- 4.6 Reasonable Cause Testing

## **4.2 Reporting Unsafe Working Conditions or Practices**

Employees are expected to continually be on the lookout for unsafe working conditions or practices. If an unsafe condition is observed, the employee should warn others, if possible, and report that condition to his/her supervisor immediately. If the employee has a question regarding the safety of the workplace and practices, the employee should ask his/her supervisor for clarification. Anyone who observes a coworker using an unsafe practice is expected to mention this to the coworker and to his/her supervisor.



### **4.3 Smoking at the Workplace**

Because of legal and fire safety requirements and health considerations, the use of tobacco products is not permitted anywhere inside the college's premises, including in vehicles owned or leased by the college and at college-sponsored events, except in authorized and designated outdoor areas.

## 4.4 Violence and Weapons

While the college respects an individual's right to bear arms, for health, safety and security reasons, firearms, explosives, flammable substances, and other weapons of any kind are not allowed on college property or at college-sponsored events, except as specifically allowed by applicable law. This prohibition includes, but is not limited to: rifles, shotguns, pistols, BB guns, pellet guns, bows and arrows, stun guns, knives, and martial arts equipment. A firearm is described as any instrument that discharges any type of projectile. Possession of firearms and other weapons on college property, including any stored in an employee's automobile in a manner not specifically allowed by law, is cause for corrective action up to and including discharge. Qualified and authorized law enforcement officers who are on campus in the normal course of law enforcement or college security duties or as official visitors of the college are not prohibited from carrying their official firearms.

The college believes in maintaining a safe and healthy workplace, in part by promoting open, friendly, and supportive working relationships among all employees. Violence or threats of violence has no place on our campus. Neither threats of violence nor fighting will be tolerated. Furthermore, if an employee has a problem that is creating stress or otherwise making him/her agitated, he/she is encouraged to discuss it with his/her supervisor.

All employees are expected to immediately report to their supervisors any violation of this policy. Any employee found threatening another employee, fighting, and/or carrying weapons to campus will be subject to disciplinary action, up to and including discharge.

The purpose of this policy is to minimize the potential risk of personal injuries to employees or to others and to reduce the possibility of damage to the college's property in the event someone, for whatever reason, may be unhappy with a decision by the college or an action by an employee or member of management.

The college will initiate a decisive and appropriate response to inappropriate behavior. This response may include, but is not limited to, termination of a business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.

Employees are expected to report any threatening communications from an employee or outside third party to their supervisors or to Campus Security at (574) 239-8312 or to call 911 immediately. Do not engage in either physical or verbal confrontation with a potentially violent individual. If anyone encounters an individual who is threatening immediate harm to an employee or anyone else on our premises, contact Campus Security.

All reports of work-related threats will be kept confidential to the greatest extent possible while still allowing for appropriate investigation, investigated, responded to, and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence.

Violations of this policy, including failure to report or fully cooperate in the college's investigation (unless applicable law provides such reporting is not required), may result in disciplinary action up to and including discharge.

#### **4.5 Drug and Alcohol Free Workplace**

The use and abuse of drugs and alcohol can seriously impair one's ability to perform his/her duties safely and efficiently. Drug and alcohol use and abuse not only jeopardize the public's and coworkers' safety, but also undermine the public's confidence in the college itself. Because a drug- or alcohol-impaired employee can pose a significant threat to the safety of the public and coworkers, as well as the employee's own safety, the college has established this policy as part of its ongoing efforts to maintain a drug- and alcohol-free workplace.

All employees are expected to report to work free of alcohol and illegal drugs and not to sell, distribute, dispense, possess, use, or conspire to sell, distribute, dispense, possess, or use alcohol or an illegal drug on the college's premises, during working time or when engaged in college business or an activity sponsored by the college. Likewise, all employees are expected not to distribute, misuse, or abuse any prescription or non-prescription medications on college's premises or when engaged in college business or an activity sponsored by the college. Remember that distributing controlled substances, including prescription medications, to coworkers not only violates college policy but is also a crime.

It will not be a violation of this policy to consume a moderate quantity of an alcoholic beverage during a Holy Cross College sponsored entertainment activity at which alcohol is served or while attending work-related events as representatives of the college at which alcohol is served. In such instances, moderate consumption of alcohol is permitted (but not encouraged) so long as the employee's behavior remains acceptable to the college and the employee's blood alcohol content remains under the legal limit for operating a motor vehicle, as defined by state law. If in doubt about what constitutes a "moderate quantity," abstain from any consumption.

## 4.6 Reasonable Cause Testing

When there is reasonable cause to believe that an employee has inappropriately used drugs or alcohol, the employee may be required to submit to a drug and/or alcohol screening test.

"Reasonable cause" testing may be based upon such things as:

- Specific observations concerning the appearance, behavior, speech, or body odors of the employee, including observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs;
- A pattern of abnormal or erratic behavior as evidenced by the employee's work time actions, appearance, or conduct;
- Convicted or charged for a drug-related offense; or
- Having an on-the-job accident requiring medical attention and/or involving property damage.

If practical, the employee's conduct should be witnessed by two supervisors. If not practical, one supervisor's observations are sufficient. Reasonable cause can also be based upon a report received from a third-party observer if the report is independently corroborated.

An employee who is required to submit to a reasonable cause drug or alcohol screen will be suspended until the results of the test are disclosed to the college. If the test result is negative, the employee will be paid for the regularly scheduled hours missed. Exempt employees will not have their pay reduced for partial-day absences due to suspension.

In any reasonable cause situation, the college will ensure that the employee is transported to an appropriate facility and then transported back to the workplace, where a spouse, family member, or other individual will be contacted to transport the employee home. If the employee refuses to agree to any of these procedures and attempts to operate his/her own vehicle, the college will take appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials.

Any employee failing to cooperate with any of the procedures described above will be subject to discipline up to and including discharge.

## **4.7 Appearance and Dress**

Each employee represents the college when interacting with students and visitors. Employees should report to work in a presentable/professional manner. Employees should always appear clean, neat, and dressed appropriately for their position with the college. The college reserves the right to determine whether particular attire is inappropriate for its business and to inform employees of this and ask that their attire be changed if it is not appropriate.

#### **4.8 Outside Employment**

Prior to commencing any other work or employment *outside* the college, employees should consider whether the demands of that work would interfere with college employment. Outside employment will not be considered an excuse for poor job performance, absence or tardiness, leaving early, refusing to travel, or refusing to work overtime or a changed work schedule.

An employee may not hold any other employment or engage in any personal business, including as an independent contractor, which would create a conflict of interest or the appearance of a conflict of interest with college employment. The college has the final say as to whether the employee will be permitted to remain employed at the college in a situation where outside work would create a conflict of interest or the appearance of such a conflict.

## **4.9 Conflicts of Interest**

All employees must perform the responsibilities of their positions solely on the basis of what is in the best interest of the college. A conflict of interest occurs when an employee occupies a position where his/her action on behalf of the college could serve to benefit him/herself or could benefit another person or organization with whom the employee has a relationship or in which the employee has an interest.

