

# DEPAUW UNIVERSITY

*Uncommon success begins at DePauw*

## EMPLOYEE GUIDE

*Office of Human Resources  
313 South Locust Street  
Greencastle, IN 46135  
765-658-4181*

*February 2007*

## **Introduction**

This Guide was prepared to assist University employees. It supersedes any prior written instructions issued by the University that are inconsistent with its provisions.

Full-time employees will attend a general orientation session conducted by Human Resources. However, we ask that supervisors communicate to full-time employees (and as well as part-time employees) information specific to their department. On the first day of employment supervisors should advise new employees of the following:

- the need to report to Human Resources to complete Federal and Indiana State Withholding Forms and Form I-9
- assigned meal periods
- office hours/regular work schedule
- restroom locations
- refreshment/break/meal areas
- emergency exit locations
- outgoing U.S. and campus mail locations
- pay issue dates
- paycheck distribution
- the procedure for reporting absences
- the procedure for requesting time off
- parking locations
- other items of interest specific to your department

In addition, new employees should

- be introduced to coworkers and others with whom they will have regular contact,
- contact Information Services for e-mail and network accounts, if applicable,
- contact DePauw Public Safety (x4261) to register their vehicle(s), and
- contact I.D. Office (x4253) to obtain their DePauw I.D. Card.

Contact the Human Resources staff with any questions at extension 4181.

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## **Affirmative Action**

DePauw University, in affirmation of its commitment to excellence, endeavors to provide equal opportunity for all individuals in its hiring, promotion, compensation and admission procedures. Institutional decisions regarding hiring, promotion, compensation and admission will be based upon a person's qualifications and/or performance without regard to race, color, creed, religion, national origin, sexual orientation, disability, age, gender, gender identity or gender expression, except where religion, gender, or national origin is a bona fide occupational qualification.

DePauw University's goals and commitments are best served if the institution reflects the diversity of our society; hence, DePauw seeks diversity in all areas and levels of employment and abides by all local, state, and federal regulations concerning equal employment opportunities. The University admits, hires and promotes individuals upon their qualities and merits.

*Recognized and endorsed revisions by the Diversity and Equity Committee (formerly the Affirmative Action Committee) and the President's Cabinet and by University legal counsel effective October 2, 2000.*

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## **DePauw University's Policy on Harassment**

### **Policy Statement and Definition of Harassment**

The University is committed to a policy of equal opportunity for all members of the University community including, but not limited to, members of the faculty and staff, students, guests of the University, and applicants for employment and admission. In this regard, the University reaffirms the right of its students to live and learn and its employees to teach and work in an environment free from inappropriate and/or offensive comments or conduct.

The University encourages a workplace and learning environment free of inappropriate treatment of any employee, student or guest because of any person's race, sex, color, creed, religion, age, national origin, sexual orientation, veteran status, gender identity, gender expression, disability, or any category protected under federal, state or local law. To be unlawful, conduct must be so severe and pervasive that it unreasonably interferes with an employee's ability to work or a student's ability to learn. The University does not, however, condone or tolerate any inappropriate conduct, whether by employees or non-employees, based on a person's race, sex, color, creed, religion, age, national origin, sexual orientation, veteran status, gender identity, gender expression, disability, or any category protected under federal, state or local law.

Inappropriate conduct may include, but is not limited to:

- Ethnic, racial, religious, age, disability or sex-related jokes, epithets, stereotypes or slurs.
- Foul or abusive language.
- Offensive graffiti, cartoons or posters.
- Insulting or derogatory nicknames.
- Mimicking another.
- Starting or spreading rumors.
- Teasing about religious or cultural observances, retirement, age, ability to learn, or absenteeism.
- Threatening or offensive mail, e-mail, voicemail or messages.

The University also recognizes the fundamental importance of the open and free exchange of ideas and opinion. It recognizes that conflicts may arise between individuals' desire to express their opinions and the right of individuals to be free from harassment. The University also recognizes that every act that might be offensive to an individual or a group is not necessarily a violation of the law or of this policy.

## **Sexual Harassment**

Specifically included in this policy is a commitment to providing students, employees and University guests an environment and workplace free of inappropriate comments or conduct of a sexual nature. Such behavior may include, but is not limited to:

- Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, or stereotyping based on a person's sex);
- Unwelcome and unwanted sexual jokes, language, gestures, epithets, innuendoes, advances or propositions; sexually oriented "kidding," "teasing" or "practical jokes;"
- Unsolicited and unwelcome demands or requests, implicit or explicit, for sexual favors or sexual encounters;
- Sexually oriented propositions, slurs, suggestions or questions;
- Stalking;
- Persistent, unsolicited and unwelcome demands or requests, implicit or explicit, for social encounters;
- Written or verbal abuse of a sexual nature, including, for example, using sexually degrading or vulgar words to describe an individual;
- The display of sexually suggestive or revealing objects, other material or offensive pictures, electronic communications or photographs (this prohibition does not apply to University approved art exhibitions or other University approved displays or communications);
- Unwelcome and unsolicited information about another's sexual prowess, activities, deficiencies or sexual orientation;
- Asking questions or commenting about another's sexual activity or making unwelcome sexual advances or expressed or implied requests for sexual activity;
- Offensive or inappropriate behavior targeted at only one sex, even if the content of the conduct or comments is not sexual;
- Unwelcome physical contact, such as patting, pinching, touching, leering, ogling, whistling, indecent exposure, brushing against the body, or suggestive, insulting or obscene comments or physical gestures.
- Any instance in which a supervisor, faculty member or another in a position of authority uses his/her authority to require or to urge an employee or student to submit to sexual activity. Such behavior can be explicit or implicit - for example, a supervisor or another person in a position of authority states to an employee or student: "Things could be a lot better for you here if you would be a little nicer to me."

## **Reporting Procedure**

Any employee, student or guest who believes that he/she either has witnessed or been subjected to behavior that violates this policy is encouraged to and has a responsibility to immediately report the suspected policy violation. The University cannot investigate and take appropriate action if the behavior is not reported. The method of reporting suspected policy violations is as follows:

**Staff members and guests** should immediately report suspected policy violations to the Office of Human Resources. The phone number for the Director of Human Resources is (765) 658-4181. If the Director of Human Resources is unavailable or the staff member or guest is uncomfortable reporting the suspected policy violation to the Director of Human Resources, he or she may report the suspected violation directly to the Vice President for Finance and Administration at (765) 658-4161.

**Faculty members** should immediately report suspected policy violations to Academic Affairs. The phone number for the Vice President for Academic Affairs and Dean of the Faculty is (765) 658-4359. If the Vice President for Academic Affairs and Dean of the Faculty is unavailable or the faculty member is uncomfortable reporting the suspected policy violation to the Vice President for Academic Affairs and Dean of the Faculty, he or she may report the suspected violation directly to the Director of Human Resources at (765) 658-4181.

**Students** should immediately report suspected policy violations to Student Affairs. The phone number for the Dean of Students is (765) 658-4270. If the Dean of Students is unavailable or the student is uncomfortable reporting the suspected policy violation to the Dean of Students, he or she may report the suspected violation directly to the Director of Human Resources at (765) 658-4181.

Complaints of inappropriate behavior by a Vice President of the University should be directed to the President of the University and/or the Director of Human Resources.

**Supervisors and department chairs** who receive complaints or who observe inappropriate behavior must immediately inform the appropriate office listed above. Failure to report potential violations may result in appropriate discipline, up to and including termination.

## **Investigation and Resolution of Complaint**

Given the nature of the type of conduct prohibited by this policy and the serious effects such conduct can have on the target of the conduct and the one accused of the conduct, the University takes every complaint of inappropriate behavior seriously and each report shall be investigated. The investigation will be conducted in as confidential a manner as circumstances permit to protect all parties involved, including witnesses. The University will not tolerate any retaliation against anyone who makes a report of inappropriate behavior or cooperates in an investigation of any complaint under this policy. If the

investigation reveals a policy violation, disciplinary action, up to and including discharge or dismissal, will be taken to remedy the situation.

The responsibility for investigating complaints and determining if and what degree of administrative action is necessary can vary. The Office of Human Resources is responsible for conducting and/or assisting in all investigations except when the complainant and the accused are both DePauw University students; in this situation, it is the responsibility of Student Affairs to conduct the investigation. If, during the investigation stage, criminal action is suspected or determined, it is the responsibility of the investigating authority to notify the Office of Public Safety at (765) 658-4261.

At the conclusion of an investigation, the responsibility for determining the need for and degree of administrative action, up to and including discharge or dismissal, is based upon the group to which the accused belongs. These groups include: faculty, staff, students and guests.

The chart below indicates investigation and disciplinary authority as it relates to policy violations at DePauw University:

<b>Complainant</b>	<b>Accused</b>	<b>Investigating Responsibility</b>	<b>Disciplinary Responsibility</b>	<b>Procedural Guidance</b>
Student	Student	Student Affairs	Student Affairs	Student Handbook
	Staff or Guest	Student Affairs Human Resources	Human Resources	Employee Guide
	Faculty member	Student Affairs Academic Affairs Human Resources	Vice President for Academic Affairs and Dean of the Faculty	Academic Handbook
Staff or Guest	Student	Human Resources Student Affairs	Student Affairs	Student Handbook
	Staff or Guest	Human Resources	Human Resources	Employee Guide
	Faculty member	Human Resources Academic Affairs	Vice President for Academic Affairs and Dean of the Faculty	Academic Handbook
Faculty	Student	Academic Affairs Student Affairs Human Resources	Student Affairs	Student Handbook
	Staff or Guest	Academic Affairs Human Resources	Human Resources	Employee Guide
	Faculty member	Academic Affairs Human Resources	Vice President for Academic Affairs and Dean of the Faculty	Academic Handbook

The President and Director of Human Resources will be responsible for investigating complaints and determining the need and degree of administrative action for complaints against a Vice President of the University.

Violations of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including discharge or dismissal. Please help us maintain a comfortable learning and work environment free from inappropriate and offensive conduct.

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## **Job Descriptions**

All employees should have a current job description on file in Human Resources. Copies of job descriptions may be distributed to supervisors upon request. Supervisors are encouraged to review and update job descriptions on a regular basis. Please note, however, that changes to job descriptions must be approved by the appropriate vice president and the Director of Human Resources.

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### **Job Posting Process**

When a department has an open position, a Request to Fill a Position form must be obtained from Human Resources. This form must be completed and appropriate signatures obtained. Human Resources will provide a copy of the most recent Job Bulletin and/or job description on file for the open position. The job description should be reviewed and any appropriate changes made before the position is posted. After the completed Request to Fill a Position form has been received in Human Resources, a Job Bulletin and appropriate external advertisements will be prepared. Hourly positions are posted for a one-week period. Salaried positions are posted until filled.

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### **Interview and Hiring Process**

Human Resources will send the supervisor a packet of information regarding the applicant interview process after a position has closed. The guidelines specified in this information should be carefully reviewed before contacting applicants for interviews. There are several forms that must be completed and returned to Human Resources to complete the interview and hiring process. In addition, copies of all applications must be returned to Human Resources after the interview and hiring process is complete. After an individual has been selected for hire and employment references have been checked and before an offer is extended, Human Resources must be contacted for confirmation of the selection and to obtain the appropriate pay rate for the position. Supervisors are encouraged to make transfer arrangements for current hourly employees to be effective at the beginning of a biweekly pay period. Transfers are limited to being effective at the beginning of the biweekly pay period when there is a change from non-benefit status to benefit status and visa versa. New employees should report to Human Resources on the first day worked but must report to Human Resources no later than three (3) days following the first day worked in order for the University to remain in compliance with verification of employment eligibility regulations.

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### **Employer-Employee Relationship**

The employer-employee relationship between DePauw University and its employees remains at-will which means either party may terminate the relationship at any time. No supervisor, manager, or representative of DePauw other than the president has the authority to enter into any agreement with the employee regarding the terms of employment that changes the at-will relationship or deviates from the provisions in this Guide.

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## **Personnel Action Sheets**

A Personnel Action Sheet is used to communicate and process personnel changes, payroll changes, and personal information changes for all employees. This form is available from Human Resources. Reasons for completing and processing a Personnel Action Sheet include but are not limited to the following situations:

- Hiring a new employee
- Completion of a probationary period
- Extension of a probationary period
- Separation of employment
- Retirement
- Transfer to another position or department
- Begin, continue, or return from a leave of absence (*Reminder; a leave of absence is defined as any absence that exceeds more than five consecutive days.*)
- Change from paid status to unpaid status during a leave of absence
- Change in employment status (*part-time to full-time, full-time to part-time, on-call to part-time, etc.*)
- Change in annual hours
- Change in classification
- Change in job title
- Change in position status (*change in hours per day, hours per week, annual hours*)
- Change in rate of pay
- Change of shift
- Change in campus address or campus phone
- Change in home address or home phone
- When full-time employees work outside of their regular position for the following:  
Alumni Reunion Weekend, Commencement, Old Gold Weekend, Freshman Testing for Institutional Research.

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## **Annual Hours**

Each hourly position is budgeted for a specified number of annual hours. Budgeted hours include regular hours worked, vacation time taken, sick time taken, personal time taken, paid holidays, bereavement leave and any other hours for which the employee is paid excluding overtime. The calculation of annual hours will be based upon the 26 biweekly, pay periods that encompass the fiscal year. The 26 pay periods are identified on the biweekly staff time report schedule issued annually by the accounting office. It is the responsibility of the supervisor to develop a schedule that will be within the hours budgeted for the position. Employees are not permitted to exceed the annual hours budgeted for their position without the prior written approval of the vice president to which their department reports. A Personnel Action Sheet (see [Personnel Action Sheet](#)) is required for authorization of additional hours and it must indicate the approved account from which the hours will be paid. The department will be required to locate funds for excess work hours that were not approved.

