



Wilmington College

**ADMINISTRATIVE
AND
SUPPORT STAFF
HANDBOOK**

2023-2024

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FOREWORD

To All Administrative and Support Staff:

It is my pleasure to welcome new employees to the College. I sincerely hope that your stay with us will be long and successful. We are proud of our College's tradition and achievements and hope that you will come to share our sense of community.

For those of you who have been members of the College community, I want to extend my appreciation for the many contributions you have made. I hope that your service as members of the loyal and devoted team that comprises our College will continue for many years to come.

This Handbook is provided to acquaint you with policies and procedures related to all phases of your employment. You should be aware that such procedures and policies are subject to change. When issues arise, it may be necessary to consult with the Human Resources Office for current and applicable procedures since this document is reprinted only as necessary.

Please contact the Human Resources Office or your immediate supervisor if you have any questions that are not addressed in this Handbook.

Trevor Bates
President

This Handbook was developed with the objective of summarizing the College's Human Resource procedures for all employees into a usable guidebook. Such a guide promotes consistency, continuity and mutual understanding. It should be viewed as an orientation guide by new employees. Please read through it and then retain it for future reference. It is essential that employees understand and follow these guidelines and policies. It is the responsibility of each and every supervisor to administer these guidelines in a consistent and impartial manner.

This Handbook reflects current rules, policies and procedures pertaining to employment and is not a contract or a legal document. In case there is a conflict between the information outlined in this Handbook and legal documents, such legal documents will take precedence over the printed version issued today.

Continued employment is neither promised to the employee nor guaranteed by the College. Employment is "at will" and either the employee or Wilmington College may terminate the employee relationship at any time with or without cause in accordance with policies described herein.

Offers of employment are valid only when appropriate parties, including the President, have approved the employment offer. No supervisor or representative other than the President has the authority to make any promises or commitments regarding changes in conditions of employment.

Wilmington College may modify, amend, suspend or terminate any provision or policy in this Handbook without prior notice or consent. Any changes will supersede previous policies, benefits or provisions described herein.

WILMINGTON COLLEGE MISSION STATEMENT

The mission of Wilmington College is to educate, inspire and prepare each student for a life of service and success.

To fulfill that mission, Wilmington College provides a high quality undergraduate and graduate educational environment shaped by the traditions of the liberal arts, career preparation and the distinctive practices of the Religious Society of Friends (Quakers). By offering academic programs, practical experience and co-curricular activities in a variety of settings to students from diverse backgrounds, the College leads students to gain an awareness of the world, to acquire knowledge of career and vocation and to seek truth and social justice.

In keeping with the rich heritage of the liberal arts, the College seeks to educate the whole person – intellectual, emotional, physical and spiritual – in ways that foster critical thinking, reflection, the free exchange of ideas, open inquiry, respect for all persons and a desire for lifelong learning. The liberal arts are integrated with career preparation to help students develop the knowledge and skills to succeed in a career or further education.

As an academic community, Wilmington College is rooted in historic Quaker values, also known as testimonies, which include integrity, service, stewardship, equality, peace and social justice and respect for all persons. These historic testimonies motivate those who learn and work at the College to make positive contributions to their professions and their communities.

WILMINGTON COLLEGE VISION STATEMENT

Wilmington College intends to make significant progress in the next decade toward being a model college that melds the liberal arts and career preparation in order to graduate liberally educated professionals.

To move towards this vision, Wilmington will:

- integrate career preparation with the traditions and foundational skills of the liberal arts;
- challenge students to live the historic Quaker testimonies of integrity, service, peace and social justice, stewardship and respect for all persons and to practice them in their communities and workplaces;
- promote every student's participation in hands-on experiences including internships, community service and international study programs;
- create a caring campus community that embraces civility, respect and trust; and
- demonstrate a commitment to this vision by placing the needs of students at the center of decision-making.

WILMINGTON COLLEGE CORE VALUES

The following core values are fundamental to the success of Wilmington College in realizing its mission and vision. These values are drawn from the College's founding faith, the Religious Society of Friends (Quakers), from important traditions of American higher education and from universally held beliefs that serve to guide the best in human thought and action.

Integrity – this value has been described as the value from which all other values emanate and has importance in this ordered list of values. Integrity as defined by the College community as the fundamental requirement to be fair, honest and ethical in all dealings on campus and requires each of us to assume responsibility for our actions.