College employees should ensure that vendors and independent contractors receive fair and uniform treatment. Vendors should be given every reasonable opportunity to be awarded business by presenting the best competitive offer. Employees must avoid conflicts of interest and conflicts of commitment in the conduct of college business.

No employee should accept any gratuity or favor from any entity other than the college for doing his/her job. Employees should not accept personal gifts including meals, tickets and passes, remuneration, or other favors or payments from customers or vendors. Nominal gifts (e.g., coffee mugs, t-shirts, etc.) may be accepted as long as doing so does not create the appearance of a conflict of interest.

A conflict of interest also can occur when an employee's dual role as an employee, officer, or volunteer of another entity might compromise the objectivity in performing his/her obligations to the college or the other entity. Most concerns about conflicts of interest may be resolved and appropriately addressed through prompt and complete disclosure upon initial employment, or acceptance of a position. All college employees shall make a written disclosure to the Office of Human Resources and inform their supervisors of all reportable interests and affiliations.

At least annually, officers of the college or persons who work with college funds such as Business Office personnel, staff working in Financial Aid, and Officers of the College will be asked to make a declaration of any and all actual or potential conflicts of interest on a form given to the college auditors.

#### **4.10 Solicitation and Distribution**

There shall be no solicitation on campus for any activity (unless directly related to an activity sponsored by the college) while either the employee(s) doing the soliciting or the employee(s) being solicited is/are on working time. "Working time" does not include scheduled breaks or meal periods. Distribution of literature (i.e., printed matter of any kind) by employees on working time or in working areas at any time is also prohibited.

Non-employees are prohibited from soliciting or distributing literature on college's property at any time. Anything posted must be approved by the Office of Student Activities, the Office of Human Resources, or the college Administration.



#### **4.11 College Credit Cards**

The college will provide a business credit card for use by an employee of the college for the sole and exclusive use of college business and it may not be used for any personal use whatsoever, including but not limited to purchasing travel for another family member. Any travel arrangements made for family must be paid with personal funds through another source.

Employees must abide by all college procedures such as retaining receipts for all purchases and submitting timely expense reports for approval by their supervisors at least monthly. Cards may be revoked by the college at any time, for any or no reason. Cards must be surrendered upon request.

Should employees be separated from employment for any reason, they must immediately stop using the business credit card. The card will be cancelled by the issuer as soon as practical. Regardless of business credit card authorization, any charges made after employment separation become the responsibility of the former employee. Unauthorized charges may become a personal income tax liability of the employee.

There is a credit card authorization form to complete when a card has been requested and approved by the college administration.

## 4.12 Cell (Mobile) Phones

### Policy

The College will no longer own cell phones or data devices for the use of individual employees, with limited exceptions as defined below. Instead, employees who hold positions that include the need for a mobile device (see eligibility criteria below) may receive an allowance to compensate for business-related costs incurred when using their individually-owned cell phones.

### Transition Period

Please note that this policy is for any new phone allowance authorized. During the transition period, lasting for two years, or the duration of the current contract period, phone ownership will remain with the college and the full amount of the contract will be paid.

Upon expiration of each contract, the device will transfer ownership from the College to the employee at no cost. At that point, the employee is responsible for the transfer to a personal cell phone contract, and the College no longer holds liability for the condition of the equipment. The Human Resource Department will notify employees of contract expiration date.

### Procedures

#### Approval of Allowance

Full-Time employees whose duties and responsibilities require them to carry a cell phone are eligible for a cell phone allowance. The dollar amount of the cell phone allowance should approximate the employee's *anticipated business related expenses only*. The allowance is intended to reimburse the employee for the business use of the phone, not to pay the entire phone bill, under the assumption that most employees also use their cell phone for personal calls.

A cell phone allowance may be requested using a *Cell Phone Allowance Request Form*. Once approved, the allowance amount will be added to the employee's salary as additional pay. As per IRS guidelines, any amount added for equipment or service will be identified as a non-taxable fringe benefit. The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increase to base pay due to annual raises, job upgrades, bonuses, benefits based on a percentage of salary, etc. The form must be approved by the Vice-President for the area in which they work and forwarded to Payroll to begin the allowance.

New employees effective with the date of this policy that are approved for a data plan will receive a one-time equipment allowance up to \$200 with proof of receipt. Because the employee is now personally responsible for the equipment, any replacement for loss or damage will be at the expense of the employee. Use of the phone or device in any manner contrary to local, state, or federal law will constitute misuse, and will result in immediate termination of the allowance.

### **Support for Cell Phones and Devices**

Cell phone service is personally owned by the employee. An employee with a cell phone allowance must maintain an active cell phone contract for the life of the allowance. In addition, the employee is responsible for choosing their own equipment. Support for cell phones and devices will be provided by the carrier. The College IT department may provide consultation on the type of equipment to purchase, especially as it related to devices that enable e-mail, calendar support or special applications required by the individual's department. (New) employees who are approved for a data service device should consult with IT to determine the best type of device for the functions needed. Any employee who receives a cell phone/device allowance is required to register their cell phone number with College's Emergency Notification System.

### **Eligibility Requirements**

Employees whose job duties include the frequent need for a mobile device may receive extra compensation, in the form of a monthly stipend, to cover business-related costs. An employee is eligible for a stipend if at least one of the criteria is met:

- 1) Employers need to contact the employee at all times for work-related emergencies.
- 2) Job requirements include critical college-wide decision making.
- 3) The employer's requirement that the employee be available to speak with clients at times when the employee is away from the office; in other time zones during hours outside of the employee's normal work day.
- 4) The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to the College that he/she is accessible during those times, i.e. mobile office.

An employee who occasionally requires a mobile device for business purposes is not eligible for a stipend; however, may submit a record of these expenses for reimbursement only to the extent that additional expenses were incurred.

### **Exception to Cell Phone Allowance**

The College will continue to provide cell phones or devices in certain situations when specific equipment or technology is required to perform college functions. Such phones or devices are not used exclusively by one individual, but are shared by the department and never for personal use. A Holy Cross College-owned shared cell phone that does not leave the campus and is turned in by each employee at the end of his/her shift or is assigned to an employee for on-call purposes and used for business purposes only is exempt from a cell phone allowance policy. Phone bills for exempt cell phones must be

reviewed monthly by the department heads to verify business use. The College may, at its discretion, issue a cell/data device to the College President.

### **Cell Phone Use While Driving Policy**

Holy Cross College advocates safe and responsible driving habits. This includes not only adherence to traffic laws, speed limits, and use of seat belts, but also to limiting distractions while operating a motor vehicle through the use of cell phones and other hand-held electronic devices. For purposes of this policy, "hand-held electronic devices" includes but is not limited to, wireless phones, computers, on line email, pagers, palm pilots, pad's, and any other communication device. Under no circumstances should employees use cell phones or any hand-held electronic device while driving on college business and/or during college time. In addition, writing, sending, or reading text-based communication – including text messaging, instant messaging, and email – on wireless or cell phones while driving is a violation of this policy. Employees are encouraged to take appropriate safety precautions when using their cellular devices. Attempt to make all calls or other communications before departing on a trip or after arriving at your destination. If Holy Cross business must be conducted while driving in a vehicle, then the employee must safely pull off the road and make or take the call while parked. Employees are expected to comply with applicable state laws regarding the use of cellular telephones.