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### **Summer Hours**

Summer Hours are recognized by administrative offices for a 12-week period during the summer. During this period, hourly employees who have a normal work schedule of 37.5 hours per week during the academic year will change their normal work schedule to 35 hours per week or seven (7) hours per day. The Vice President for Finance and Administration will distribute a memorandum annually to each department indicating the summer hours schedule.

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## **Position Definitions**

Regular, full-time, 12-month positions are categorized into two groups:

- A position budgeted for 1920 annual hours has a schedule of 37.5 hours per week for 40 weeks during the academic year and 35 hours per week for 12 weeks during summer hours.
- A position budgeted for 2080 annual hours has a schedule of 40 hours per week for 52 weeks.

Positions budgeted for more than 1000 annual hours but less than 1920 annual hours may also be considered regular, full-time positions. These positions are considered 9 ½-, 10-, 10 ½-, or 11-month status. Normal schedules are given below, however, hours reported may be spread over the entire fiscal year as long as total hours reported do not exceed those budgeted for the position. The most common categories are as follows:

- A **9 ½-month position** budgeted for 1535 annual hours has a normal schedule of 37.5 hours per week for 40 weeks during the academic year and 35 hours per week for one week during summer hours.
- A **10-month position** budgeted for 1605 annual hours has a normal schedule of 37.5 hours per week for 40 weeks during the academic year and 35 hours per week for three weeks during summer hours.
- A **10 ½-month position** budgeted for 1710 annual hours has a normal work schedule of 37.5 hours per week for 40 weeks during the academic year and 35 hours per week for six weeks during summer hours.
- An **11-month position** budgeted for 1780 annual hours has a normal schedule of 37.5 hours per week for 40 weeks during the academic year and 35 hours per week for eight weeks during summer hours.
- A **9 ½-month position** budgeted for 1640 annual hours has a normal schedule of 40 hours per week for 41 weeks during the fiscal year.
- A **10-month position** budgeted for 1720 annual hours has a normal work schedule of 40 hours per week for 43 weeks during the fiscal year.
- A **10 ½ -month position** budgeted for 1840 annual hours has a normal work schedule of 40 hours per week for 46 weeks during the fiscal year.
- An **11-month position** budgeted for 1920 annual hours has a normal schedule of 40 hours per week for 48 weeks during the fiscal year.

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## **Employee Status Definitions**

All employees regardless of employment status or employee definition, are subject to all University rules and procedures.

The Department of Labor classifies employees into two categories as follows:

**Nonexempt:** These employees are *not* employed in an executive, administrative, or professional capacity and are covered by the federal minimum wage and maximum hours law. These positions are generally paid on an hourly basis.

**Exempt:** These employees are employed in an executive, administrative, or professional capacity and are *not* covered by the federal minimum wage and maximum hours laws. Other tests must be met for employees to be eligible for this category. These positions are paid on a salary basis but paying employees on a salary basis does not automatically qualify them for exempt status.

Within the Department of Labor categories, DePauw University maintains standard classifications as follows:

**Full-time:** Employment in an established position requiring a regular schedule of 35 to 40 hours of work per week and more than 1000 regular hours of work per fiscal year for a period of 9 ½, 10, 11, or 12 months. Full-time employees are eligible for full participation in benefit programs.

**Part-time:** Employment in an established position with a regular schedule of less than 40 hours of work per week and up to 1000 regular hours per fiscal year. Part-time employees are eligible for limited participation in benefit programs.

**Temporary:** Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employees have a defined employment period that includes a beginning employment date and an ending employment date. They are limited to 1000 regular hours per fiscal year. Participation in benefit programs is limited to eligibility for worker's compensation benefits.

**On-call:** Employment in a job on an "as needed" basis. On-call employees do not work a defined/regular schedule. They are limited to 1000 regular hours per fiscal year. Participation in benefit programs is limited to eligibility for worker's compensation benefits.

Please be advised that all hours worked in all part-time, temporary, and on-call positions are combined when calculating the 1000 annual hour maximum for employees in these categories.

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### **Federal and Indiana State Withholding Forms**

New employees must report to Human Resources located on the lower level of the Administration Building to complete Federal and Indiana State Withholding Forms. These forms must be completed within three (3) business days from the date employment begins and before a pay check or DePauw I.D. card can be issued.

Employees who have had a break in employment, change of address, or a change in other personal information may also need to complete new withholding forms. Employees may contact the payroll manager, in the Accounting Office located on the lower level of the Administration Building to review the current information on file. The payroll manager may be reached at extension 4126.

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**Employment Eligibility Verification (Form I-9)**

In accordance with regulations established by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), all employees hired after November 6, 1986 must complete Form I-9. Employees are required to present acceptable documents that establish identity and employment eligibility to Human Resources within three (3) business days from the date employment begins. The employee may present one item from *List A* **or** one item from *List B* **and** one item from *List C* (see next page).

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**Verification of Employment Eligibility (Form I-9) Lists of Acceptable Documents**

<b>List A</b>	<b>OR</b>	<b>List B</b>	<b>AND</b>	<b>List C</b>
<b>Documents that Establish Both Identity and Employment Eligibility</b>		<b>Documents that Establish Identity</b>		<b>Documents that Establish Employment Eligibility</b>
<ol style="list-style-type: none"><li>1. U.S. Passport (<i>unexpired or expired</i>)</li><li>2. Certificate of U.S. Citizenship (<i>USCIS Form N-560 or N-561</i>)</li><li>3. Certificate of Naturalization (<i>USCIS Form N-550 or N-570</i>)</li><li>4. Unexpired foreign passport with <i>I-551</i> stamp or attached <i>INS Form I-94</i> indicating unexpired employment authorization</li><li>5. Permanent Resident Card or Alien Registration Receipt Card with photograph (<i>USCIS Form I-151 or I-551</i>)</li><li>6. Unexpired Temporary Resident Card (<i>USCIS Form I-688</i>)</li><li>7. Unexpired Employment Authorization Card (<i>USCIS Form I-688A</i>)</li><li>8. Unexpired Reentry Permit (<i>USCIS Form I-327</i>)</li><li>9. Unexpired Refugee Travel Document (<i>USIS Form I-571</i>)</li><li>10. Unexpired Employment Authorization Document issued by USCIS that contains a photograph (<i>USCIS Form I-688B</i>)</li></ol>		<ol style="list-style-type: none"><li>1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address.</li><li>2. ID card issued by federal, state, or local government agencies or entities provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address.</li><li>3. School ID card with a photograph.</li><li>4. Voter's registration card.</li><li>5. U.S. Military card or draft record.</li><li>6. Military dependent's ID card.</li><li>7. U.S. Coast Guard Merchant Mariner Card.</li><li>8. Native American tribal document.</li><li>9. Driver's license issued by a Canadian government authority</li></ol> <p><b>For persons under age 18 who are unable to present a document listed above:</b></p> <ol style="list-style-type: none"><li>10. School record or report card.</li><li>11. Clinic, doctor, or hospital record.</li><li>12. Day-care or nursery school record.</li></ol>		<ol style="list-style-type: none"><li>1. U.S. Social Security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>).</li><li>2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>).</li><li>3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal.</li><li>4. Native American tribal document.</li><li>5. U.S. Citizen ID Card (<i>USCIS Form I-197</i>).</li><li>6. ID Card for use of Resident Citizen in the United States (<i>USCIS Form I-179</i>).</li><li>7. Unexpired employment authorization document issued by USCIS (<i>other than those listed under List A</i>).</li></ol>

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## **Orientation**

Full-time employees must attend an orientation session no later than 31 days following their first day of employment. The University's benefit programs will be explained and employees will have an opportunity to enroll. Since a number of health insurance and retirement plans are offered, employees are required to make personal selections. Some of the benefit programs impose penalties on employees wishing to enroll more than 31 days following their date of eligibility. Orientation will be scheduled by the employee's supervisor or the employee may schedule directly by contacting Human Resources at extension 4181.

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### **DePauw Identification (I.D.) Cards**

DePauw identification (I.D.) cards are issued to all regular, part-time and full-time employees and their domestic partner or dependents (as defined by DePauw's DEFINITION OF DEPENDENT dated July 1, 1997 **and/or** the Internal Revenue Code). Only dependents, age 16 and over, will be issued separate I.D. cards. I.D. cards are required to gain access to some buildings on campus and are used to access various employee benefits including but not limited to: use of Lilly Center athletic facilities, admission to home athletic events, use of DePauw libraries, and receipt of discounts at the University bookstore. I.D. cards can only be issued after employees have completed withholding forms and fulfilled the requirements of Form I-9. Employees should allow up to three (3) business days for processing of paperwork before reporting to the Campus I.D. Office to receive the I.D. card(s). The Campus I.D. Office is located in the basement of the Memorial Student Union Building, 408 South Locust Street. This office may be reached at extension 4253.

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**Parking**

There is parking on campus that is designated for employees. Employees must contact the DePauw Public Safety Office, 200 Union Building, 408 S. Locust Street, to register their vehicles and obtain parking stickers. This office may be reached at extension 4261.

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### **Pay Distribution**

Pay will be distributed by Direct Deposit according to the following schedule:

*Hourly employees* – Direct Deposit will be made on a biweekly basis. A copy of the biweekly pay period schedule is available from the Accounting Office (ext. 4126) or Human Resources (ext. 4181).

*Salaried employees* – Direct Deposit will be made on a monthly basis available on the last working day of each month.

Direct Deposit pay statements are mailed to your campus address.

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### **Performance Reviews**

Performance reviews should be conducted for all employees at the end of their initial 90-day probationary period and then conducted thereafter on an anniversary date basis. Supervisors will be advised by their vice president when annual performance reviews are to be completed.

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## **Working Hours**

Employment, under the Fair Labor Standards Act (FLSA), is broadly defined to include all hours that an employee is “suffered or permitted to work” for the employer. Hourly employees are required to accurately record the actual hours worked each day on their own time card. Paid time off benefits must also be recorded on the time card. Paid time off benefits include but are not limited to: vacation time, sick time, holidays, personal time, compensatory time taken, bereavement leave, jury duty, and wage continuance for pregnancy and/or delivery. Compensatory time must be recorded on the time card as it is earned and may only be earned in accordance with the procedures specified in the Compensatory Time section of this Guide.

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## **Workweek**

The FLSA's workweek for non-exempt employees is generally a fixed period of 168 hours – seven consecutive 24-hour periods – which is established by the employer. The FLSA uses a single workweek as its standard and does not permit averaging of hours over two or more weeks. *(The FLSA does have some exceptions to this rule; however, please note that DePauw University does not have any positions that qualify for those exceptions.)* DePauw's workweek coincides with the calendar week, which begins on Sunday and ends on Saturday.

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## **Overtime**

Under the Fair Labor Standards Act, accurate records of all hours worked by non-exempt employees must be maintained and overtime must be calculated on a workweek basis.

All hours worked and other paid time must be used when calculating overtime compensation. Paid time includes but is not limited to: vacation time, sick time, holidays, personal time, compensatory time taken, bereavement leave, jury duty, and wage continuance for pregnancy and/or delivery

In accordance with Wage & Hour Division rules and regulations established by the Department of Labor, compensatory time cannot be earned on any time that exceeds 40 hours during any workweek.

All time that exceeds 40 hours in any workweek must be paid at a rate that is equal to at least one and one-half times the employee's regular hourly rate. There are *no exceptions* to this rule.

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## **Compensatory Time**

Employees whose positions are budgeted for 37.5 regular hours per week are eligible to earn compensatory time to use as paid time off at a later date. Compensatory time is only permitted in accordance with the following guidelines:

1. In accordance with Wage & Hour Division rules and regulations established by the Department of Labor, compensatory time cannot be earned on any time that exceeds 40 hours during any workweek. All time that exceeds 40 hours in any workweek must be paid at a rate that is equal to one and one-half times the employee's regular hourly rate. (No exceptions.)
2. The supervisor must approve all compensatory time BEFORE the time is worked.
3. Employees may earn up to two and one-half (2.5) hours of compensatory time per week. During the summer hours schedule of 35 hours per week employees are eligible to earn up to five (5) hours of compensatory time per week.
4. Compensatory time earned must be recorded in the "comp earned" column of the time report. The total in the "comp earned" column will be added to the compensatory time balance during the biweekly payroll process. (*Compensatory time may not be tracked internally within the department in lieu of reporting it on the time report.*)
5. Compensatory time may not be taken before it is earned.
6. The maximum compensatory time balance is 37.5 hours.
7. Compensatory time taken must be recorded in the "comp taken" column of the time report. During the biweekly payroll process, the compensatory time balance will be reduced by the total in the "comp taken" column of the time report.
8. Employees with compensatory time activity will have detail printed on their pay statement. Compensatory time activity will also be included in the Work Summary Report that is sent to supervisors after the biweekly payroll process has been completed.
9. Employees are encouraged to use compensatory time during the fiscal year in which it is earned. For budget and bi-weekly payroll purposes, the fiscal year is defined by the 26 pay periods indicated on the bi-weekly time report schedule that is distributed annually by the payroll department. This means that the fiscal year will not necessarily begin on July 1 and end on June 30.

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### **Compensation for Training Time for Non-Exempt Employees**

Training programs conducted during regular working hours constitute work time and must be compensated as such, according to the Fair Labor Standards Act. (*Work time includes all time an employee must be on duty, on the employer's premises, or at any other prescribed place of work, as well as any additional time the employee is permitted to work.*)

After-hours training need not be compensated if:

- Attendance is entirely outside normal working hours and is voluntary (attendance will not be found voluntary if the employee is led to believe that attending is critical to his or her job).
- The training is not directly related to the employee's present job.
- The employee does not do any productive work related to the employee's job during the program.