Community – this value is defined on campus as the desire to create in partnership a learning and working environment that supports and encourages a shared sense of purpose about the importance and value of broad participation, active engagement, open sharing of information, shared responsibility for decision making, and a culture that emphasizes continuous improvement and growth.

Diversity – this value is purposeful in guiding our willingness to recruit, retain and graduate a student body that reflects the global communities that the College serves and seeks to foster our understanding and appreciation of different people, cultures and ideas.

Excellence – this value requires the College to support and encourage a commitment to the highest standards in all areas of the College's mission.

Peace and Social Justice – this value comes directly from our Quaker heritage and asks all members of the community to seek non-violent resolution of conflict and just treatment of the world's resources, both human and physical.

Respect for All Persons – this value is fundamental to the development of a peaceful and just community that values the dignity and worth of all persons.

Service and Civic Engagement – this value seeks to foster all members of the campus community to serve others and to accept individual responsibility for being an engaged and effective citizen.

Diversity Statement

Wilmington College is committed to achieving and sustaining diversity. It seeks to create a campus culture of inclusion and a learning environment that supports educating students who will work, live, and serve in a diverse nation and world. This statement is consistent with and expands upon the words in the College's mission statement that invoke the historic Quaker commitment to social justice and respect for all persons and that express a desire to provide educational opportunities of high quality to students with varying needs, abilities and backgrounds.

Moreover, this statement is the foundation for all diversity initiatives undertaken at Wilmington College. It defines diversity, delineates our diversity goals, and describes diversity's benefits.

Diversity Defined

The term diversity has many meanings. While the term is used to refer to differences, we intend for diversity to be an inclusive term. Its emphasis at Wilmington College will be inclusion related to racial and ethnic background, religion, gender, sexual orientation, age, disability, and economic class.

Diversity Goals

The following goals will foster increased commitment and align resources to increase diversity and realize more fully the benefits of diversity at Wilmington College:

1. Create a supportive environment for all who work and learn at Wilmington College and build a campus community that respects the inherent dignity of all persons, discourages bigotry and strives to learn from differences in people, ideas and opinions.
2. Recruit and retain individuals who will contribute to making Wilmington College a diverse community.
3. Include within the curriculum and co-curriculum programs of study and activities that explore the experiences, perspectives, and contributions of various cultures, groups, and individuals and prepare students to work, live, and lead in a multicultural world.

Diversity's Benefits

In pursuit of these goals, Wilmington College will enhance and deepen the benefits of diversity for its campus community, especially for its students. We know that diversity:

- Enriches the educational and work experience by providing all members of the campus community with the opportunity to learn from individuals who differ from them.
- Promotes personal growth and a healthy society by challenging stereotyped preconceptions and helping students learn to communicate effectively with people from varied backgrounds.
- Strengthens communities and the workplace by preparing students for citizenship in an increasingly complex, pluralistic society and fostering mutual respect and teamwork.
- Enhances the country's economic competitiveness by effectively developing and using the talents of all citizens.

Wilmington College aspires to become more diverse and to extend the benefits of diversity to all members of the campus community.

ADMINISTRATIVE STRUCTURE

The College President reports directly to the Board of Trustees, the governing board for the College. The Board meets three or four times each year to hear reports from the President and others and has all corporate power and authority for the College. The majority of the Board of Trustees must be members of the Society of Friends. Board members are appointed for four-year terms, with a limit of three successive terms. An Executive Committee meets as needed, and the Board also utilizes special task forces and a number of standing and ad hoc committees. The primary function of the Board of Trustees is to balance the future needs of the College with the predictable resources that are available to accomplish institutional objectives. (Further information about the structure of the Board can be found in the [Faculty Handbook](#).)

As chief administrative officer of the College, the President's primary duty is to provide institutional leadership for all constituencies of the campus. The President articulates College goals and is responsible for the execution of the total program of the College. As chief spokesperson for the institution, the President ensures that operational practice conforms to Board policy and oversees the creation of new resources and the effective maintenance of existing assets.