### **4.13 Use of College Vehicles**

The college maintains vehicles for use by college employees for purposes of college business. Please refer to the campus calendar for information on reserving and using a college vehicle. Only properly licensed college employees or others expressly given permission by the Vice President of Finance are allowed to drive or use the vehicles.

## 4.14 Network and Electronic Resources

Network and electronic resources, such as computers, other hardware, software, e-mail, landline and cellular telephones, fax machines, and internet access, are tools that the college provides its employees to assist them in their work. These network and electronic resources and related access systems are college property and subject to review or access by the college at any time.

All employees who use the college's network and electronic resources must follow the guidelines below:

- Network and electronic resources are meant to be used primarily for college business purposes. While incidental and occasional personal use is permitted, in doing so the employee waives his/her right to privacy.
- Passwords must comply with the policy established by the information technology department. Passwords are confidential and should never be given to anyone including fellow employees, students, or family members. Passwords protecting the use of the college's network and electronic resources are the college's property. Only the college information technology staff may use, furnish, or request an employee's password.
- The college will provide computer workstations to employees as needed to do their work. Employees without a specific workstation will be given access to a shared work station. All shared work stations are subject to network and electronic resources rules.
- Employees will not install any software or programs on any college computer or connect other hardware to their terminals without the express permission of the information technology department. Employees are to log off their terminals when not in use, not permit others to access college systems, and shutdown their terminals prior to leaving the college for the day.
- Employees will refrain from storing excessive personal files, pictures, music, videos, etc. on any college computer or network storage device. Pictures or other files associated with an employee's work may be stored but should not take up excessive amounts of space.
- Employees must not attempt to override or evade any program or measure installed by the college to protect the security or limit the use of its network and electronic resources.
- The Internet is to be used only for purposes of college business. The college expressly prohibits the unauthorized use, installation, copying or distribution of copyrighted, trademarked or patented material. Employees must not review or forward sexually explicit, profane or otherwise unprofessional or unlawful material through the college's network and electronic resources.
- The college strictly prohibits the use by employees of any college owned computer equipment, Internet access, email, software or hardware for personal business gain, to solicit or advocate for issues, causes, fundraising, or operate a business.

- The college retains the right to review all communications conducted and data saved, reviewed or accessed via the college's network and electronic resources, including college computers, e-mail, and Internet access. The college does not permit its employees to access or use any college password, e-mail or Internet access other than their own.
- Messages and communications sent via the college's network and electronic resources are subject to subpoena and access by persons outside the college and may be used in legal proceedings. Please consider this before sending any confidential messages or material via the network and electronic resources.
- Employees using personal data of other employees or students such as driver's license numbers, student id numbers, account numbers, social security numbers, credit/debit card information and other similar personal data should ensure protection of this information and not duplicate, share, or distribute it in any method either within, or especially outside the college computing network. If a legitimate business need arises to share this information, please consult the college administration for approval and appropriate procedures.
- Inappropriate use of network and electronic resources may result in discipline, up to and including discharge.

## **4.15 Personal Relationships at Work**

Given the culture of Holy Cross College, relationships between employees and students are not only inevitable, but beneficial, and the college encourages employees to strive to make a real difference in the lives of our students.

However, as a matter of sound judgment and professional ethics, College employees have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students. Students are entitled to equality of treatment, and it is important that a personal relationship between an employee and a student does not and is not perceived by others to prejudice that equality of treatment.

College employees, contractors, vendors, or volunteers are prohibited from entering into a sexual or romantic relationship with any student. Similarly, they cannot enter into any business, commercial or financial relationship with a student; provide personal or financial gifts or arrange trips with students alone whether related or unrelated to academic enhancement. These relationships and/or activities could actually compromise, or could be perceived to compromise, the objectivity, professionalism, and fair treatment of the student. Under no circumstance should a faculty or staff member occupy the same sleeping quarters as a student whether on a college sponsored or non-college-sponsored event.

Similarly, due to the potential for abuse or appearance of abuse and the inherent differential in authority, the College prohibits any member of the College community from engaging in a romantic and/or sexual relationship or in romantic or sexual conduct with any employee whom that person supervises or evaluates in any way. Individuals who engage in conduct explicitly or implicitly prohibited by this policy may be subject to disciplinary action, up to and including termination or dismissal.



## **4.16 Representing Holy Cross College**

Employees of Holy Cross College will have many contacts with a broad range of citizens involved in, and knowledgeable about, community issues. For the college to be perceived as an upstanding community/educational leader, employees must, during each contact, consider how their actions and statements represent the college.

Although employees are expected to treat each contact with the public as a representation of the college, as previously detailed in this *Handbook*, only the President and his/her designees have the authority to speak on behalf of the college. This includes, but is not limited to, speaking to the media or to bind the college contractually, whether orally or in writing.

The associate vice president for communications and development, a third party representing the college, or the news media, may take pictures of employees and students engaged in college-related activities for use in advertising, college brochures, websites, etc. Employees will not be compensated for use of their likeness in a college photograph. Employees who object to having their picture taken for college purposes should notify their supervisors in advance of having their picture taken.

Members of the news media may also take pictures of employees at the college or at college-related/sponsored events. Any objections to the news media's use of one's picture must be directed to the organization taking the pictures rather than to his/her supervisor.

#### **4.17 Duty to Report Arrests, Convictions, and Guilty Pleas**

Employees must notify the college in writing within 3 calendar days of any arrest, conviction, or entry of a guilty plea for any criminal offense, or immediately upon reporting to work following such arrest, conviction, or plea entry, whichever is earlier. This reporting obligation includes drug and alcohol-related offenses but does not apply to minor traffic tickets or citations. Employees may be suspended without pay, or immediately discharged for any or all arrests, convictions or guilty pleas if they are considered damaging to the college as determined by the administration in its discretion, subject to applicable law.

## **4.18 Rules of Conduct and Progressive Disciplinary Procedure**

There are reasonable rules of conduct which must be followed in any organization to help a group of people work together effectively. The college expects each employee to present him/herself in a professional appearance and manner. If an employee is not considerate of others and does not observe reasonable work rules, disciplinary action will be taken.

Depending on the severity or frequency of the disciplinary problems, a verbal or written reprimand, suspension without pay, disciplinary probation, or discharge may be necessary. It is within the college's sole discretion to select the appropriate disciplinary action to be taken. Notwithstanding the availability of the various disciplinary options, the college reserves the right to discharge an employee at its discretion, with or without notice.