A training program is considered directly related to the job if the training is designed to help the employee handle the present job more effectively. Time spent in training for a new job or in the development of new skills is less likely to be classified as compensable work time.

Questions concerning training time should be directed to the Office of Human Resources. Assistance is available to review the training program, identify compensable time and provide guidance in completion of the time report to ensure compliance with Department of Labor regulations.

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### **Compensation for Travel Time for Non-Exempt Employees**

Travel time that constitutes work time must be compensated as such, according to the Fair Labor Standards Act.

Time that an employee spends traveling as part of his or her principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions, pick up tools, or to perform other work there, the travel from the designated place to the workplace is part of the day's work and must be counted as hours worked.

Travel that keeps an employee away from home overnight is designated as "travel away from home" by the Wage and Hour Division. Travel away from home is paid work time when it "cuts across the employee's normal workday." This is because the employee is deemed to be simply substituting travel for other duties. The time is not only hours worked on regular workdays during normal work hours, but also during the corresponding hours on non-work days. The Wage and Hour Division, however, does not consider that time spent in travel away from home outside of regular working hours as a passenger on a plane, train, boat, bus, or car is paid time.

If an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as on the other days. Regular meal period time is not counted as work time. For example, if an employee who normally works 9 a.m. to 5 p.m. from Monday through Friday is a passenger on a plane departing at 9 a.m. on a Saturday, his time spent traveling is work time because it cuts across his normal working hours. It does not matter that Saturday is not a normal workday. However, if the plane departed at 6 p.m. instead, his travel time would not be counted as paid work time because he would be traveling outside of normal working hours.

Any work that an employee is required to perform while traveling must, of course, be counted as hours worked. An employee who drives a truck, bus, car, boat, or airplane, or an employee who is required to ride as an assistant or helper, is working while riding.

Questions concerning travel time should be directed to the Office of Human Resources. Assistance is available to review work time and travel time, identify compensable time and provide guidance in completion of the time report to ensure compliance with Department of Labor regulations.

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## **Time Cards/Time Reports**

Time Reports are generated for current full-time, hourly employees based upon information in their payroll/personnel record at the time of printing. Time cards are not computer generated for part-time, temporary, and on-call employees.

Time cards/time reports are official documents. When completing them the following guidelines should be used:

1. Use blue or black ink.
2. Record all hours for which compensation is to be received.
3. Record hours in quarter-hour increments using decimal form rather than fractions (i.e., .25, .50, .75).
4. At the completion of a biweekly pay period, place totals for hours in each category in the corresponding shaded box at the bottom of each column.
5. Errors should be corrected by crossing out the error with a single line, entering the correct information and initialing the adjustment. It is not permissible to use whiteout over the error.
6. The appropriate account number should be specified on the time card/time report.
7. The employee and supervisor must both sign the time card/time report. Supervisors should not sign blank or incomplete time cards/time reports.
8. Submit time cards/time reports to the payroll office by the due date specified in the biweekly pay schedule distributed by that department. The payroll manager will send an e-mail message if time cards/time reports are due earlier than specified in the schedule.

### **Completing the Time Report for Full-time Employees whose Normal Hours per Day equal seven and one-half (7.50):**

**Regular:** Record time worked and paid holidays up to your normal hours per day.

**O/T Regular:** Record time worked over 37.5 hours and up to 40 hours per week during the academic year. Record time worked over 35 hours and up to 40 hours per week during the summer hours schedule.

**O/T Premium:** Record time worked over 40 hours per week.

**Vacation:** Record vacation time taken up to your normal hours per day. Time taken cannot exceed the vacation balance available as specified on the Work Summary Report.  
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**Sick:** Record sick time taken up to your normal hours per day. Time taken cannot exceed the sick time balance available as specified on the Work Summary Report.

**Personal:** Record personal time taken up to your normal hours per day. Time taken cannot exceed the personal time balance available as specified on the Work Summary Report.

**Comp Earned:** Record time worked over 37.5 hours (35 hours during the summer hours schedule) and up to 40 hours during the workweek that will be earned as compensatory time.

**Comp Taken:** Record compensatory time taken up to your normal hours per day. Time taken cannot exceed the compensatory time balance on the Work Summary Report.

**Other:** Record time off for jury duty, bereavement leave, civic duty, voting, wage continuance for pregnancy and/or delivery and any other time for which pay is to be

issued. Identify time on the time card/time report in the blank space to the right of the column. Also, specify relationship when using bereavement leave.

**Completing the Time Report for Full-time Employees whose Normal Hours per Day equal eight (8.00):**

**Regular:** Record time worked and paid holidays up to your normal hours per day.

**O/T Premium:** Record time worked over 40 hours per week.

**Vacation:** Record vacation time taken up to your normal hours per day. Time taken cannot exceed the vacation balance available as specified on the Work Summary Report.

**Sick:** Record sick time taken up to your normal hours per day. Time taken cannot exceed the sick time balance available as specified on the Work Summary Report.

**Personal:** Record personal time taken up to your normal hours per day. Time taken cannot exceed the personal time balance available as specified on the Work Summary Report.

**Other:** Record time off for jury duty, bereavement leave, civic duty, voting, wage continuance for pregnancy and/or delivery and any other time for which pay is to be issued. Identify time on the time card/time report in the blank space to the right of the column. Also, specify relationship when using bereavement leave.

**Completing the Time Card for Part-time, Temporary, and On-call Employees:**

In the appropriate sections of the time card enter the following information:

- Print the **name of the employee**.
- Print the **name of the department**.
- Specify the **biweekly pay period**.
- Enter the **date worked** (i.e., 9/20/99) on the appropriate **day of the week** (i.e., Sun, Mon, etc.).
- Enter the **total hours worked** each day.
- **Summarize total hours worked** in the **Summary Totals** section of the time card.
- Enter the employee's **hourly rate**.
- Calculate the total **amount** of pay due and enter in the **Summary Total** section of the time card.

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### **Employment Outside of Regular Position**

The Human Resources Office may give authorization for full-time employees to perform duties outside of their regular position for events that include but are not limited to: Alumni Reunion Weekend, Commencement, Old Gold Weekend, and Freshman Testing for Institutional Research. Authorization must be obtained from Human Resources before employees are hired for these events. Normally, employees who work these events do not experience a conflict with their regular positions because these hours are worked at a time when they are not normally scheduled to work in their regular position. However, if employees wish to work these events during a time when they are normally scheduled to work in their regular position, they may request the use of vacation or personal time to cover the absence from their regular position. Approval is granted at the supervisor's discretion.

A Personnel Action Sheet (see [Personnel Action Sheet](#)) is required for authorization of these hours. The approved account number from which the hours will be paid must be specified on the Personnel Action Sheet. A flat hourly rate is normally established for these positions. Employees are paid the greater of the established flat rate or their overtime rate. Hours must be reported on the yellow time card that is used for part-time, temporary, and on-call employees. Hours worked will be paid as special earnings and no benefits will be calculated on these hours. The payroll manager will process these hours for employees so they will not be applied toward those hours budgeted for their regular position.

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### **Work Summary Report**

The Work Summary Report for full-time employees is used to assist supervisors in monitoring budgeted hours for each position in their department and tracking vacation, sick, personal, and compensatory time balances for full-time employees. This report is sent to the supervisor after each biweekly payroll is processed. The report includes vacation, sick, and personal time activity, compensatory time activity (if applicable), total pay period hours, budgeted hours for the fiscal year, year-to-date hours reported, and budgeted hours remaining for the current fiscal year.

The Work Summary Report for part-time, temporary, and on-call employees is used to assist supervisors in monitoring budgeted hours for each position in their department. This report is sent to the supervisor after each biweekly payroll is processed and includes budgeted hours for the fiscal year, year-to-date hours reported in all part-time, temporary, and on-call positions, and budgeted hours remaining for the current fiscal year.

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## **Break Periods**

Break periods are normally available and encouraged when the interruption of work for a break does not interfere with the effective operations of a department. There is no law governing compulsory breaks but when work schedules permit, the privilege of a break period is permitted. Employees must schedule break periods with their supervisor in accordance with the following guidelines:

1. Break periods may not exceed twenty (20) minutes per day.
2. Breaks periods are considered paid time.
3. Supervisors may require employees to remain at their workstation during a break period while slowing or reducing their normal workload.
4. Break periods may not be taken during the first or last hours of the workday nor should the workday be shortened because a break has not been taken.
5. Meal periods may not be extended by adding a break period immediately before or after the meal period.
6. Break periods may not be accumulated from one day to the next to add to other time off benefits.
7. Break periods are not normally available for employees who work less than four hours a day.

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## Holidays

The University recognizes ten holidays each year. The following holidays will be considered paid time off for those employees eligible as outlined in this policy:

New Years Day  
Thanksgiving Day  
Friday of Spring Break Day after Thanksgiving  
Memorial Day  
Christmas Day  
Independence Day  
Three Floating Holidays

The three floating holidays will be determined by the Administrative Staff. The Vice President for Finance and Administration will distribute a memorandum annually to each department indicating when the floating holidays and the holidays occurring on Saturday or Sunday will be observed by the University. Paid holidays are subject to the following:

- 1) Employees in a full-time, benefit status position and on the regular payroll are eligible for the paid holidays that occur during their normal work schedule. *For example: An individual employed in a 9 ½ month position whose normal work schedule is mid August through May would not be eligible for the Independence Day paid holiday.*
- 2) There is no waiting period for paid holidays. However, the first day of employment cannot be a paid holiday that employees are not scheduled to work.
- 3) Compensation for paid holidays will be based on normal hours per day (i.e., 7.50, 8.00).
- 4) To be eligible for the paid holiday, employees cannot have an unexcused absence the last scheduled day before the holiday or the first scheduled day following the holiday.
- 5) Employees who are scheduled to work but call in sick on the day before and/or the day after a designated holiday, may be required to present a doctor's statement of illness prior to authorization for payment of the holiday. Employees who have been requested to provide a doctor's statement and cannot or do not do so, will not be compensated for the holiday.
- 6) Employees who received prior authorization to use vacation or sick time during a period when a holiday occurs will receive the paid holiday and vacation or sick time accumulation will not be decreased for that day.
- 7) Two alternatives are available when it is necessary for an employee to work on a holiday recognized by the University.
  - Under the first alternative, employees will be paid at their overtime rate for that day and be granted another day off as a paid holiday. This day off will be scheduled at a time convenient for the employee and the department.
  - The second alternative allows employees to be paid at two and one-half times their regular rate of pay for that day.

The appropriate alternative will be determined by the department supervisor. The department that requires employees to work on a scheduled holiday must have an approved overtime account from which holiday overtime can be paid.

- 8) Employees will be compensated at their regular rate when they are required to work on an actual holiday that is observed by the University on a different day.
- 9) Employees in a full-time, 12-month, benefit status position are eligible for all paid holidays even though they might not be scheduled to work on the day the University observes the holiday. In the event employees are not scheduled to work on the holiday; they will take another day off during the pay period in which the holiday

occurs. *For example: An employee's normal work schedule is Sunday through Thursday. Independence Day is on Friday and the University recognizes the holiday on Friday; a day this employee is not scheduled to work. Since this employee is a full-time, benefit status employee, he is eligible for the Independence Day holiday and will observe the holiday on another scheduled workday during the pay period.*

- 10) Employees who have a certified work-related injury are paid by the University's Worker's Compensation carrier at a rate equivalent to two-thirds their regular pay. Employees will be eligible for paid holidays recognized by the University only when they are supplementing the two-thirds Worker's Compensation benefit with their vacation, sick, personal, or compensatory time. When supplementing, the paid holiday will be equivalent of one-third of their normal hours per day. Employees who choose not to supplement the Worker's Compensation benefit, will not be on the University's regular payroll and therefore will be ineligible for the paid holiday.
- 11) Employees may use vacation time, personal time, compensatory time or time off without pay to observe religious holidays that are not listed in this policy.

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**Vacation Time**

Full-time, benefit status hourly employees accrue vacation according to the following schedule:

Years of Service	Annual Hours (Based on 26 Pays Per Year)	Hourly Accrual Factor	Approximate Annual Entitlement (Based on 26 Pays Per Yr)	Maximum Accrual
<b>VACATION TIME ENTITLEMENT SCHEDULE</b> for full-time employees:				
0<3	1920 hours	0.039064/hour	75.00 hours	112.50 hours
	2080 hours	0.038463/hour	80.00 hours	120.00 hours
3<14	1920 hours	0.058595/hour	112.50 hours	168.75 hours
	2080 hours	0.057693/hour	120.00 hours	180.00 hours
14+	1920 hours	0.078126/hour	150.00 hours	225.00 hours
	2080 hours	0.076924/hour	160.00 hours	240.00 hours

Full-time, benefit status salaried employees receive 20 days vacation per contract year (prorated if employed less than 12 months in the contract year).

Vacation benefits are subject to the following:

- 1) Employees must request the use of vacation through their supervisor. Vacation time will be granted at the supervisor’s discretion.
- 2) Employees may use vacation time as it is earned.
- 3) Employees are not required to complete their 90-day probationary period before vacation time may be taken.
- 4) Employees may only use vacation at a time when they are normally scheduled to work.
- 5) Employees may use vacation in quarter-hour increments.
- 6) Employees will be discouraged from requesting more than 10 consecutive days of vacation.
- 7) Operational needs of the department or University may preclude scheduling of vacation during peak work periods.
- 7) Seniority may be used as a preference factor in scheduling vacations.
- 8) When employees reach their maximum vacation accrual, pay period accruals are discontinued until vacation time has been taken to reduce the vacation balance.
- 9) At separation of employment (retirement or termination), vacation time accrued but not taken will be paid. However, there will be no payment issued for sick time accrued but not taken.