Several vice-presidents and other key staff report directly to the President. Those persons, along with several others, meet regularly with the President and are referred to as the "President's Council" or "President's Staff." The major functions represented by this group are subject to change but at the present time include the following:

Provost

Dean of Academic Affairs/Dean of Faculty

Faculty and Instructional Programs, Library, Peace Resource Center, Office of Academic Records, Office of Institutional Effectiveness, Quaker Heritage Center, Harcum Art Gallery, Academic Farm, and Equine Center

VP of Retention and Student Success

Student Success, Retention, Student Advising, Office of Disability Services, Student Resource Center, Career Services

VP for External Programs

Cincinnati Branch

VP for Student Affairs/ Dean of Students

Student Affairs, Health Services, Housing and Residence Life, Multicultural Affairs, Campus Ministry, Service Learning, Student Activities, Student Orientation, Campus Safety

VP of Athletics

Athletic Programs (Intercollegiate and Intramural), Sports Information

CFO/VP Business & Finance

Accounting, Accounts Payable, Budget, Information Technology, Physical Plant, Purchasing

Chief Enrollment Officer

Office of Admission, Financial Aid, One-Stop Center, Student Financial Services, Student Recruitment, Public Relations

VP College Advancement

Alumni & Parents Relations, Annual Giving, Leadership Giving, Major Gifts,

The functions above may be modified from time to time. Call the President's Office or the Human Resources Office if you would like a copy of the current administrative flowchart.

100 – Employment

People judge the College not only on the merit of our graduates but also based on personal contacts with the College through correspondence, telephone conversations, visits to the campus for information, or other business and professional relationships.

Wilmington College is an equal opportunity employer and will not discriminate unlawfully in employment matters on the basis of race, religion, gender, color, ancestry, national origin, age, disability or any other category protected by law.

101 - Non-Discrimination Statement

Wilmington College does not discriminate on the basis of age, race, color, religion, national or ethnic origin, gender, sexual orientation, veteran status, or disability in the administration of education policies, admission policies, financial aid, employment, or any other College program or activity.

Employment decisions will be based on furthering the principles of equal employment opportunity, and all decisions concerning hiring, promotion, transfer, administration, employee benefits and all other programs will be made on a non-discriminatory basis.

Inquiries regarding compliance may be directed to Director of Human Resources, Pyle Box 1187 or to the Director of the Office for Civil Rights, Department of Education, Washington, D.C.

102 - Employment of Individuals with Disabilities

Wilmington College is committed to the fair treatment of employees and applicants for employment who have non-performance related disabilities.

The College attempts to comply with all relevant provisions of the Americans with Disabilities Act (ADA/ADAA). Decisions concerning hiring, promotion, transfers, training, benefits and other employment-related programs will be made without regard to non-performance related disabilities. The College will provide reasonable accommodations to qualified individuals with disabilities who can perform the essential functions of the position for which they are applying.

Employees or applicants with questions about disability accommodation should contact the Human Resources office.

103 - Equal Opportunity Employment Complaints

In addition to sexual harassment, harassment can also include offensive conduct relating to an individual's race, color, national origin, ancestry, non-performance-related disability, medical condition, marital status, sexual orientation, or age. This type of offensive behavior is prohibited and, when reported to supervisors, must be addressed.

The complaint will be a written and signed statement setting forth the nature of the complaint and the identity of any alleged violator. Complaints of harassment or unequal treatment in employment decisions perceived to be based on an individual's race, color, national origin, ancestry, non-performance-related disability, medical condition, marital status, or age should be discussed with the

Director of Human Resources if they are not adequately addressed by the supervisor. (Refer to Section 700.)

104 – Employment Process

The recruitment and selection process for employees involves posting of the position on-line on **WC @ Home** and our external website Employment Page, which links to FAHE. The College reserves the right to publicly advertise posted positions concurrent to the internal posting, using any or none of the following; the Chronicle of Higher Education, HigherEdJobs.com, LinkedIn and specific subject organization websites. Positions are also generally posted on the College website and HigherEdJobs.com

Job postings include the job title, salary grade, department, minimum requirements and essential job functions. Top candidates for Support Staff positions are determined by the supervisor and the Director of Human Resources and invited for interview. Top candidates for Administrative positions are determined by the search committee and invited for interview.

After interviews, the top candidate is identified and contacted. Selection is based on:

- The applicant's ability to satisfy the minimum requirements of the job description.
- The applicant's ability to meet the goals and mission of the College.
- Results of personal interviews and, in appropriate cases, the results of job-related tests.
- References preferably provided by former employers.
- All offers are contingent upon successful completion of a background investigation which may include drug screening and motor vehicle record check on some positions.