During the progressive disciplinary process, copies of relevant written communications shall be made available to the employee if appropriate. The employee has the right to respond, in writing, to any such documents. This response will be placed in the personnel file.

All employee input is considered and can be presented without fear of reprisal. In presenting ideas or concerns, however, employees must do so in a truthful, responsible, professional, and respectful manner. This policy should not be viewed as a license to engage in gossip, defamation, or insubordination.

The work rules set forth in this handbook are intended to provide you with fair notice of what is expected of you. It is not possible to provide an exhaustive list of all types of impermissible conduct and performance. These work rules are only examples of behaviors that may result in discipline. You should, therefore, be aware that any conduct which adversely affects or is otherwise detrimental to the interests of the college, other employees, or others may also result in disciplinary action, up to and including discharge.

- Attendance – Engaging in a pattern of absenteeism/tardiness/leaving early, or being absent after all available paid and unpaid leaves or days off have been exhausted.
- Confidential Matters – Discussing or revealing confidential information with individuals outside of the college or with individuals within the college who are not authorized to have such information.
- Criminal Activity – Being convicted of or pleading guilty to a crime that reflects unfitness for the job, portrays the college in a negative light, or raises a threat to the safety or well-being of the college, its students, employees or property.
- Public & Coworker Relations – Mistreating, abusing, or intimidating co-workers or others with whom the college has contact.
- Detrimental Behavior – Making false, misleading, or malicious statements about other employees, the college's practices, or engaging in conduct which undermines, or is intended to undermine, the college's reputation.

- Dishonesty – Falsifying, altering, or making an omission on an employment application or other business record as well as giving false information to management personnel or concealing defective work.
- Drugs & Alcohol – Violating the college’s policy on drug and alcohol use.
- EEO/Anti-Harassment/Anti-Retaliation – Failing to support or violating the college’s EEO, Anti-Harassment, or Anti-Retaliation Policies.
- Fighting – Fighting, baiting, or other behavior that instigates fighting or other conduct that violates the college’s policy against workplace violence.
- Mishandling College Property – Mishandling, misusing, stealing or improperly accounting for college money, funds, or property.
- Insubordination – Failing to follow or comply with instructions or work orders in a timely manner, or addressing a supervisor or another college official in a disrespectful, abusive, noncompliant manner.
- Failure to Cooperate – Failing or refusing to cooperate in an investigation conducted by the college, or an outside agency, government authority or law enforcement.
- Poor Performance – Failing to produce quality and timely work or meet performance expectations as outlined in one’s job description.
- Safety – Failing to use equipment, materials, and supplies in accordance with college policies and procedures as well as violating safety or health rules or practices or engaging in horseplay or other conduct that creates a safety or health hazard.
- Unauthorized Use of College Time/Property - Using college time or property, including college vehicles, for non-work related activities including but not limited to unauthorized use of bulletin boards or solicitation of any type on college time.
- Non-compliance with Laws/Regulations – Failing to comply with local, state and federal laws and/or regulations.
- Inappropriate Language or Conduct – Using profane, offensive, caustic or abusive language while conducting college business, or engaging in antagonistic or belligerent conduct toward another co-worker or students.
- Off-the-Job Misconduct – Any off-the-job misconduct that disrupts the college’s ability to operate or your ability to do your job.

When an employee performs at an unsatisfactory level, violates a policy or procedure, or behaves inappropriately, the college will endeavor, when it deems appropriate, to provide the employee with reasonable opportunity to correct the deficiencies. However, **employment may be terminated at will by the employee or the college at any time with or without cause and without following any system of discipline or warning.**

Due to circumstances varying with each case involving possible disciplinary action, each situation will be handled on an individual basis. Whenever a disciplinary action is documented, the employee will be asked to acknowledge a copy of the document by signing the original. The signature will not signify agreement with the contents of the document.

#### **4.19 Separation of Employment**

As an employee of Holy Cross College, your employment is governed by the laws of the state of Indiana, which is an “at will” state. This means that you or Holy Cross College can separate employment at any time with or without notice.

## **4.20 Reduction-in-Force**

In the event of a reduction-in-force or an institutional reorganization, the employee will be notified of the elimination of his/her position as soon as possible. A reduction in force is defined as the reduction of the workforce for an indefinite period of time with no reasonable expectation of recall or return to work. This decision is based upon the long term health of the college and is done with the approval of the President. The decision to implement a reduction-in-force is made by the college Administration and often related to the college's overall financial performance and/or strategic direction.

## **5. Compensation**

### **5.1 Statutory Benefits**

In accordance with applicable law, the following benefits are provided to all employees:

- Worker's Compensation Insurance
- Social Security
- Unemployment Compensation

Though Holy Cross College is 'Exempt' from the requirement to provide Unemployment Compensation, we participate through the State of Indiana reimbursement program.



## **5.2 Attendance and Reporting to Work**

Employees are expected to report to work on time at the scheduled start of the workday. Reporting to work on time means being ready to start work, not just arriving at work, at the scheduled starting time.

It is important that the college operates as effectively as possible, and in a manner above reproach. This requires all employees to show responsibility in their positions, and in their general conduct. Consequently, all positions within the college are necessary and require dedication and commitment from those hired to perform them. Part of that commitment means being at work on time each day ready to perform the tasks necessary to do one's job.

The college recognizes that instances inevitably arise when employees must be late, leave early, or be absent altogether. In those rare instances, the employee must notify his/her supervisor as far in advance as possible. If an employee anticipates being late to work or being absent for an unanticipated reason, he/she must phone his/her supervisor as soon as possible and never more than two hours after the start of the workday unless the employee is incapacitated.

Excessive tardiness and absenteeism place strain on the college's operations. Consequently, the college cannot and will not tolerate excessive tardiness or absenteeism. Poor attendance and excessive tardiness may result in disciplinary action up to and including discharge.

The college reserves the right to request documentation confirming the employee's reason for absence and, if applicable, approved release to return to work if the absence is for three or more consecutive work days. If a pattern of chronic absenteeism has been established, or if required for employee health/infection control reasons documentation may be provided by a health care provider.

Excessive absenteeism and/or tardiness will lead to disciplinary action, up to and including discharge. The determination of excessive absenteeism will be made at the discretion of the college.

An employee who is absent without prior approval and fails to call in for more than two consecutive workdays will be deemed to have voluntarily resigned. Repeated "no call/no show" instances, even if not in excess of two consecutive workdays, may also result in discipline up to and including discharge.

### **5.3 Recording Hours Worked**

All hourly employees (non-exempt) are required to maintain an accurate record of all time worked through the approved timekeeping method for their work areas. Accurate time recording is required to ensure payment for all hours worked.

Employees and supervisors must approve any changes or corrections to the time records. Under no circumstances may any employee sign or make changes to another employee's time records. Changing another employee's time record will result in discipline up to and including discharge.