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**Sick Time**

Full-time, benefit status hourly employees accrue sick time according to the following schedule:

Annual Hours (Based on 26 Pays Per Year)	Hourly Accrual Factor	Approximate Annual Entitlement (Based on 26 Pays Per Year)	Maximum Accrual
1920	0.046875/hour	90.00 hours	900.00 hours
2080	0.046154/hour	96.00 hours	960.00 hours

Full-time, benefit status salaried employees do not accrue sick leave but they are covered under the Salary Continuation policy.

Sick time benefits are subject to the following:

- 1) Employees must follow the normal procedures for reporting absences as established by their department.
- 2) Employees may use sick time as it is earned.
- 3) Employees are not required to complete their 90-day probationary period before sick time may be taken.
- 4) Employees may only use sick time at a time when they are normally scheduled to work.
- 5) Employees may use sick time in quarter-hour increments.
- 6) Employees may use sick time when they are ill or need time off for doctor visits. In addition, employees may use up to 10 days of sick time per rolling year to care for an ill child, spouse, domestic partner, or parent. Absence of more than five (5) consecutive days will require the submission of an FMLA Physician's Certification (see FMLA policy).
- 7) Employees who reach their maximum sick time accrual become eligible for the Sick Leave Incentive Program. When the maximum sick time accrual is reached and maintained for the following 12-month period, an incentive award equivalent to up to 3 days pay will be processed.
- 8) At separation of employment (retirement or termination), no payment will be issued for sick time accrued but not taken.

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**Sick Time Bonus at Retirement of the Employee or Upon Death of the Employee**

For Full-time, Hourly Employees

The employee must be considered an official retiree from DePauw University by meeting the criteria specified in the University Retirement Policy. The sick time bonus at retirement of the employee will be based on the employee's accumulated sick time balance as of the date of retirement.

<u>If Your Sick Time Balance is:</u>	<u>Your Bonus is:</u>
800 or more hours	\$5,000
700 - 799 hours	\$4,000
500 - 699 hours	\$3,000
300 - 499 hours	\$2,000
200 - 299 hours	\$1,000
Less than 200 hours	Zero

In the event of the death of an employee, the Bonus amount will be issued to the same beneficiary or beneficiaries as designated on the employee's life insurance benefit record. The Bonus amount will be determined by the employee's accumulated sick time balance as of the date of death and will follow the payout schedule specified above in item #2. The employee does not have to meet the University's definition of retirement in order for the beneficiary or beneficiaries to receive this benefit.

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### **Personal Day**

Full-time, benefit status hourly employees are entitled to one personal day per calendar year.

- 1) Employees will receive a personal day equal to their normal hours per day.
- 2) Employees must obtain approval from their supervisor to use their personal day before it is taken.
- 3) Employees may only use their personal day at a time when they are normally scheduled to work.
- 4) Employees may use the personal day in quarter-hour increments.
- 5) The personal day may not be accrued. Any balance remaining as of December 31 will be forfeited. During the pay period in which January 1 occurs, the personal day balance will be set to an amount equal to the normal hours per day as indicated in each employee's personnel/payroll record.
- 6) The use of the personal day does not affect eligibility for attendance awards issued through the Sick Leave Incentive Award Program or the Savings Bond Award Program.
- 7) Upon retirement or separation of employment, no payment will be issued for any remaining personal day balance.

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## **Bereavement Leave**

When a death occurs, family and loved ones of the deceased need time to be with one another to provide solace and comfort. The University recognizes this need and normally grants time off with or without pay, depending on the circumstances.

- 1) Employees in a full-time, benefit status position are eligible for bereavement leave. Completion of the 90-day probationary period is not required.
- 2) Employees must advise their immediate supervisor of the need for bereavement leave.
- 3) Employees will receive compensation for bereavement leave based on their normal hours per day.
- 4) Employees will be granted an absence of three (3) consecutive scheduled workdays with pay following the death of a member of their immediate family. "Immediate family" refers to the employee's:

Parent	Stepsister	Stepchild	Stepparent
Grandparent	Son-in-law	Brother	Spouse
Daughter-in-law	Sister	Parent-in-law	Grandchild
Stepbrother	Child	Domestic Partner*	

- 5) Employees will be granted an absence of one (1) scheduled workday with pay following the death of a close relative. A "close relative" refers to the employee's:

Aunt	Brother's spouse	Spouse's brother	Domestic Partner's* brother
Niece	Spouse's sister	Uncle	Sister's spouse
Stepbrother's spouse		Nephew	Spouse's stepbrother
Stepsister's spouse		Spouse's stepsister	
Domestic Partner's* stepbrother		Domestic Partner's* stepsister	
Spouse's grandparent		Domestic Partner's* grandparent	
Domestic Partner's* sister			

*\* Same-Sex*

- 6) When the death of a fellow employee in the immediate work unit occurs, employees may be granted an absence of one-half day with pay to attend the funeral service.
- 7) Employees who desire more time off than is outlined in this policy or time off due to the death of an individual not outlined in this policy, may request vacation time, personal time, compensatory time or a personal leave. These requests will be granted at the discretion of the supervisor.

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### **Other Time Off**

Because DePauw University employees are members of the civic community, they must from time-to-time exercise certain responsibilities to that community. In recognition of these obligations, the University will grant time off for the following:

**Jury Duty:** When employees are selected for jury duty, they will continue to receive full pay from the University based upon their normal work schedule and normal hours per day up to a maximum of five (5) consecutive days. If employees are required to be absent from their job for a period longer than five consecutive days, pay from the University will be reduced by the amount received for jury duty up to twenty (20) additional workdays. Employees should present proof of jury attendance to their supervisor.

**Voting:** Because of the period of time the polls are open, most employees will be able to fulfill this obligation outside of their normal work schedule. However, if employees are unable to reach a polling place before or after their normal work hours, every effort will be made to allow employees the time necessary to vote and such time off will be given with pay when employees properly request time off through their supervisor. Voting pay will not exceed two (2) hours.

**Military Leave:** Military leaves of absence and re-employment rights of employees who serve in the armed forces of the United States will be determined on the basis of applicable Federal Laws. The University cannot require employees to use vacation time to cover their absence but employees may choose to use vacation time if they wish.

**Civic Duty:** Employees will be paid for time spent during working hours in fighting fires, answering public alarms, and in non-scheduled driving of an ambulance providing they are a member of such organization serving the community. Employees should present proof of membership in the organization to their supervisor. Time off for this purpose is limited to the equivalent of two (2) normal workdays per year.

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### **Shift Differential**

Full-time employees are entitled to supplemental or shift bonus pay differentials under the following conditions:

- For employees to be eligible for shift differential of 5% of their base rate, they must be regularly scheduled to work what is referred to as second (2<sup>nd</sup>) shift. Second shift is determined to be a schedule that extends a minimum of four hours past 5:00 p.m. Shift differential will apply to all hours worked within the shift.
- For employees to be eligible for shift differential of 12% of their base rate, they must be regularly scheduled to work what is referred to as third (3<sup>rd</sup>) shift. Third shift is determined to be a schedule that extends a minimum of four hours past midnight. Shift differential will apply to all hours worked within the shift.
- Shift differential does not apply where original or subsequent wage and salary arrangements have previously taken into consideration the schedules to be worked.
- Employees are not eligible for shift differential when a flexible work arrangement has been agreed to primarily for their benefit and convenience.

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## **Inclement Weather**

It is the policy of the University to remain open and continue operations during periods of severe weather. However, the University recognizes that because of hazardous conditions, employees may find it difficult to report to work. Therefore, the University has established a policy that compensates those employees who are able to report to work during severe weather without penalizing those employees who determine the weather conditions to be unsafe for travel and are unable to report to work.

### **Definition of Snow Emergency for Putnam County**

To clarify questions on the definition of “snow emergency”, the following information was provided in a memo from the Putnam County Emergency Management Agency (EMA): *“In the event of a declared snow emergency, we would prefer you stay off the roads as much as possible, however, we also understand that the business/industries need to meet their needs. If you do travel, we would suggest that you go to work and return home. This will allow for maximum efficiency for the highway department and emergency service vehicles to serve the community. We will be providing information to WREB, who in return will be giving updates as to road condition, as well as weather conditions. They are located at 94.3 FM.”*

*“The general policy of the Putnam County Sheriff’s Department and the Greencastle Police Department is to NOT ticket individuals who are going to and from work, however, please as always use extreme caution during declared emergencies.”*

### **Severe Weather Emergency Declared by the University**

A severe weather emergency will be determined by the President of the University or another designated official of the University.

When a severe weather emergency is declared by the University, all employees will be compensated at their regular rate based upon their normal hours per day.

Employees who report to work when a severe weather emergency is declared by the University will be given paid time off at a later date. Paid time off will be equivalent to the actual hours worked on the day of the severe weather emergency not to exceed normal hours per day.

### **Severe Weather as Determined by the Employee**

DePauw University is concerned with the safety of all University employees. Therefore, if a severe weather emergency has not been declared by the University but employees are unable to report to work because of hazardous conditions, they must notify their department in accordance with established departmental procedures for reporting absences and may cover the absence as indicated below:

- use of personal time, or
- use of vacation time, or
- time off without pay, or
- use of compensatory time

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## **Family and Medical Leave Act (FMLA) of 1993 and DPU Medical Leave**

**FMLA Eligibility** – Employees who have worked at least one year and for 1250 hours over the prior 12 months.

**DPU Medical Leave Eligibility** – All full-time, benefit status employees

The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period for certain family and medical reasons.

### **Reasons for FMLA Leave**

An eligible employee may take FMLA leave of up to 12 weeks per *leave year* for any of the following reasons:

- to care for the employee’s newborn child, or to care for a child newly placed in the employee’s custody through adoption or foster care, for a period of up to one year after such birth or placement; or
- to care for the employee’s spouse, same-sex domestic partner, child, or parent who has a *serious health condition*; or
- for the employee’s own *serious health condition*, if that condition makes the employee unable to perform his or her job duties.

Leave taken may be continuous or intermittent for a medically-related leave. Leave can only be taken continuously for a family-related leave, unless agreed upon by the employee’s supervisor. Any leave taken by an eligible employee for one or more of these reasons in combination will be counted against that employee’s annual FMLA leave entitlement.

### **FMLA Leave Year Defined**

For the purposes of this policy, the *leave year* will be determined by a “rolling” 12-month period measured backward from the date the employee first takes time off for an FMLA qualified leave.

### **Serious Health Condition Defined**

For the purpose of determining whether an eligible employee or his or her spouse, same-sex domestic partner, child or parent has a *serious health condition*, such a condition includes any injury, illness, impairment, or physical or mental condition that either requires inpatient care in a medical facility (i.e., overnight hospitalization) or continuing treatment by a healthcare provider.

### **Compensation for FMLA Leave**

Under the law, FMLA leave is unpaid. However, under DePauw University's Medical Leave policy, employees enjoy the benefit of receiving certain kinds of paid leave in substitution for unpaid leave. However, such paid leave is still counted towards and runs concurrently with the employee's 12 weeks of FMLA leave granted for the *leave year*.

*For Birth/Adoption of a Child:* An hourly (nonexempt) full-time, benefit eligible employee is required to use accumulated vacation and personal time prior to the commencement of unpaid leave. A salaried (exempt) full-time, benefit eligible non-faculty employee is required to use accumulated vacation time for the same purpose.

*For Care of Spouse, Same-Sex Domestic Partner, Child or Parent:* An hourly (nonexempt) full-time, benefit eligible employee is required to use up to 10 days of accumulated sick leave and in addition is required to use all remaining accumulated vacation and personal time to care for a seriously ill spouse, same-sex domestic partner, child or parent prior to the commencement of unpaid leave. A salaried (exempt) full-time, benefit eligible non-faculty employee will be granted up to 10 days under salary continuance in addition to the required use of all remaining accumulated vacation time for the same purpose. A full-time, benefit eligible faculty member may use up to 10 days of salary continuance **only** under the same circumstances.

*For Serious Illness of the Employee (including pregnancy):*

For Hourly (nonexempt) Full-Time, Benefit Eligible Employees - The employee is required to use accrued sick time; once exhausted, then personal time, compensatory time, and vacation time are to be used at rates based on his/her regular work schedule (an exception is made if the use of sick time rather than personal/compensatory/vacation will penalize the employee (for example, if the employee has accrued the maximum vacation time)). During a paid medical leave, benefits continue as though the employee is actively working. Benefits include but are not limited to :

- The employee will continue to accrue sick and vacation time based upon pay period hours reported.
- The employee will be paid for holidays occurring during his/her regular schedule.
- Health insurance contributions made by the employee will be deducted from pay issued.
- The employee will remain an active participant in the retirement program(s).

Effective with leaves beginning July 1, 1997 or after, a full-time, benefit eligible, hourly employee on medical leave will be eligible for wage continuance for a period of up to eight (8) weeks when the medical condition is due to **pregnancy and/or delivery**.

- The employee must have completed the initial 90-day new employee introductory period required for all newly hired hourly employees.

- Wage continuance will only be available during the time when the employee is normally scheduled to work.
- The employee will be eligible for wage continuance as long as it is *medically necessary* for the employee to be released from work due to pregnancy and/or delivery. The actual length of time will be determined by the information provided in the physician's statement. The leave can be continuous, part-time or intermittent. The maximum wage continuance period is eight (8) weeks.
- All benefits continue as though the employee is actively working.