All Wilmington College employees are encouraged to apply for positions for which they are interested on a promotion or transfer basis. Also, managers must allow employees within their department opportunities to seek transfers to other departments. An atmosphere conducive to exploring promotion or transfer must always be maintained. Employees should advise the Director of Human Resources if they have concerns regarding applying for any position.

Positions that involve only a change in job title, change in work schedule, or an adjustment to work duties will not be posted.

105 – Background Checks

The College strives to maintain a suitable environment conducive for both learning and working safely. In addition to recruiting qualified employees, the College seeks employees who possess integrity, who are reliable, and who do not present a threat of danger to coworkers or students. In order to preserve such an atmosphere, the College reserves the right to investigate an individual's employment history, driving record, personal references, educational degree verification, and criminal background to ensure a proper match. All prospective employees are required to sign a release that permits these investigations to be conducted.

106 - Orientation

New hires are provided a link to the on-line onboarding process using the College's HR/Payroll HRIS system. New hires complete all of the necessary personal information, emergency contacts, tax elections, direct deposit and I-9 documentation. New hires will meet with Human Resources during their first three days of employment to review benefit enrollment, retirement plan information and complete the I-9 process..

It is the employee's responsibility to notify the Human Resources/Payroll Office of any address and/or telephone number changes.

At the time of hire, general employment duties and responsibilities will be outlined. The immediate supervisor will provide specific information during the first few days of employment. Supervisors are vitally interested in being of help to the employees under their supervision and stand ready to provide coaching and answer questions at all times. Any problems or concerns arising in connection with your employment should be discussed promptly with your immediate supervisor.

107 - Nepotism

The College always seeks to employ or promote the best-qualified person for a position. All decisions on selection, salary, etc. will be made without regard to the relationship of one employee of the College to another, except that no person in a supervisory position shall hire or supervise an employee who is related by blood, marriage or domestic partnership.

Relatives include parents and children, husbands, wives and domestic partners, brothers and sisters, in-laws, uncles, aunts, grandparents, nieces and nephews, and step-relatives in the same relationships. Present employees who are currently supervised by a relative will not be affected by this policy.

108 – Role of the Supervisor

A supervisor is an employee to whom authority has been delegated to direct the work of others and who has responsibility for their work. First-level managers directly oversee a group of workers and are usually called "supervisors." But middle management and executives also carry supervisory responsibilities. Supervisors are expected to provide (or arrange for) work-site orientation to new employees and are provided a checklist by the Human Resources Office to assist in this process.

All supervisory positions are not alike. There are differences not only in the technical aspects of the work but in the way the supervision is exercised. Speaking generally, it is the responsibility of the supervisor to promote the development of subordinates so they may realize in their work the maximum productive usefulness and their greatest personal satisfaction.

Likewise, it is the responsibility of the employee to observe the suggestions and directions of supervisors, showing respect and avoiding wasting time and materials. Refusal to obey any reasonable order given by a supervisor or by management (insubordination) will result in disciplinary action up to and including dismissal.

109 – Employment Records

Human Resources is the primary custodian of the official employment records of all employees of the College both past and present. Academic Affairs maintains faculty academic records.

Every employee must report changes in personal status including name and address changes, so that the records properly reflect the current status of every person employed and so that informational bulletins including earning statements can be sent on a timely basis.

As a matter of policy with regard to employee personal privacy, we will collect and use only that information that is necessary or relevant to the operating needs of the College. Internal access will be limited to those who have legitimate business reasons. Information regarding an employee's home address and telephone number will not be released unless there is an obvious "need to know" or in case of an emergency. Employees' home addresses and telephone numbers will not be given to other employees for use in mailings.

The following information is designated as directory information and will be provided and verified: dates of employment, job title or position, and department. All other information maintained in the personnel file for all employees is considered confidential and is released only after written request and consent of the employee. Information will be released to government agencies when required by federal and state laws. Information may be disclosed in response to summons, judicial order or subpoena.

All reference checks by outside employers requesting information on current or former employees and verification of employment must be referred to Human Resources. Departments should not release information. Human Resources is authorized to reply to inquiries by verifying dates of employment and termination and job titles and department.

The employee's personnel file shall be available for examination and review by the employee. Such review or examination shall take place during regular business hours in the Human Resources office in the presence of the record's custodian or his/her designee, and only upon prior notice. Employees will be required to sign a written form requesting access to his/her file and present valid identification.