## **5.4 Breaks and Meal Periods**

Employees may take short, non-scheduled breaks as needed. It is requested these breaks not exceed fifteen minutes away from the job. Employees must be responsible in their use of non-scheduled breaks, and abuse of this policy may be grounds for discipline. Each non-exempt employee is entitled to a 30 minute unpaid lunch break and may not engage in any work activities during unpaid meal break time.

## **5.5 Overtime**

Non-exempt employees who work more than 40 hours during a workweek will be paid overtime at one and one-half times the regular hourly rate of pay. Paid days off (such as holidays, bereavement, vacations, etc.) are not considered hours worked for purposes of computing overtime. Employees are expected to get their work completed during their regularly scheduled workday. Therefore, overtime will be scheduled sparingly and only when it is deemed necessary. Non-exempt employees are not permitted to work overtime without the prior approval of their supervisors.

## **5.6 Pay Period and Payday**

All Holy Cross Employees are paid semi-monthly, on the 15<sup>th</sup> and last day of the month. If that day happens to fall on a weekend or a holiday, employees will be paid on the Friday before the regularly scheduled payday. Direct deposit is required for all employees as it allows for paperless transactions and electronic maintenance of basic payroll information i.e. name, address, tax withholding, and direct deposit. Any issues with accessing your pay information from the pay processor's website should be directed to the Human Resources department.

## **5.7 Maintaining Personnel Records**

It is the employee's responsibility to provide current information regarding his/her address, telephone number, insurance beneficiaries, change in dependents, marital status, and emergency contacts. Please contact Human Resources to report any such changes for tax withholding and benefit program purposes. Changes in exemptions for tax purposes will only be made upon the receipt of a completed IRS W-4 form, and/or State of Indiana W4 form. Employees who do not change their addresses with the Office of Human Resources when they change their residence may face tax liability.

## **5.8 Personnel Files**

Employee personnel files are the property of the college, and do not belong to the employee. However, upon request, the college will provide employees with copies of performance evaluations and other performance-related documents that the employee has previously received.

## **5.9 Pay Reviews/Adjustments**

The college strives to provide its employees with fair and competitive compensation, including pay raises. Increases in compensation depend first and foremost on the college's financial resources. Additionally, any changes to the college's enrollment will affect the extent to which the college is able to provide raises, bonuses, etc.

When given, raises will be commensurate with merit, performance, skill level, the value of the employee to the college, and will not be based solely upon an employee's completing a certain period of time in a particular position.



## 5.10 Payroll Deductions

The college is required by law to withhold from each employee's pay federal income withholding tax, state and local income taxes, and the employee's portion of Social Security/Medicare taxes (Federal Income Insurance Contribution Act or FICA).

In addition, creditors may take court action to force the college to withhold funds from an employee's wages for personal debts. Courts also may order garnishments in instances of spousal maintenance or child support payments. The college will withhold the court-ordered amount from the employee's paycheck as a garnishment.

Any other deductions, such as credit union contributions, direct deposit, health care premiums, etc., must be authorized **in writing** by the employee. Periodic changes to these deductions, once established, may be made without signed approval such as changes to the employee's contribution to health care premiums. Employees are made aware of any such unilateral changes to deductions in advance of them taking effect.

## **5.11 FLSA Safe Harbor Statement**

Salaried exempt employees work as few or as many hours as are necessary to get the job done. For this reason, the college's policy does not reduce a salaried exempt employee's predetermined compensation for any absence other than intermittent leave covered by the Family & Medical Leave Act (FMLA) or any absence occasioned by the college or its operating requirements, including holidays and shutdowns.

The college's attendance and disciplinary action policies are applicable to an exempt employee's absence even though the absence may not be one for which a deduction from salary will be taken.

Exempt employees who believe their salary has been improperly reduced should report the concern immediately to the Office of Human Resources. The college is committed to complying, and expects all supervisors and managers to comply, with this policy and not make improper deductions from employees' salaries.

## 6. Time Off

### 6.1 Vacation

The college believes that adequate time must be provided to employees annually for rest and relaxation. For this reason, all employees are encouraged to take their full allotment of vacation days each year. All vacation should be scheduled through one's supervisor.

All employees not on an academic year, or shortened schedule of any time who otherwise work full time schedules, earn vacation days per fiscal year in the following hourly, or fraction thereof, amounts however, employees that are separated within the 90 day probationary period forfeit any accrued vacation.

Length of Service	Pay Period Accrual	Hours Earned/Year
0-5 years	3.34	80 (10 days)
6-10 years	5.00	120 (15 days)
11 years	5.34	128 (16 days)
12 years	5.67	136 (17 days)
13 years	6.0	144 (18 days)
14 years	6.34	152 (19 days)
15 years	6.67	160 (20 days)

**\* An employee may find they need vacation time prior to accruing the necessary hours. In such cases, an employee may build up a negative balance up to 80 hours with the prior approval of his/her supervisor. Exceptions to the carryover policy will be subject to manager's discretion.**

Vacation time accrual begins with the date of hire. For example, an employee with less than 1 year of service and hire date January 1<sup>st</sup> would earn 5 days of vacation until the start of the new fiscal year, July 1 and would earn up to 10 days with the beginning of the new fiscal year July 1 – June 30<sup>th</sup>. **A maximum of 40 hours of accrued and unused vacation time may be carried over from one fiscal year to the next.**

***Accrued and unused time to include a maximum of 40 hours of vacation carryover will be paid out upon separation from employment. New hires that have not completed their 90 day orientation period are not eligible to receive their accrued vacation time pay out. Final paychecks for non-exempt employees will include deductions for any negative balance upon termination.***

Vacation time is pro-rated based on the actual number of days worked for those employees working less than a full-time schedule, and rounded to the nearest whole day. Employees are required to take vacation in no less than ½ day increments, or 4 hours for all non-exempt employees.

## 6.2 Holidays

Full-time and part-time employees will be paid holiday pay for the hours they are typically scheduled to work. If a part-time staff member is not scheduled to work during a holiday then s/he will not receive holiday pay. If a recognized holiday falls during an employee’s paid absence (e.g., vacation or sick leave), holiday pay is provided instead of the paid time off that might otherwise have been applied. The College provides paid holiday time for eligible employees in observance of the following holidays:

- Holy Thursday (Thursday before Easter) – College closes at 3pm
- Good Friday (Friday before Easter)
- Easter Monday (Monday after Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4. If July 4 falls on Saturday, the Friday before is observed as the holiday. If July 4 falls on a Sunday, the holiday is observed on the following Monday)
- Day before Thanksgiving
- Thanksgiving (fourth Thursday in November)
- Day After Thanksgiving
- Christmas and New Year’s Celebration and Observance (varies according to which day Christmas falls on) as follows:

<b>Christmas Falls On:</b>	<b>Christmas Observance:</b>	<b>New Year’s Observance:</b>	<b>College Closed</b>
Saturday	Friday, December 24 Monday – Thursday, December 27-30	Friday, December 31	Friday, December 24 – Friday, December 31
Sunday	Friday, December 23 Monday-Friday, December 26-30	Monday, January 2	Friday, December 23 – Monday, January 2
Monday	Friday, December 22 Monday-Friday, December 25-29	Monday, January 1	Friday, December 22 – Monday, January 1
Tuesday	Monday-Friday, December 24-28	Monday, December 31 Tuesday, January 1	Monday, December 24 – Tuesday, January 1
Wednesday	Monday-Friday, December 23-27 Monday, December 30	Tuesday, December 31 Wednesday, January 1	Monday, December 23 – Wednesday, January 1
Thursday	Wednesday-Friday, December 24-26, Monday-Wednesday, December 29-31	Thursday, January 1 – Friday, January 2	Wednesday, December 24 – Friday, January 2

Friday	Thursday-Friday, December 24-25 Monday-Wednesday, December 28-30	Thursday, December 31 – Friday, January 1	Thursday, December 24 – Friday, January 1
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### 6.3 Personal Leave/Sick Time

Employees who are employed on a full-time basis, not on an academic year or shortened schedule of any time as of July 1 of each year accrue 6 sick days (48 hrs.) and 4 personal days (32 hrs.) per fiscal year according to the following hourly, or fraction thereof amounts:

Sick Days:  $48 \text{ hours} / 12 \text{ months} = 4 \text{ hrs. per month}$  or  $2 \text{ hours per pay period}$

Personal Days:  $32 \text{ hours} / 12 \text{ months} = 2.67 \text{ hours per month}$  or  $1.34 \text{ hours per pay period}$

#### **Part-Time Employees**

Sick and personal days apply pro-rata to all part-time employees according to their normal amount of scheduled days. For example: a part-time employee working a normal 25 hour per week schedule will accrue time off according to the following hourly, or fraction thereof amounts each fiscal year:

Sick Days:  $25/40 = .625 \text{ hours} \times 48 \text{ hours} / 12 \text{ months} = 2.5 \text{ hours per month}$  or  $1.25 \text{ hours per pay period}$

Personal Days:  $25/40 = .625 \text{ hours} \times 32 \text{ hours} / 12 \text{ months} = 1.67 \text{ hours per month}$  or  $.84 \text{ hours per pay period}$ .

In cases of taking personal leave, an employee must give his/her supervisor as much advance notice as is reasonable under the circumstances.

- Full Time employees may accrue up to a maximum of 90 days (720 hours) of sick time off to be used for unforeseen medical or personal instances. Accumulation is pro-rated according to the employee's work schedule (540 hours for a 30-hour per week work schedule, and 450 hours for a 25-hour per week work schedule and other schedules pro-rated accordingly. Unused paid time off will be forfeited upon separation from employment.

## **6.4 Parenting Leave**

As a Catholic institution, the college supports employees who have the dual concern of maintaining a balance between their work and family obligations through the provision of a parenting leave policy. Through this policy, the college strives to retain valued and talented employees and not lose them because of the strains of maintaining both a family and a career. All full-time employees with a year or more of service are eligible for parenting leave.

An employee who takes primary responsibility for the care of a newborn child or a newly adopted child, who has not previously resided with the employee, is eligible for six weeks leave with normal pay and benefits during the first twelve weeks immediately following the birth or adoption. Employees are required to take all accrued vacation, sick and personal leave time concurrently. A primary caregiver is an individual who takes primary responsibility for the care of a newborn or adopted child who resides with the employee. If both parents are employed by the college, only six total weeks leave will be allowed per family per birth or adoption. Leave benefits will be paid only for periods in which the employee would otherwise have worked.

## **6.5 Jury Duty**

Employees called for jury duty are granted paid time off to meet their court-mandated responsibility. An employee is also paid his/her salary if subpoenaed to appear in court as a witness. Normal earnings will be reduced only by the amount received for the court appearance or jury duty. If the court provides a stipend or payment of any sort, other than reimbursement for transportation, that payment should be submitted to the college and the employee's regular compensation will be maintained for the following pay period. Information on earnings should be supplied to the Office of Human Resources.



## **6.6 Funeral**

Full and part-time employees are eligible for up to three paid days of funeral leave on the occasion of the death of members of the immediate family (spouse, son, daughter, mother, father, grandparent, mother-in-law, father-in-law, brother, sister) and one day for the death of a relative not in the immediate family. Funeral leave will not be granted if the employee does not attend the funeral or memorial services for the deceased (if any). Funeral leave will also not be granted during vacation or during periods when the employee is not normally scheduled to work.

If funeral leave occurs during an employee's vacation period, the employee will not be required to use vacation time for that funeral leave. However, an employee will not be compensated for both vacation and funeral leave simultaneously.

## 6.7 Family and Medical Leave Act (FMLA) Leave

Holy Cross College will grant leave to eligible employees in accordance with the federal Family and Medical Leave Act. Employees who have a cumulative twelve (12) months of prior service and who have worked at least 1,250 hours during the twelve (12) months immediately preceding the date on which the FMLA leave would commence are eligible to request such leave.

The types of FMLA leave that are available are as follows:

1. Serious Personal Health Condition Leave - Leave needed by the employee because of a serious health condition, which renders the employee unable to perform the functions of his or her job.
2. Serious Family Health Condition Leave - Leave needed by the employee in order to care for a spouse, son or daughter, or parent who has a serious health condition. Leave may be taken to care for a child over 17 years of age only if he or she is incapable of self-care due to a disability.

For purposes of determining eligibility for either of these forms of leave, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
- A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
- Treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
- One treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); or
- Any period of incapacity related to pregnancy or for prenatal care; or
- Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity; or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or

- Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Employees with questions about what health conditions are covered under this FMLA policy are encouraged to consult Human Resources.

3. Parenting Leave - Leave for care of or bonding with the employee's child within twelve (12) months of the birth or placement for adoption or foster care of a child, under eighteen (18) years of age.
4. Military Family Exigency Leave – Leave needed by the employee whose spouse, son, daughter or parent either has been notified of an impending call or order to qualifying active military duty or who is already on, or being released from, qualifying active duty.

Eligible reasons for leave related to the call-up or service include:

- Short-notice deployment;
- Military events and related activities;
- Childcare and related activities;
- Financial and legal arrangements;
- Counseling;
- Rest and recuperation;
- Post-deployment activities; and
- Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

A son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except the son or daughter does not have to be a minor.

5. FMLA Military Caregiver Leave – Leave needed by the employee to care for a family member (spouse, son, daughter, parent, or next of kin) injured or recovering from an injury or illness incurred while serving on active military duty. This includes leave for veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness incurred or aggravated during active duty during the five (5) years preceding the date of treatment.

In general, eligible employees are entitled to a total of twelve (12) weeks of FMLA leave during any rolling twelve (12) month period measured backward from the date of requested leave, or twenty-six (26) weeks of FMLA leave to care for an injured or ill service member or veteran during any rolling twelve (12) month period, measured forward from the first date of requested leave. In cases where both husband and wife work for Holy Cross College, they will be eligible for a combined total of twelve (12) weeks of FMLA leave for Parental Leave or twenty-six (26) weeks of FMLA leave to care for an injured or ill service member or veteran.