Unpaid medical leave begins when the employee has exhausted all available paid time. The benefits affected for an employee on unpaid medical leave include but may not be limited to:

- The employee will not accrue vacation and sick time.
- The employee will not be paid for holidays.
- The employee may continue participation in the group health insurance program during a medical leave. The University will continue to pay the employer portion of the group health insurance only if the employee makes arrangements for payment of the employee portion.
- All employer retirement plan contributions will be discontinued.

For Salaried Full-Time Benefit Eligible Employees – A salaried employee will be considered in salary continuance at full pay up to 180 calendar days when it is medically necessary for the employee to be away from work. The salary continuation period will run concurrently with the Family and Medical Leave Act (FMLA) of 1993 leave period. During the salary continuance period all benefits continue as though the employee is actively working.

After 180 calendar days, salary continuation will cease. Non-faculty employees will then use accrued vacation leave until it is exhausted. The employee may apply for Long Term Disability (LTD) benefits. Long Term Disability (LTD) benefits provide a substitute for the lost salary if the certified disability qualifies under the Long Term Disability (LTD) policy. Refer to your LTD insurance policy LTD insurance policy for additional information.

Unpaid medical leave begins when the employee has exhausted all available paid time whether the employee is approved for LTD coverage or not. The benefits affected for an employee on unpaid medical leave include but may not be limited to:

- The employee will not accrue vacation time.
- The employee will not be paid for holidays.
- The employee may continue participation in the group health insurance program during the unpaid leave. The University will continue to pay the employer portion of the group health insurance premium only if the employee makes arrangements for payment of the employee portion.

- All employer retirement plan contributions will be discontinued.

### **Duration of Leave, Job Benefits and Job Protection**

For the duration of the FMLA leave (which, whether continuous, part-time or intermittent, will not exceed the equivalent of twelve (12) work weeks in a rolling calendar year based upon the first day of FMLA leave), the University must maintain the employee's health coverage under any "group health plan". The employee continues to be responsible for the employee portion of the group health insurance premium. Under the University Medical Leave policy, the employee is permitted to extend the medical leave to a full twelve (12) months and the group health insurance coverage can be extended until the end of that time period (again, so long as the employee continues to be responsible for payment of the employee portion of the group health insurance premium).

Upon return from FMLA leave (maximum twelve (12) weeks in a rolling-calendar year based upon the first day of FMLA leave), employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms (except in specific and limited cases where the reinstatement of certain highly-paid "key" employees would result in substantial and grievous economic injury to the employer). The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. After the exhaustion of the twelve (12) week FMLA leave, (i.e., for the balance of the University authorized twelve (12) month Medical Leave) the University cannot guarantee reinstatement of the employee upon completion of the approved leave of absence. Nonetheless, the University will make every effort to return the employee to the same or a comparable job, subject to budgetary restrictions, the University's need to fill vacancies, and the University's ability to find qualified temporary replacements.

**If an employee is unable to return to work after 12 months, the employee will be terminated.**

### **Request for Medical Leave**

A medical leave is defined as an absence of more than five (5) consecutive work days due to illness, injury or other disability (including pregnancy) as supported by a physician's certification. The medical leave will run concurrently with the twelve (12) weeks under the Family and Medical Leave Act (FMLA) of 1993.

An employee who expects to be absent from work for more than five (5) consecutive work days due to medical reasons, must submit a written request for medical leave to his/her supervisor at least thirty (30) days before the anticipated commencement of the leave.

In the case of an emergency or when 30-days' notice cannot otherwise be provided, the employee or a member of the employee's immediate family must notify the employee's

supervisor as soon as possible. A written leave request should follow the verbal request by no more than five (5) days.

The employee must also send a copy of the request for medical leave to the Human Resources Office.

The employee's request for medical leave must be supported by a physician's certification of the medical need for leave.

### **Physician's Certification Requirement**

A physician's certification is required for any period which exceeds an absence of five (5) consecutive days; however, the supervisor reserves the right to request a physician's statement for absence periods of five (5) days or less.

The employee must contact the Human Resources Office for the *Certification by Health Care Provider* form which must be completed by the employee's health care provider and returned to the Human Resources office within 15 days. Please refer to the *Certification by Health Care Provider* form for additional information.

If the completed certification form is not received by the Human Resources Office within 15 days, the employee's absence may be considered "unexcused" and appropriate disciplinary action may be taken. In addition, no payment for wage continuance, salary continuance, vacation, sick, personal, or compensatory time will be issued.

The employee may also be required to submit to an examination at the University's expense by a physician selected by the University before the leave of absence will be approved

During a medical leave, the employee must provide the University with periodic physician certifications. Such certifications should be provided after each physician's visit but with no more than thirty (30) days lapse between such certifications. The employee must contact the Human Resources office for the *Periodic Visit – Certification by Health Care Provider* form which must be completed by the employee's health care provider and returned to the Human Resources office within fifteen (15) days. Please refer to the *Periodic Visit – Certification by Health Care Provider* form for additional information.

### **Authorization of Medical Leave of Absence**

The Human Resources office will send written notification to the employee and the employee's supervisor indicating the approval or denial of the request for medical leave. For an approved medical leave, the employee will also receive a *Continuation of Benefits While on Leave* notification which includes information about the employee's health insurance, flexible benefit plan, life insurance, and LTD insurance, when applicable.

### **Extension of Medical Leave**

If circumstances require an extension of the leave for any reason, the employee must provide the University with a physician's certification attesting to the employee's continued medical condition and inability to work. The maximum duration of a medical leave, however, will be twelve (12) months.

### **Return to Work**

The employee is required to present a completed *Periodic Visit – Certification by Health Care Provider* form from his/her health care provider prior to being restored to employment. This statement must indicate the employee's ability to work **including any work-related restrictions and their duration**. If this statement is not received, the employee's return to work may be delayed until the statement is provided.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

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

### **Enforcement of the FMLA**

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

An eligible employee may bring civil action against an employer for violations.

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

### **Procedures**

The employee should contact the Human Resources Office as soon as a leave of absence is anticipated. This applies for any paid or unpaid leave (a leave is defined as any absence that exceeds five (5) consecutive days).

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## **Retirement**

Eligibility for retirement and continuation of group health insurance coverage is determined by the employee's age and years of continuous full-time employment with the University. Employees will be considered eligible when the criteria in one of the following options is met.

**Option A:** Employees may continue group health insurance at the *retiree rate* if by the retirement date they

- are at least age 62 years, and
- have completed at least 15 years of continuous full-time employment.

**Option B (First available on July 1, 1996):** Employees may continue group health insurance at the *retiree rate* if by the retirement date they

- are at least age 55 years, and
- have completed at least 15 years of continuous full-time employment, and
- have a combination of age and years of continuous full-time employment that totals at least 80.

**Option C (Available only to employees hired prior to July 1, 1996):** Employees hired in a full-time, benefit status position prior to July 1, 1996 may continue group health insurance by paying *full cost* of the benefit if by the retirement date they

- are at least age 62 years, and
- have completed at least 5 years but less than 15 years of continuous full-time employment.

### **Dependent/Domestic Partner Coverage**

- 1) Group health insurance may also be continued for eligible dependents and same-sex domestic partners insured at the time of retirement.
- 2) Retirees may terminate group health insurance coverage for an eligible dependent or same-sex domestic partner at any time but may not add new dependents or same-sex domestic partners.

### **Procedures**

- 1) The employee who elects to retire must submit a letter of retirement, which includes the retirement date to his/her supervisor. A copy of the letter must be forwarded to Human Resources.
- 2) The employee considering retirement should contact the Social Security Office six months prior to the planned retirement.
- 3) The employee who has participated in a University-sponsored retirement plan should contact the carrier six months prior to the planned retirement to discuss options for distribution of funds.
- 4) The Human Resources Staff is available to assist the employee in the transition from active employment status to retirement. Employees are encouraged to contact Human Resources to discuss benefits (i.e., Health Insurance, Life Insurance, Retirement Plan) and any other questions regarding retirement.

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## **Definitions and Explanation of Terms Used in Vacation & Sick Time Schedules**

**Years of Service** refers to years of continuous full-time employment.

**Normal Pay Period Hours** are those hours regularly scheduled for the position.

**Pay Period Accrual Factor** is determined by years of continuous full-time employment and normal pay period hours. The actual amount of vacation accrued is calculated at the end of each pay period. If the pay period hours reported are less than the normal pay period hours as indicated in the vacation schedule, accruals will be prorated based upon actual hours reported. If no paid time is reported for a pay period, no vacation will be accrued for that period. Employees will have an adjustment to their pay period accrual factor during the pay period in which their third (3rd) and fourteenth (14th) anniversary dates of employment occur. The anniversary date is determined by the date of hire that reflects full-time, benefit status employment.

**Annual Entitlement** applies to individuals employed in 12-month positions. Annual entitlement will be prorated for those employees whose work schedule is less than 12 months (i.e., 11 months, 10 months, 9 ½ months). The approximate prorated annual entitlement is calculated by multiplying the normal pay period accrual factor by the number of pays per fiscal year. An individual employed in a 9 ½ month position is scheduled to receive 20.5 pays per fiscal year. An individual employed in a 10-month position is scheduled to receive 21.5 pays per year.

The actual number of pays per fiscal year may vary for employees in their first year of employment and for employees who have a change in employment status during the fiscal year.

Annual entitlement will also be affected when an employee reports less than the normal pay period hours indicated above or does not report any paid time during a pay period.

An example of prorated accruals follows: An employee with less than 2 years of full-time service holds a 10 month position with 75 normal pay period hours (calculated as 43 weeks or 21.5 pays per fiscal year). This employee accrues 2.88 hours of vacation per pay period times 21.5 pays which equals 61.92 hours of vacation.

The **Maximum Accrual** for vacation is approximately one and one-half times the normal annual entitlement. The maximum accrual for sick time is 120 days times normal hours per day. The maximum accrual for vacation or sick time is not prorated for positions with less than a 12-month schedule.

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### Definition of Dependent

**Dependents are:**

1. your lawful spouse;
  
2. your domestic partner and his or her Dependents as otherwise defined herein, as long as neither you nor your domestic partner hereunder;
  - has signed a domestic partner affidavit or declaration with any other person within sixty days prior to designation of each other as domestic partners;
  - is currently legally married to another person;
  - has any other domestic partner, spouse or spouse equivalent of the same or opposite sex; and
  - as long as you have registered as domestic partners if you reside in a state that provides for such registration.
  
- A domestic partner is defined as a person of the same sex who:
  - shares your permanent residence;
  - is no less than eighteen years of age;
  - is financially interdependent with you and has proven such interdependence by providing documentation of at least two of the following arrangements:
    - common ownership of real property or a common leasehold interest in such property;
    - community ownership of a motor vehicle;
    - a joint bank account or a joint credit account;
    - designation as a beneficiary for life insurance or retirement benefits; or
    - under your partner's will, assignment of durable power of attorney or health care power of attorney; or
  - such other proof as is considered by Connecticut General (CG/CIGNA) to be sufficient to establish financial interdependency under the circumstances of your particular case;
  - is not a blood relative any closer than would prohibit legal marriage; and
  - has signed jointly with you, a notarized affidavit which can be made available to Connecticut General (CG/CIGNA) upon request.
  
- any unmarried child of yours who is
  - less than 19 years old;
  - 19 years old but less than 23 years old, enrolled in school as a full-time student and primarily supported by you;
  - 19 or more years old and primarily supported by you and incapable of self-sustaining employment by reason of mental or physical handicap. Proof of the child's condition and dependence must be submitted to Connecticut General (CG/CIGNA) within 120 days after the date the child ceases to qualify above. During the next two years, CG may, from time to time, require proof of the continuation of such condition and dependence. After that, CG may require proof no more than once a year.

A child includes a legally adopted child including: (a) a child who has been placed with you for adoption provided the child is not removed from placement prior to legal adoption; or (b) a child for whom entry of an order granting custody to you has been made. It also includes a stepchild who lives with you.

Anyone who is eligible as an Employee will not be considered as a Dependent.

No one may be considered as a Dependent of more than one Employee.

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## **COBRA**

Employees and their families will have the opportunity for a temporary extension of health insurance coverage in certain circumstances where coverage under the University's health plan would otherwise end. Only those employees, spouses (or same-sex domestic partners) of employees and their dependents who were covered under the University's plan on the day before the event which triggered termination of coverage are eligible to elect continuation of coverage.

Events which may trigger the option to continue coverage are as follows:

1. Termination of the covered employee's employment (except in instances of gross misconduct);
2. Death of a covered employee;
3. Divorce or legal separation of a covered employee from his or her spouse;
4. A covered employee becoming entitled to receive Medicare benefits; or
5. A dependent child of a covered employee ceasing to be a dependent.

Employees are responsible for notifying the Office of Human Resources (the Plan Administrator) of the occurrence of a qualifying event that is either a dependent child's ceasing to be a dependent child or the divorce or legal separation of a covered employee. When a qualifying event occurs, the Plan Administrator will provide the employee and/or qualified beneficiary with the appropriate notice regarding his/her rights under COBRA. For further information on the continuation of coverage, see a representative of the Office of Human Resources.

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## **Substance Abuse Policy**

All employees are required to report to work free of alcohol, drugs, or the misuse of medication. The University expects all of its employees to adhere to this policy to promote the overall safety, health, productivity and welfare of our workforce and the University community. Employees are expected to cooperate in the University's efforts to maintain a drug-free/alcohol-responsible workplace. Employees are also expected to cooperate in any investigation of any alleged violation of this policy. Any employee who violates this policy is subject to disciplinary action, up to and including termination.

### **Statement of Policy**

Employees who are under the influence of drugs or alcohol in the workplace pose a safety risk to everyone around them. Such impaired employees are prone to accidents and tend to be absent from work more often. They also tend to be less reliable and less productive than unimpaired employees. Simply put, substance abuse interferes with a safe and productive workplace. The University wants to protect employees, students and the public from accident, injury or property damage by avoiding incidents caused by employees who are unable to perform their assigned duties due to problems associated with substance abuse.

### **Reporting Use of Prescription Drugs**

It is expected that, when taking over-the-counter or prescribed medicine which may impair performance or function, employees will establish safe levels that will not alter their physical or mental ability to perform their job safely and effectively. To the extent that the use or influence of any legally obtained drug may impair job performance or safety, employees who use or are under the influence of such a drug while performing work for the University are in violation of this policy and subject to disciplinary action.

It is the employee's responsibility, if he/she believes that the use of a legally obtained drug may fall within this prohibition to immediately notify his/her supervisor of the concern. An employee shall report the concern prior to starting work or as soon as the condition becomes known. The employee's supervisor will then determine whether the employee may continue to work, needs to take a leave of absence, or if some other action is appropriate.

### **Prohibited Conduct**

The following conduct is prohibited under this policy:

1. Use, possession, distribution, or sale of alcohol, illegal drugs, drug paraphernalia or the unauthorized use, abuse, possession, distribution or sale of prescription drugs on the University's grounds or adjacent property, in the University's vehicles, or anywhere during the workday, including breaks and

- lunch, with the limited exception of the use of alcohol at a University-sponsored or sanctioned special event.
2. Being impaired during the workday, including during breaks and lunch, as a result of using or abusing, on the job or off the job, alcohol, an illegal drug, a controlled substance or a prescription drug.
  3. Storing in a locker, desk, or other places on the University's property or grounds, including an employee's personal vehicle, any illegal drug, drug paraphernalia or controlled substance whose possession and use are not medically authorized.
  4. Refusing to provide a urine, blood or breath sample for testing when required or attempting to tamper with or alter the testing procedure or results should a drug or alcohol test be conducted by legal authorities or medical personnel as part as part of an investigation conducted by the University of possible violation of this policy.

### **Consequences of Policy Violations**

Employees found to be in violation of this policy are subject to discipline, up to and including immediate discharge.

### **Voluntary Treatment**

Early recognition and treatment of drug and/or alcohol abuse is important for successful rehabilitation. The University encourages the earliest possible diagnosis and treatment for substance abuse. Employees are urged to seek treatment voluntarily for substance abuse problems and reminded that treatment and counseling services are available through the Employee Assistance Program and under the University's health insurance plans. An employee's decision to seek diagnosis and treatment will not be used as a basis for disciplinary action so long as the employee voluntarily seeks help. However, participating in voluntary treatment does not relieve the employee of responsibility for conducting him/herself within the boundaries of this policy. An employee needing assistance should contact the Employee Assistance Program or the Office of Human Resources, which will make referral.

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## **Attendance and Punctuality**

### **Policy Statement**

This policy explains the employee's responsibilities to the University for regular, reliable and prompt attendance. This policy also addresses the consequences for employees who do not fulfill their responsibility to the University for regular, reliable and prompt attendance.

Regular, reliable and prompt attendance is essential for the functioning of the University. Poor attendance makes it difficult for the University to function effectively. Additionally, employees who do not maintain regular, reliable and prompt attendance place a hardship on other employees who must cover their absence. While some allowances may be made for situations beyond the control of the employee, chronic or excessive absenteeism will be cause for corrective action, up to and including termination.

### **Reporting Absences**

You must notify the University of an intended absence at least thirty (30) minutes before your scheduled starting time. Absences should be reported to your supervisor or his/her designee.

### **Definitions**

**Absence:** An absence is the failure to be on the job at any time during your scheduled hours of work, including arriving after your scheduled start time or leaving before the end of your scheduled hours of work.

**Tardiness:** You will be considered tardy if you fail to report to work at the designated starting time, including return from lunch. Tardiness (for purposes of payroll deduction) for an employee occurs on the eighth (8<sup>th</sup>) minute past the scheduled start time and is rounded up in fifteen (15) minute increments..

**Approved Absence:** A pre-approved absence scheduled in advance (e.g. scheduled and approved vacation, sick leave/salary continuation with proper notification to your supervisor, jury duty, bereavement leave, etc.) with your immediate supervisor or his/her designee (see the Vacation, FMLA and Medical Leave and related policies for additional information concerning the scheduling of such leave). You should receive approval for such absences at least twelve (12) hours in advance of the event if the need for leave is foreseeable. In cases of illness or emergency, you must notify your supervisor of the absence not later than thirty (30) minutes before the scheduled start of work or as soon as reasonably possible.

**Absences covered as approved under the Family and Medical Leave Act are not considered absences under this policy.**

**Unapproved Absence:** An unscheduled and unapproved absence is an absence not pre-approved by your immediate supervisor or his/her designee.

**No Call/No Show:** A no call/no show is any time an employee is absent and fails to notify their immediate supervisor or his/her designee according to the prescribed procedures outlined above.

**Chronic Absenteeism:** Chronic absenteeism occurs when a pattern of absenteeism becomes noticeable to the supervisor. This may include such situations as calling in sick or being tardy primarily on Mondays or Fridays or before or after holidays or on paydays. A pattern of chronic absenteeism will be addressed by the supervisor through the progressive disciplinary policy and procedures (see Progressive Discipline).

**Excessive Absenteeism:** Excessive absenteeism occurs when the employee has missed work or is late to work to the extent that it a) exceeds the standards set by the supervisor, b) is higher the average absenteeism for the work unit or department, and/or c) results in or contributes to the employee's failure to perform his/her duties in a satisfactory manner. Generally, excessive absenteeism will also be addressed by the supervisor through the progressive disciplinary policy and procedures (see Progressive Discipline). However, NoCall/No Shows of three (3) or more consecutively scheduled work days can be construed as voluntary resignation of the employee without providing proper notification to the University and may result in immediate termination of employment.

The University reserves the right in all cases to, at its sole discretion, take disciplinary action up to and including termination of employment of employees who demonstrate poor attendance and punctuality even if the employee meets other performance expectations of the position held.

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### **Progressive Discipline Policy**

Where it appears appropriate and effective, the University will utilize a system of progressive discipline to address the remedy of situations where an employee demonstrates unacceptable conduct and/or performance. Under the University's system of progressive discipline, each incident which may require disciplinary action will be examined carefully to insure verification of facts and consistent application of corrective measures. Further, whenever reasonably feasible, an effort will be made to make certain the employee understands the rule that is involved, why the behavior is inappropriate or unacceptable, and specific changes which must be made in order to bring the employee's conduct or performance to an acceptable level. The progressive discipline principle allows the employee to see the results of his/her actions if the problem persists and encourages the employee to develop good self-discipline habits so as to make further imposed discipline unnecessary.

Progressive discipline is not applicable in every instance where disciplinary action is warranted. Specifically, if an employee's violation of University work rules or policies involves gross misconduct (such as actions which involve the violation of state or federal laws, actions involving workplace violence, public intoxication and/or disorderly conduct, etc), the employee may not be eligible for progressive discipline and instead will be subject to more serious disciplinary action, up to and including immediate termination. Actions requiring discipline and the progression of disciplinary steps which will be followed may vary at the sole discretion of the University and will not necessarily be limited to those actions listed in this policy. Not all actions which might warrant discipline are specifically included in this policy.

The progression of steps of discipline may include any or all of the following:

1. **Counseling:** Discussion by the supervisor with the employee of behavior which could result in progressive discipline. The discussion should be documented in the supervisor's personal files but need not be filed in Human Resources.
2. **Verbal Warning:** A verbal discussion between a supervisor and an employee about an employee's failure to comply with a rule or demonstrated unacceptable conduct or performance. This is the first step in the formal disciplinary process. The supervisor must document that the meeting occurred, the subject of the meeting and the outcome of the meeting and submit the documentation to the employee's file in Human Resources.
3. **Written Warning:** A second or subsequent documentation of an ongoing disciplinary issue. Documentation goes to the employee's file in Human Resources.
4. **Final Warning:** At the point of progressive discipline that a supervisor has decided that the only possible consequence of further problems with performance or behavior is termination of employment, a Final Warning clearly stating the consequences should be issued and filed in the employee's file in Human Resources. This is not to imply that an employee can only be

terminated if a Final Warning is on file. It is simply advised to best insure that the employee clearly understands the implications of further failure to perform.

5. **Termination of Employment:** This final step in the progressive disciplinary process requires both documentation of the rationale and circumstances and accompanying submission of a Personnel Action Sheet documenting the termination. Terminations require consultation with the Office of Human Resources.

\* **Suspension: Suspension from work , with or without pay, is an OPTIONAL step in the disciplinary process.** Suspending employees as punishment is not particularly effective nor is it encouraged by the Human Resources office. Suspension is generally called for when it is necessary to remove an employee from the work environment while decisions are being made on an appropriate progressive disciplinary step; for example, while investigating a sexual harassment complaint, as a result of an altercation between an employee and another individual, or when an employee is at work in an intoxicated state. Suspension can occur at any point in the progressive disciplinary process. Suspensions must be documented to the employee's file in Human Resources. Salaried employee's can only be suspended for a full day of work and can be suspended only in instances of severe or gross misconduct.

The following are some examples, but certainly not a comprehensive list, of the kinds of situations that might call for progressive discipline:

- Chronic and/or excessive tardiness/absenteeism
- Careless work resulting in waste, spoilage, or delay
- Leaving the work area without authorization or not being in an assigned area as designated
- Profanity directed at a supervisor, co-worker, student or campus visitor
- Inefficient or ineffective work based upon established University and/or department standards
- Tampering with or falsifying official University records including one's own or another's time card
- Unauthorized soliciting in University work areas during work time and/or wandering in other departments without authorization
- Fighting or threats of violence
- Failure to report an accident, injury, or hazardous situation in a prompt manner
- Violation of University policies including the policy on Harassment, Substance Abuse, Consensual Relations, etc.

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## **Worker's Compensation Policy**

In accordance with Indiana's Worker's Compensation law and regulations, the University's contracted Worker's Compensation insurance carrier pays medical expenses related to a work-related injury or illness when a compensable injury or illness occurs. As provided by the law, the insurance carrier and the employer have the right to choose the medical provider who will provide treatment.

In addition, as required by Indiana's Worker's Compensation law, our carrier provides income compensation benefits after an employee has been absent from work for seven (7) calendar days. Income compensation is paid at 2/3 of the employee's normal pay (up to the maximum required by Indiana law). More specifically:

1. The University, although not required to do so by law, pays the wage or salary for the day of the accident/incident if the employee must leave the workstation for medical attention. The next calendar day is considered day one (1). The University, again voluntarily, will pay the wage or salary at full pay for absences ordered by the Workers Compensation physician that occur on regularly scheduled work days during the first seven calendar days following the accident/incident. The payment received during these seven calendar days is not deducted from accumulated sick, personal or vacation time unless the insurance carrier later determines that the claim does not qualify under the Indiana Worker's Compensation regulations.
2. The insurance carrier's coverage for income compensation begins, in accordance with the Indiana Worker's Compensation law, on the eighth (8<sup>th</sup>) full calendar day of absence. Compensation will be paid at 2/3 of the normal work day pay. The University will permit employees to choose to supplement the remaining 1/3 of each work day with available sick leave, Salary Compensation coverage, personal time and/or vacation time at the employee's discretion. The use of paid time is not required by the employee, however, the decision not to use paid time will have implications for the continuation of the employee's benefits (see #4 below).
3. If the absences extend beyond twenty-one (21) calendar days, the insurance carrier will, as required by Indiana Worker's Compensation law, pay the employee for the regularly scheduled work days during the first seven (7) calendar days of the absence. The carrier will pay at 2/3 of the normal pay for each work day. Since the University will have already paid the employee for these same work days at full pay, the employee must agree to and will be required to sign over the check from the insurance carrier to the University so that the employee is not overcompensated for loss time during the first seven (7) calendar days of absence.
4. The University provides the benefit to its employees of allowing them to supplement the Worker's Compensation payments received from the insurance carrier with available sick leave, Salary Compensation leave, personal time and/or vacation time in increments (1/3 of a normal work day's pay) that will allow their total compensation to equal their normal pay. As covered in #2 above, this is a

- voluntary choice on the part of the employee and is not a requirement. However, it is important for the employee to note that the supplemental paychecks from the University generated by the voluntary decision to use available paid leave to supplement the insurance carrier compensation will permit the University to make deductions for the employee's share of health insurance premiums, deductions for retirement plan contributions, and will allow the payroll system to continue to credit accrual of vacation and sick time for hourly employees. If the employee chooses not to supplement the insurance carrier compensation or if the employee exhausts all available leave time, the employee's contributions for retirement and the hourly employee's accrual of vacation and sick leave time will cease until such time as the employee returns to pay status. Health insurance benefits will continue for the duration of the Worker's Compensation leave but the employee will need to make arrangements with Human Resources and the Cash Receipts office to pay the employee's share of health insurance premiums directly to the University each month. Should arrangements not be made and followed through upon by the employee for payment of the insurance premiums, insurance coverage may be terminated.
5. If the injury/illness sustained by the employee results in a temporary partial disability (i.e., places restrictions on the employee which will allow the employee to work full-time or part-time with light duty or part-time with no other restrictions and results in reduction in the normal pay of the employee), all of the considerations listed above will still apply with the exception that the regular paycheck received by the employee from the University will address the issues outlined in #4 above, even if the employee chooses not to supplement the remaining compensation loss (and not covered by the insurance carrier) with available paid leave time.