When necessary, leaves other than parenting leave may be taken intermittently in blocks of time no less than one hour or on the basis of a "reduced leave schedule" under which an employee's usual working hours each day or each week are reduced.

Employees must provide the college with at least thirty (30) days' notice of the need for FMLA leave whenever the need for the leave is foreseeable, such as when the leave is for an expected birth or planned placement for adoption or for planned medical treatment. In cases where the need for leave cannot be anticipated thirty (30) days in advance, the employee must give notice of the need for leave as soon as practicable. Failure to give proper notice of the need for FMLA leave when the need for such leave is foreseeable may result in delayed commencement of authorized leave or denial of authorized leave.

Leave requests should be submitted in writing to Human Resources. Persons requesting leave will be provided additional information about their leave rights along with certification forms that must be completed and returned to substantiate the need for leave. Failure to provide the required certification may result in denial of leave until the certification is provided.

#### **Benefits Participation While on Leave:**

An employee on approved FMLA leave may continue group health insurance coverage during the leave by paying the employee's normal share of the cost of such coverage during the FMLA leave on or before the date when payroll deductions for such costs would normally be made. NOTE: Failure to pay the employee's share of the premium, when due, may result in loss of coverage.

An employee who fails to return from FMLA leave may be required to reimburse the college for its cost of maintaining group health insurance coverage for the employee and/or the employee's dependent(s) while on FMLA leave unless the employee's failure to return to work is due to the continuation, recurrence, or onset of a serious health condition of the employee or the employee's spouse, parent, or son or daughter.

#### **Use of Vacation and Personal Leave:**

Employees are required to take all accrued vacation and personal leave time concurrently with FMLA leave time. Once all accrued vacation and personal leave time is exhausted, remaining FMLA leave will be unpaid. Exceptions to the requirement of using all available vacation and personal leave time concurrently with FMLA leave time require approval through Human Resources.

#### **Reinstatement:**

An employee returning from FMLA leave generally will be reinstated to the position held at the time the leave commenced or to an equivalent position. However, an employee returning from FMLA leave will have no greater right to reinstatement than if the employee had been continuously employed during the leave. Employees are required to keep the college informed regarding their status and any changes in their expected return to work dates. An employee desiring to return from approved FMLA leave prior to the date the leave was due to end should give written notice to Human Resources as soon as his or her plans change, and a minimum of two working days prior to the expected return date.

**Benefits at Reinstatement:**

Employees returning from FMLA leave will have their benefits reinstated to the same level as they enjoyed at the time the leave commenced, except for any paid leave benefits used during the leave. Changes in benefits which would have occurred had the employee not taken the leave will also apply.

## **6.8 Military Leave**

Full-time and part-time employees are eligible for leaves of absence to engage in military services.

Active Service - In accordance with the Uniformed Services Rights and Reemployment Rights Act (USERRA), employees who are activated for military service are eligible for leave of absence for the full term of their activation. Upon return, the college will re-employ the employee at the same or a similar position to that which was held by the employee at the time of her/his activation in accordance with USERRA requirements. During the leave of absence the college will pay the employee the difference between the employee's actual salary at the time of activation and his/her military pay up to a maximum of 6 months of military leave. Unpaid leaves may be available to family members of military personnel on active duty in accordance with the Military Family Leave Act of the State of Indiana.

## **7. Welfare Benefits**

### **7.1 Christian Brothers Employee Benefit Trust**

Christian Brothers Employee Benefit Trust provides Health and Welfare benefits similar to insurance benefits at many organizations. The college is an educational institution operated by a religious community of the Roman Catholic Church in the United States, therefore eligible to participate in the Christian Brothers Employee Benefit Trust.

To be eligible for benefits under the trust, an employee must work a minimum of three-quarter time at the college. Eligibility begins on the first day of the month following the date of employment, or the date of employment if it falls on the first day of the month. Coverage ends on the last day of the month of separation from employment. Separating employees may choose to continue coverage under similar, but not precisely the same provisions to those of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

## **7.2 Healthcare**

The medical plan provides comprehensive benefits, including preventive, dental and vision care, with deductibles and co-payments. The Trust has negotiated with several regional and national PPO networks to obtain significant discounts off billed charges. The college and employee each pay a percentage of the cost of the health care premium, the amount of which is determined on an annual basis. Please refer to the Human Resource section of Moodle to access the most recent summary of health insurance benefits.



### **7.3 Life Insurance**

The program includes, at no cost to the employee, life insurance with a death benefit equal to 1 ½ times annual salary, reduced at age 65.

The Basic Life and Accidental Death and Dismemberment Insurance will be reduced to a percentage of the amount of insurance in effect on the day before the 65th birthday by applying the appropriate percentage as follows:

- At age 65 but less than 70      67%
- At age 70 but less than 75      43%, and
- At age 75 and older              33%

## **7.4 Long Term Disability (LTD)**

Long-term disability and accidental death and dismemberment coverage are provided at no cost to the employee. The monthly benefit for this coverage is the lesser of 60% of the first \$8,333 of pre-disability earnings; or 70% of the first \$7,143 of pre-disability earnings reduced by other income with a maximum monthly benefit for any employee of \$5,000.

The elimination period begins on the day the employee becomes disabled and continues for ninety (90) days. Until the elimination period is satisfied, no benefits will be paid. We recommend employees consult the Long Term Disability Plan Description that can be found on the Christian Brothers individual employee health portal.

## **7.5 Employee Assistance Plan**

The Holy Cross College Employee Assistance Plan (EAP) is a college-sponsored benefit designed to help an employee and his/her family members with personal problems that may interfere with the employee's ability to be successful at work. An individual seeking to use this program should contact the Counseling Services Team by email [counselingservices@hcc-nd.edu](mailto:counselingservices@hcc-nd.edu) for an appointment or walk-in appointments are available. Your message will be kept confidential, and only members of the Counseling Services Team will have access to it. Once received, you will receive an email back with a date and time for your appointment, and with whom you will be meeting. Our Counseling Services Team can offer 4-6 sessions of individual counselling at no cost for stress and other related issues. If further counseling is preferred a referral to an outside professional may be suggested, however, at the cost to the employee and their individual insurance. An individual's voluntary use of EAP services is confidential to the fullest extent allowable by law.

## 7.6 Educational

### *Eligibility*

Full time employees and their spouses and children, may receive employee tuition benefits as follows. The employee must have completed at least one year of full-time service by the first day of class, and not be under any form of employment probation to be eligible. Children must be age 26 years or younger on the first day of the term for which they are enrolling. Exceptions to the age requirement may be made with the approval of the college president for tuition credit at Holy Cross College only. The benefit of tuition credits paid by the college will not exceed a full-time course load. Should a full-time employee become deceased while employed, this benefit will survive for his or her spouse and children. Other requests for exceptions to eligibility requirements will be considered by the college Administrative Council on a case by case basis. Advance approval must be obtained from the college administration by submitting a request in writing to the office of Human Resource.