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## **Workplace Safety**

The safety and well-being of employees is of primary concern. The University recognizes the importance of employee safety and accident prevention procedures as an essential part of an efficient, productive and quality operation. Your safety awareness on the job, including safe work habits, is our key to a good safety program. Violation of these or other safety rules will result in discipline, up to and including termination. Following is a list of “general” conduct that is prohibited to ensure the safety of University employees. Departments may issue more detailed safety rules as well.

1. Injuring other people or damaging equipment, tools, materials, or supplies maliciously or through carelessness or negligence.
2. Operating machines or equipment after the removal of safety devices, regulators or guards.
3. Fighting, running, playing practical jokes, throwing things, pushing people, making threats, or other obvious menaces to the safety of other workers.
4. Serious violation of established sanitary rules and regulations.
5. Unauthorized position of any weapons (including, but not limited to, firearms, knives, explosives) on University premises.
6. Smoking in unauthorized areas of the University or violation of other fire regulations.
7. Failing to use required personal safety equipment (safety glasses, ear plugs, respirators, gloves, etc.).

## **Reporting Accidents**

Employees must report all job-related injuries and illnesses to their supervisors immediately. Do not ignore small scratches or cuts, burns, bruises or abrasions – these should be treated at once. **Failure to report an injury in a timely manner could jeopardize an employee’s workers compensation claims rights.**

1. Report the accident to your supervisor immediately. If your supervisor is not available, report to the next responsible person or directly to the Office of Human Resources or Office of Campus Safety.
2. Upon making a report, the employee will be instructed to fill out a First Report of Injury (except in cases of emergencies when the Report will be filled out at the earliest opportunity after emergency aid has been rendered).
3. The employee will be directed to a physician contracted by the University to provide Workers Compensation covered treatment or to the closest available hospital emergency room.
4. When assisting other injured employees, take care not to risk aggravating an injury through ill-advised attempts at treatment. In cases of emergency, call 911 or the Office of Campus Safety.
5. If an injury or illness requires treatment after the end of the work day, first attempt to contact the Office of Human Resources so that an attempt can be made

to make an appointment with the contracted physician. If the Office of Human Resources is closed and the situation is not an emergency, the employee should wait until the next work day and make the contact. If the situation is an emergency, the employee should go to the nearest hospital emergency room.

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### **Tuition Waiver for Employees**

Full-time, benefit status employees are eligible for Tuition Waiver at DePauw University under the following terms and conditions:

1. This benefit covers tuition charges and audit fees. Health service fees, student activity fees, and information system fees will be waived. Fees not covered by this benefit include but are not limited to additional course fees, lab fees, books and supplies.
2. Tuition Waiver applies to one class registration per semester not to exceed one course credit.
3. Registration is allowed on a space available basis.
4. An employee is eligible for Tuition Waiver with course credit or may audit a course for no course credit regardless of the degree(s) held.
5. Due to the time commitment associated with the professional semester, this policy must exclude supporting the student teaching portion of the teacher certification program.
6. Independent study courses and applied instruction courses are excluded from this benefit. Applied instruction courses include but are not limited to group and individual classes for music and dance.
7. Continuation in the Tuition Waiver Program is contingent on making satisfactory academic progress.

### **Eligibility Criteria**

1. An employee is eligible for the Tuition Waiver benefit upon full-time, benefit status employment. If the employee becomes eligible after the course registration period is completed, eligibility for Tuition Waiver will begin the following semester. The dates of each course registration period are available from the Office of the Registrar.
2. The employee's supervisor will approve or deny the request for Tuition Waiver based upon the ability to release the employee from job responsibilities during regular working hours.
3. Time missed from work to attend class must be made up unless the course is job related and is taken at the request of the employee's supervisor. Time missed from work must be made up within the same work week. The hourly employee's time report must reflect actual hours worked per day.

### **Procedures**

1. An employee interested in Tuition Waiver must request an "Application for Tuition Waiver" from the Office of Human Resources. This form must be completed by the employee and the employee's supervisor and then returned to the Office of Human Resources prior to registration.
2. The Office of Human Resources will verify eligibility for Tuition Waiver and process the application.

3. If the employee is eligible for Tuition Waiver, one copy of the approved application will be forwarded to each of the following: Office of the Registrar, Cash Receipts Office.
4. If the employee is not eligible for Tuition Waiver, the Office of Human Resources will notify the employee.
5. An employee seeking a DePauw University degree should apply to the Office of Admission.
6. A non-degree seeking employee (including an employee working towards a teacher certification) should apply as a special student to the Office of the Registrar.
7. After notification of approval for Tuition Waiver, the employee must register for the course with the Office of the Registrar during the dates specified by that office and before the last day to drop or add a class. The dates of each course registration period are available from the Office of the Registrar.
8. If an employee registered under this benefit withdraws from a course, the employee must notify the Office of the Registrar in writing of the withdrawal. The Office of the Registrar will end a copy of the withdrawal notice to the Cash Receipts Office and the Office of Human Resources.

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### **Tuition Remission for Dependents of Employees**

Full-time, benefit status employees are eligible for Tuition Remission for their spouse and dependent children pursuing an initial undergraduate degree under the following terms and conditions:

1. Employees hired after December 31, 1995 are considered eligible for this benefit only upon the completion of two years of continuous full-time, benefit status employment. The two-year waiting period may only be waived if the following conditions are met:
  - a. The new employee was receiving a similar tuition benefit at the institution where he/she was employed prior to being employed by DePauw University, and
  - b. The employee submits documentation to the Office of Human Resources at DePauw University from the institution at which he/she was employed describing the tuition benefit received, and
  - c. All other eligibility requirements outlined in this policy are met.
2. This benefit covers tuition charges and audit fees. Fees not covered by this benefit include but are not limited to room and board fees, health service fees, student activity fees, information system fees, additional course fees, lab fees, books and supplies.
3. A spouse or dependent child working toward an initial bachelor's degree is eligible for Tuition Remission with course credit. A spouse or dependent who already has a bachelor's degree is not eligible for Tuition Remission with course credit unless the class is in the education department and is required for teacher certification.
4. A spouse or dependent child, including one with a bachelor's degree, may audit a course for no course credit.
5. A spouse of an employee hired after July 1, 1971 may take courses at DePauw University on a space available basis provided the course would be offered without the spouse's attendance.
6. A child of an employee hired prior to July 1, 1971 is considered eligible for Tuition Remission at DePauw University or at any post-secondary collegiate institution other than DePauw University. Eligibility is meant to extend to natural children, legally adopted children and step children (married or unmarried). Eligibility does not extend to foreign exchange students, foster children or married children's children.
7. A child of an employee hired after July 1, 1971 is considered eligible for Tuition Remission at DePauw University or any other post-secondary collegiate institution in the Great Lakes College Association (see GLCA below). Eligibility is meant to extend to natural children, legally adopted children and step children (married or unmarried). Dependent children shall be those defined by the dependent support test rules of the Internal Revenue

- Code of the United States of America. Eligibility does not extend to foreign exchange students, foster children or married children's spouses or children.
8. This benefit does not apply to independent study courses or applied instruction courses for a non-degree seeking spouse or a non-degree seeking dependent child. Applied instruction courses include but are not limited to group and individual classes for music and dance.
  9. Continuation in the Tuition Remission Program is contingent upon making satisfactory academic progress.
  10. The tuition benefits described herein are applicable only for resident study for undergraduate work up to eight (8) semesters, twelve (12) quarters, or thirty-one (31) course credits of full-time enrollment or pro-ration of equivalent for periods of part-time enrollment toward an initial bachelor's degree or associate's degree. Resident study is defined as regularly attending scheduled classes and is meant to exclude correspondence courses. This benefit is limited to eight (8) semesters of financial assistance from DePauw University. Financial assistance includes but is not limited to Tuition Remission and other institutional financial aid.

### **Further Eligibility Considerations**

1. To qualify, an applicant must meet all admission and academic requirements stipulated in the DePauw University Catalog or the Bulletin or Catalog of the school to which application is being made.
2. When both parents are employed by the University, Tuition Remission for a dependent child is available to only one parent.
3. In determining eligibility for tuition benefits, the student must first apply for all state and/or federal aid for which he/she may be eligible.
4. If an eligible employee terminates employment with the University for any reason, a spouse or dependent child who has begun the semester receiving this benefit may continue through the semester in which the employee left. However, if an eligible employee retires, is placed on permanent disability or dies while in the employ of the University after completing fifteen (15) years of continuous full-time, benefit status employment, that employee's children remain eligible for tuition benefits. Such children are also eligible to participate in the GLCA Tuition Remission Exchange Program. In the case of children of employees hired prior to July 1, 1971, eligibility also continues for post-secondary institutions other than DePauw University, however, the child must file for financial aid assistance at the host institution and file a financial aid form. When financial need has been computed, the difference between any cash award and the amount of the host institution's tuition will be made up by DePauw University; that amount not to exceed the prevailing DePauw University tuition charge.
5. A spouse may continue receiving this benefit only through the semester in which the employee retired, was placed on permanent disability or died.

### **Tuition Remission Application Procedures for Dependent Children**

1. A dependent child interested in an initial undergraduate degree should apply to the Office of Admissions of DePauw University or the school to which they are interested in attending.
2. A non-degree seeking dependent child, a dependent child with an undergraduate degree, or a dependent child working toward teacher certification should apply as a special student through the Office of the Registrar.
3. Application forms for DePauw University Tuition Remission should be obtained from and filed with the Office of Human Resources for each semester the dependent child is enrolled. The Office of Human Resources will provide assistance in the completion of the form and will process the form and forward it to the Financial Aid Office.
4. The Financial Aid Office informs the applicant of the Tuition Remission award.

**Tuition Remission Application Procedures for a Spouse**

1. A spouse interested in an initial undergraduate degree should apply to the Office of Admission.
2. A non-degree seeking spouse, a spouse with an undergraduate degree, or a spouse working toward teacher certification should apply as a special student through the Office of the Registrar.
3. The DePauw University “Application for Tuition Benefit for Spouse” should be requested from the Office of Human Resources.
4. The Application for Tuition Benefit for Spouse should be completed and returned to the Office of Human Resources for each semester the spouse is enrolled. That office will confirm employee eligibility and follow-up with the Registrar’s Office and the Cash Receipts’ Office.

**GLCA Tuition Remission Exchange Program for Dependent Children**

DePauw University is a participant in the Tuition Remission Exchange Program as established by the Great Lakes College Association (GLCA). The eleven other GLCA schools and two schools\* of the Associated Colleges of the Midwest (ACM) that participate include:

Albion College	Grinnell College*	Ohio Wesleyan University
Antioch College	Hope College	Wabash College
Beloit College*	Kalamazoo College	The College of Wooster
Denison College	Kenyon College	Earlham College
Oberlin College		

The following additional terms and conditions (above those generally identified for the DePauw Tuition Remission Program) apply:

1. The student must be considered a full-time degree seeking candidate at the college to which application is being made.
2. Beloit and Grinnell Colleges are included as full participants on an interconsortial basis only. Student exchanges between Beloit and Grinnell Colleges, respectively, will not be included in the GLCA Tuition Remission Exchange, but remain within the jurisdiction of the ACM Exchange Program.
3. A participation fee must be paid by the student each year. This fee is equal to 10 percent of the mean tuition charge for the schools and is calculated annually by the GLCA. In cases where the employee was employed in a full-time, benefit status position prior to July 1, 1971, DePauw University will pay the student's participation fee.

### **GLCA Application Procedures**

1. The dependent will choose the school(s) in which there is interest and obtain an application from the Office of Admission for each school selected.
2. The dependent will file the application for admission in the usual way and pay all fees and deposits required with the application process.
3. Admission will be determined through the regular admission process established by the school without regard to the applicant's potential eligibility for tuition remission.
4. The school(s) to which application is made will notify the applicant of acceptance or non-acceptance in the usual way and at the usual time.
5. After the dependent has received notification of acceptance by the participating school, the "GLCA Tuition Remission Exchange Program Application for Participation" must be obtained from the Office of Human Resources of DePauw University, completed, and returned to that office.
6. The Office of Human Resources will verify eligibility for the GLCA Tuition Exchange Program and forward copies of the application to the GLCA office and the attending college.
7. The participation fee will be billed by the attending school.

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## **Electronic Communications and Acceptable Use**

### **Introduction**

The University has adopted this Policy in part to: encourage employee and student productivity; maintain the integrity and security of its network and computing resources and electronic communication systems; preserve its academic and business interests; and protect confidential information. This Policy cannot and does not provide rules and requirements to address every possible situation that may arise. However, it does provide certain minimum standards and requirements with respect to electronic communication issues. The University reserves the right to change, revise, or add to this Policy at any time with such notice as it deems appropriate.

Under its Intellectual Property policy, the University has granted to faculty members the intellectual property rights to materials they have authored (articles, books, software, manuscripts, syllabi, and course materials) and the results of their research. Faculty members may be required to provide copies of course materials or research protocols if needed for personnel reviews, program reviews, or campus disciplinary proceedings, including the enforcement of this or other policies. All other aspects of the University's electronic communication facilities, including all equipment and data, messages, or other information transmitted, stored or maintained on or in such facilities, are and remain at all times the property of the University, unless otherwise expressly noted in a written confirmation signed by an authorized University official. However, such ownership shall not include any such information that is in violation of any University policy, including, but not limited to, this Policy.

DePauw University recognizes and honors the importance of academic freedom, and the provisions of the Policy will be enforced with respect to the teaching and research mission of the University.