### *Admission, Academic Requirements*

The prospective student, whether a full-time employee, a spouse or child must meet all admission criteria of the college to be admitted. To remain eligible from one academic year to the next, the student must remain in good standing, meeting both academic and conduct standards of the college.

### *Holy Cross College Courses*

The college will waive all tuition and comprehensive fees. The following benefit guidelines apply to qualified employees and their dependents:

- Applicants (dependents or employees) must submit a FAFSA to Holy Cross College for each year they would like to receive the employee tuition benefit.
- If the applicant qualifies for an Indiana FOC or 21<sup>st</sup> Century grant, the tuition benefit would be reduced by that amount.
- If the applicant qualifies for a federal Pell grant:
  - The tuition benefit would be reduced by that amount if the student lives off campus.
  - The tuition benefit would not be reduced by that amount if the student lives on campus; the Pell grant would be applied to room and meals.
- The tuition benefit will not be reduced if the applicant accepts federal direct student loans; these can be used to cover room and meals or indirect costs.
- Applicants accepting the tuition benefit are not eligible for other scholarship programs (merit, Signature Scholarship, GIA).

Room and board, application fees, books, instructional materials, course fees and fees associated with all travel and transportation and music instruction are not covered under this benefit. Employees remain responsible for all tuition and fees if the student does not complete the course with a “C” or better. All tuition and fees remain the responsibility of the student or their employee sponsor until successful completion. If there is a separation of employment this benefit does not survive the separation. All tuition and fees become

due and payable immediately upon separation of employment following the standard payment arrangements in effect at the college at the time of employment separation.

### ***Non-Holy Cross College Courses***

The college belongs to three consortia which allow application for reciprocal tuition benefits at member institutions for eligible employees' children. These consortia have eligibility requirements that vary year to year and are not guaranteed by Holy Cross College as an employment benefit. They are subject to change, restriction, or elimination by the consortia or college at any time. More information and lists of member colleges and universities are available at [www.cccte.org](http://www.cccte.org), [www.tuitionexchange.org](http://www.tuitionexchange.org), and [www.cic.edu/tep](http://www.cic.edu/tep). Submit all applications for consortia participation to the Office of Human Resources.

### ***Educational Benefit Tax Implications***

Under I.R.S. regulations, undergraduate tuition remission is currently a tax free benefit; however this tax free benefit is subject to change at any time. Employees are strongly encouraged to discuss all questions related to tax liability with their accountant or tax advisor.

## 7.7 Retirement

### Holy Cross College Section 403(b) Defined Contribution Retirement Plan

Employees may become contributing participants, thus eligible to make elective deferrals on the first of the month after the date of hire. If the date of hire is on the first of the month, elective deferrals will begin on that date. There are is no minimum age or minimum years of eligibility service an employee must attain to become a participant in this plan for purposes of making Elective Deferrals.

To be eligible for the *employer match*, an employee must be 21 years of age, and have completed one year of employment and work a minimum of 1000 hours at the college. Prior employment with “an institution of higher education” will be credited for the purposes of hours of service toward eligibility.

The college matches a maximum of 3% of employee contributions. In addition, the College provides an employer 1% non-elective contribution after one year of service to eligible employees.

## 7.8 Holy Cross Care Policy

All College faculty, staff, and administration are encouraged to inform the Development Office if the “Care Policy” needs to be initiated. Only the Development Office will initiate the “Care Policy”. Money will be appropriated in each year’s budget to accommodate the “Holy Cross Care Policy.”

- **Birthdays and Retirement** – All employee birthday and retirement acknowledgements such as birthday card and/or gift are to be handled by the employee’s department according to whatever customs abide for that department.
- **Congratulations** – If an employee is married, gives birth or accomplishes some other great feat, the deed should be recognized through the Development Office.
- **Extreme Illness** – If a current student, trustee, or employee of the college or a current employee’s or trustee’s spouse, parent, or child becomes ill and/or becomes hospitalized, the college, through the Development Office should send an appropriate acknowledgement such as a floral arrangement or gift basket.
- **Death** – If a trustee, employee, or a current employee’s or trustee’s spouse, parent, or child dies, the college, through the Development Office will send an appropriate acknowledgement such as a floral arrangement or donation.
- **Other** – If a situation outside the parameters above arises, it may be acknowledged with a card and/or donation from the college.

## 7.9 Other Benefits

There are a number of other benefits available to employees of the college. At present, the following is a list of those available:

- Holy Cross College employees may use and check out materials from the libraries at Holy Cross College, Saint Mary's College, the University of Notre Dame, and Bethel College
- All employees of Holy Cross College are eligible to join the Notre Dame Federal Credit Union or Teachers Credit Union.
- Employees of Holy Cross College are eligible for discounts on many items at the Hammes Holy Cross Bookstore and the Hammes Notre Dame Bookstore.
- Employees have use of the Pfeil Recreation Center based upon its availability and the employees work schedule.
- On campus dining services are available to employees at a reduced cost during the lunch hour in the Siegfried Dining Hall.
- Employees are eligible for a discount from some vendors based on the vendor relationship with the college such as a wireless phone plan. Contact the Office of Human Resources for details.
- The college will assist employees in professional development as it relates to achieving the college mission. The funding for professional development must be budgeted and approved by the area Vice President or Dean.



## 8. Acknowledgement of Receipt of Employee Handbook

### I have received my copy of the Employee and Faculty Handbook.

I have received the current college employee and/or faculty handbook and have had the opportunity to read and understand the material herein. I have had the opportunity to ask questions about the policies in this handbook, and I understand that any future questions that I may have about the handbook or its contents will be answered by the Office of Human Resources, and/or the Vice President of Finance or his or her designated representative upon request. I agree to and will comply with the policies, procedures, and other guidelines set forth in the handbook. I understand that the college reserves the right to change, modify, or abolish any or all of the policies, benefits, rules, and regulations contained or described in the handbook as it deems appropriate at any time, with or without notice. I acknowledge that neither the handbook nor its contents are an express or implied contract regarding my employment.

I further understand that non-contract employees of the college are employed on an at-will basis, and their employment is terminable at the will of the employee or the college at any time, with or without cause, and with or without notice. I have also been informed and understand that no officer, agent, representative, or employee of the college has any authority to enter into any agreement with any applicant for employment or employee for an employment arrangement or relationship other than on an at-will basis, not including faculty or contract positions. Nothing contained in the policies, procedures, handbooks, or any other documents of the college shall in any way create an express or implied contract of employment or an employment relationship other than one on an at-will basis.

I have received the *Holy Cross College Employee Handbook*, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Employee Name (Print)*

Date \_\_\_\_\_

I have received the *Holy Cross College Faculty Handbook*, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Employee Name (Print)*

Date \_\_\_\_\_

*To Be Placed In Employee's Personnel File*