### **Policies**

#### **A. Permissible Use of Electronic Communication Facilities**

1. Electronic communication facilities are intended to be used primarily for official University business, including employee and student academic pursuits, and employee administrative, personnel and/or business matters. However, reasonable use of University-owned or operated electronic communication facilities for non-commercial personal purposes is permitted if it does not entail a direct cost to the University, interfere with the completion of job responsibilities, impede network operations, or violate University policies, including, but not limited to this Policy. Should users make use of the electronic communications facilities to transmit personal messages, such messages shall not be treated with a higher standard of privacy than any other electronic communications. The University reserves the right to place additional restrictions on the

personal use of its electronic communication facilities if necessary to conserve network resources for University purposes. Further, those using the University's electronic communication facilities must use such facilities in a responsible and lawful manner. Unlawful use of electronic communication facilities or use of such facilities which violates any University policy, including this policy, by any user, as determined solely by University officials, will be cause for the University to deny such user further access to such facilities and may be cause for other University disciplinary action, up to and including termination from employment or expulsion.

2. Consistent with this Policy, users may use the electronic communications facilities to initiate or receive electronic communication. Users should only use their own files, those that have been designated as "public" files, or those that have been made available to them with the knowledge and consent of the owner.
3. Users shall always keep all copyright and trademark notices intact on University or third-party materials that are received or disseminated in electronic communication. An authorized University representative shall be consulted if there is any question about the form of such notice.
4. Users of electronic communication facilities in all IS facilities (including any remote sites operated by IS) must: a) fully identify themselves (e.g., by showing a University ID card or other appropriate identification) to any IS staff member or student employee who requests such ID; b) act in an appropriate manner towards other users and IS staff; and c) respect and follow all applicable rules and any notices (e.g., those concerning hours of operation) posted in IS facilities.

**B. Prohibited Uses of University Electronic Communication Facilities**

1. Commercial Purposes

Electronic communication facilities shall not be used for commercial purposes unrelated to the business of the University or any commercial purpose that has not been expressly authorized by the University.

2. Other Prohibited Uses and Restrictions

- a. Electronic communication facilities shall not be used to access or transmit electronic communication which promote or contain offensive, unlawful or inappropriate content, including, but not limited to content that is slanderous, defamatory, harassing, vulgar, threatening, intimidating, offensive, or that promotes hate or violence; or which is racially inflammatory or inappropriate; or which is pornographic, or sexually

offensive, or which consists of offensive comments based on gender, or any other content that denigrates or demeans persons on the basis of race, age, gender, national origin, disability, religion, sexual orientation or any basis protected by law. This prohibition shall not apply to educational and professional work that requires such access or transmission.

- b. Users should not attempt any unauthorized connection to a host using electronic communications facilities.
- c. Electronic communication facilities should not be used to transmit, copy, or store confidential information, except as authorized by University officials. Further, all users must exercise a great deal of caution in transmitting and storing confidential information due to the ease with which electronic communication may be reproduced, stored and/or redistributed. Users should be particularly cautious using distribution lists if confidential information is being transmitted.
- d. Electronic communication facilities should not be used in any way that may infringe upon the rights of the holder of any copyright or trademark. Downloading, copying or installing software or other data that is subject to copyright, trademark or other legal protection without appropriate authorization or license is prohibited. Information Services (IS) staff will not knowingly provide support for software that a user possesses in violation of the applicable license agreement. IS staff may ask for proof of ownership before helping users with their software. IS staff will not knowingly allow infringing copies or otherwise unauthorized copies of software to be installed on electronic communications facilities and will remove any such suspect software loaded onto electronic communication facilities.
- e. Electronic communication facilities shall not be used in any manner that: is contrary to the University's interests; attempts to obscure, withhold or falsify the identity of the sender; impairs the electronic communication facilities in any way; attempts to gain access to the electronic communication of third parties (unless expressly authorized by such third party or by the University); interferes with, interrupts or obstructs the ability of others to use such facilities; is not related to the performance of an employee's job responsibilities or a student's academic work; and/or is not otherwise authorized by the University.
- f. Electronic communication facilities shall not be used in violation of University policies or local, state or federal laws, rules or regulations.
- g. Users shall not abuse or vandalize any electronic communication facilities. Users are to immediately report any observed or suspected instances of

abuse or vandalizing or electronic communication facilities to University officials.

- h. Users should relinquish public computing facilities that they are using if they are doing non-essential work when the computers are in heavy demand. Electronic communication facilities should not be monopolized.

### 3. Security/Breach of Security

Although the University uses various methods in an effort to secure its electronic communication facilities, the University cannot guarantee such security. Electronic communication and electronic communication facilities shall not be used to breach the electronic security of others. A breach of security includes, but is not limited to: any unauthorized attempt to compromise any electronic communications facility, including the use of network privileges, accounts, access codes, identifiers or passwords, or equipment; knowing or unauthorized interception, access, disclosure, disruption, damage, destruction or unauthorized alteration/modification of any electronic information, or electronic communication facilities, including software or hardware; and any unauthorized and intentional disruption or interference with others' use of electronic communication facilities.

Users of electronic communication facilities are responsible for protecting their personal account information and/or password. Any user holding a personal account and its password is, at all times, responsible for its use and all activity originating from that account or using that password. Any attempt to determine the passwords or personal account information of others is strictly prohibited.

### C. Privacy

Although University email messages are encrypted by University systems as part of the regular transmission process, the University cannot guarantee the privacy of electronic communications, and users should not expect their use of electronic communication facilities will be private. Users who further encrypt an electronic communication must furnish the encryption key or software to the University upon request so that the University may fulfill its obligations under the provisions of this policy.

## **Monitoring and Disclosure**

### A. In General

The University reserves the right to monitor or disclose the content of any electronic communication sent, received or stored using electronic

communication facilities. Monitoring, investigation, and examination of electronic content will only be conducted in connection with a specific event, such as the delivery of a warrant for search and seizure or other permissible events as listed in the Policy. Employees are not permitted to engage in the monitoring, investigation, or examination of electronic communication content without prior specific authorization of the Chief Information Officer as specifically permitted under the Policy. Employees do regularly monitor the performance of the University's computing resources, and the University reserves the right to install or update files on any University-owned computer to assure the performance or security of the campus computing environment. Use of the electronic communication facilities shall be deemed to constitute consent to allow the University to exercise its rights outlined in this Policy and agreement to abide by this Policy.

**B. Monitoring and Disclosure**

As the owner or operator of electronic communication facilities and a private institution of higher education, the University will monitor or disclose the content of the electronic communication of users only under the following circumstances:

1. A party to the communication consents; or
2. The communication is readily accessible to the public (examples include, but are not limited to, web pages, e-mails sent to a public mailing list, or a newsgroup post); or
3. The University has an administrative need to access an e-mail, voice mail or other electronic communication or electronic communication facilities (examples include routine maintenance, backup of data, monitoring of usage patterns, troubleshooting or investigation of an excessive use of network resources that adversely affects performance or protection of the University's rights or property); or
4. The University is furnished with reasonable information causing it to conduct a review or investigation of any electronic communication or the use of electronic communication facilities (examples include reports or evidence of hacking, identity theft, harassment, commercial card fraud). The University has sole discretion to conduct such a review or investigation under this Policy; or
5. The monitoring or disclosure occurs as a result of the University's obligations under local, state and/or federal laws, rules, or regulations.

**Retention and Archival Storage of Electronic Communications****A. Policies**

Records created or stored in digital format, including electronic communication, may be subject to state or federal laws or University record-keeping policies.

**B. Employee Responsibilities**

Employees are responsible for copying electronic communication for storage in departmental or office files as required by law or University policy.

1. The University does not maintain centralized or distributed archives of electronic communication sent or received over its electronic communication facilities. Backups made for maintenance or troubleshooting purposes are erased at regular intervals.
2. Staff should periodically store such copies in departmental or office files for subsequent review followed by either archival storage or destruction in accordance with general University record-keeping policies.

**Violations**

Violations of this Policy by any user will be cause for the University to deny such users further access to the electronic communication facilities and may result in disciplinary action up to and including termination from employment or expulsion. In certain circumstances, violators may be prosecuted. Violations of this Policy or the alleged misuse of University electronic communication facilities should be reported to the Public Safety Office, the Human Resources Office, or the Chief Information Officer. Reports of violations will be investigated and adjudicated according to the applicable University policies and procedures. The University reserves the right to delete any electronic communication from its electronic communication facilities that violates any provision of this Policy or any other University policy.

**Relationship To Other University Policies**

This Policy is a supplement to other University policies including, but not limited to, policies governing the appropriate or acceptable use of University property and/or electronic communication facilities.

**Definitions**

1. “Confidential information” means any information, data, documents or tangible things which contain proprietary or private information including but not limited to information not generally known to persons outside the University concerning students, academic or business matters, donors, alumni, financial or scholarship matters, grant matters, personnel matters, trade secrets, and/or development or business plans.

2. “Direct cost” means a cost, fee or charge assessed for a product or service provided for some purpose other than a valid University purpose (for example, unauthorized long-distance telephone charges and printing costs),
3. “Electronic communication” includes, but is not limited to, electronic mail (“e-mail”), newsgroup posts, internal and external bulletin board posts, Internet or World Wide Web pages (“web pages”), data and file transfers, voice mail, telephone and pager messages, facsimile transmissions, any other electronic communication sent, published, or received by an employee, student or guest using electronic communication facilities, and any other information transmitted, stored or maintained in or on such electronic communication facilities.
4. “Electronic communication facilities” includes, but is not limited to, all University-owned or operated equipment, data, telephones, computers, computer networks, servers, workstations, personal computers, removable media, electronic voice mail systems, e-mail systems, pagers, facsimile machines, scanners, electronic external or internal bulletin boards, wire services, on-line services, Internet or World Wide Web, or any other communication system or electronic technical resource provided, owned or operated by the University.
5. “Monitor” and “monitoring” mean to intercept, access, or inspect an electronic communication with the purpose of viewing the data contained therein. “Monitor” does not include automatic scanning of an electronic communication by network security and performance software such as a firewall, anti-virus, or packet shaper program.
6. “Employees” means any and all full-and part-time, temporary and regular University employees including, but not limited to faculty members, administrators, instructors, staff members, classified personnel and student employees who have been authorized to use the electronic communication facilities.
7. “Students” means any and all students who have paid a deposit or are currently enrolled in the University, as well as former students who have been authorized to use the electronic communication facilities.
8. “Guests” means any and all persons not directly connected to the University, but who have been authorized to use the electronic communication facilities.
9. “University authorization”, “University authorized”, or authorization from the “University”, a “University official”, or University officials” means any written or oral express permission granted by one of the following University representatives: the President, the Vice-President of Academic Affairs, or the Chief Information Officer.

10. “User” means any and all employees, students, and guests.
11. “IS” means University Information Services.

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### **Consensual Relations**

The integrity of the faculty-student relationship as well as the staff-student relationship is the foundation of DePauw's educational mission. These relationships vest considerable trust in the faculty or staff member who, in turn, bears authority and accountability as mentor, educator, and evaluator. At DePauw, it is understood that faculty and staff begin and sustain friendships with students that can last a lifetime. The unequal institutional power in these relationships, however, heightens the vulnerability of the student and the potential for coercion. It is the faculty or staff member's responsibility to avoid any relationship which compromises either the student's enjoyment of the University experience or the faculty or staff member's ability to discharge the obligations of his/her employment at DePauw. In furtherance of this philosophy, DePauw prohibits sexual relationships between faculty and students, and between staff and students where the faculty or staff member has or will have a direct or indirect supervising, teaching, or evaluating relationship with the student regardless of whether the relationship is consensual.

If a complaint is initiated, even when both parties have consented to the development of such a relationship, it is the faculty or staff member who, by virtue of his or her educational responsibility, will be held accountable for unprofessional behavior, and who is subject to disciplinary action, up to and including dismissal from employment with the University, for violation of this policy.

Complaints will be handled according to the guidelines established for other harassment complaints.

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## **Smoking Policy**

DePauw University seeks to promote the health and safety of its faculty, staff and students, while safeguarding individual rights. In this spirit, the University's policy concerning smoking on the campus is as follows:

### UNIVERSITY BUILDINGS

Except in designated areas and in private offices, smoking is prohibited at all times in all campus buildings. Those buildings designated as smoke-free will remain entirely smoke-free.

Designated smoking areas shall be enclosed and separate from other public areas, and they shall have sufficient ventilation and/or filtering systems to prevent smoke from flowing into other areas.

Private offices are defined as those which are not open to the public in the normal course of business except by individual invitation. Smoking is permitted in private offices only under the following conditions:

- there is sufficient ventilation and/or filtering systems to prevent smoke from flowing into public areas or into other private offices;
- the office door is closed,
- there are no nonsmoking visitors who find it objectionable.

### UNIVERSITY RESIDENCE HALLS

All DePauw University residence halls are completely smoke-free. Persons choosing to smoke outside of residence halls are required to do so a minimum of 40 feet from the building. All cigarette butts are to be disposed of in a proper receptacle.

### UNIVERSITY OWNED RENTAL PROPERTIES

All DePauw University owned houses and apartments are completely smoke-free.

### UNIVERSITY-OWNED VEHICLES

Smoking in University-owned vehicles is permitted only with a window open and when there are no nonsmoking passengers who find it objectionable. The University reserves the right to designate smoking and nonsmoking vehicles if deemed necessary.

### UNIVERSITY-OWNED OUTDOOR FACILITIES

Smoking in University-owned outdoor facilities (Blackstock Stadium, soccer fields, etc.) is generally permitted. However, the University may sometimes designate nonsmoking

seating areas in these facilities when large crowds put smokers and nonsmokers into close proximity.

The success of the policy will depend upon the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. While cases of doubt would, in general, accommodate the preferences of nonsmokers, all members of the University community should recognize the desirability of maintaining a spirit of mutual tolerance and respect on the DePauw campus. Problems can be addressed to the Director of Human Resources who will act as ombudsman for the University on matters pertaining to this policy.

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