110 – Identification Cards

All regular employees are issued an identification card that enables them to use the various facilities and services where employee identification is necessary. Identification cards are issued through the Physical Plant office.

111 – Employment Status

Support Staff

The "support staff" category includes all employees who are not classified as faculty or administrative personnel. Every support staff employee is paid as a non-exempt hourly employee, non-exempt means "eligible for overtime pay."

Some hourly employees may be "casual" employees and others are "student employees." However, all hourly employees are subject to the standards of conduct and work expectations set forth in this handbook. (Descriptions of paid leaves and other benefits do not apply.)

Note: The category of your employment may affect the fringe benefits you receive.

Administrative

The “administrative” category includes all professional employees who are not classified as faculty and is often referred to simply as “administrative”. (This definition of “professional” assumes that a college degree – or its equivalent – is required to hold the position.) Every administrative staff employee is paid as an exempt employee and paid monthly, exempt meaning they are paid for the position not the hours worked and therefore not eligible for overtime.

Position Categories

Based upon job assignment, the following categories may apply to employees who are not student employees or casual workers:

- Regular Full-time employee (normal schedule is 30 or more hours per week)
- Regular Part-time employee (normally no more than 20 hours per week on a continuing basis but may work up to 30 hours per week)
- Regular Employee may be: 12 months; 10 months; 9 months per fiscal year:
- Regular employee – May be benefit eligible depending on full or part time status.
- Temporary employee (employee hired for specific period of time)
- Casual Employees (seasonal or occasional that work for less than 3 months but no more than 500 hours per year)

112 – Changes in Position

Reappointment

Reappointment at the beginning of each fiscal year requires a consistent pattern of meeting the expectations of the position and compliance with College policies and procedures. Further, the budgetary and staffing needs of the College must be considered when staff reappointments and awarding of contracts are evaluated.

Promotion

Promotion is reassignment to a different position with increased responsibilities at a higher grade level. Employees promoted in grade shall normally be eligible for a salary increase that takes into consideration the new salary range and internal equity concerns.

Demotion

Demotion means reassignment, voluntary or otherwise, to a position of lower classification. A reduction in salary may be attached to a demotion.

Transfer

Transfer is reassignment to a different position within the same grade level. A transfer will not normally be accompanied by a salary change.

Reclassification

Reclassification is an adjustment in the grade of a position because of a material change in job requirements. An adjustment to a higher or lower grade may or may not involve a change in pay level.

If a position's content is substantially revised, it may warrant reevaluation. A revised job description must be prepared by the supervisor and submitted to the Human Resources Director for review. If the result is that the position is evaluated at a different level, then the position is reclassified and assigned to the appropriate pay grade. Reevaluation may result in movement to a higher or lower pay grade.

Salary adjustments for individuals affected by a reevaluation to a higher level are usually treated as a promotion, unless the salary of the incumbent is already relatively high. When positions are assigned to a lower level, salary adjustments may or may not be made for the current incumbent.

113 – Separation of Employment

Retirement

Staff members planning retirement should notify their supervisors as far in advance as possible. A letter with the planned date of retirement should be copied to the Human Resources Office. All regular full-time employees working at the College longer than three (3) consecutive years will have contributed to The Wilmington College Retirement Plan. That account may be annuitized (or the money contributed by the employee can be cashed out) at any time after leaving the service of the College, subject to restrictions that might be imposed by TIAA.

Temporary Appointments

The services of staff holding temporary appointments cease automatically at the end of the specific term unless terminated earlier for cause or for budgetary reasons.

Resignation

To resign in good standing, an employee must submit a resignation in writing to their immediate supervisor (and copied to Human Resources). A reasonable notice (two weeks) is normally expected. Failure to give reasonable notice will result in forfeiture of unused vacation pay. The last day of employment must be an actual working day. Usage of vacation time during the notice period requires managers approval as this time is normally reserved for transition of duties.

Position Elimination

Budgetary and changing staffing needs may affect employment status due to elimination of positions. The College will generally provide a written notice to an employee whose position is being eliminated.

Involuntary Termination

Employees may be involuntarily terminated due to unsatisfactory performance, policy violations, or conduct violations. The College is an at-will employer, whereby, employment may be terminated at any time for any reason or no reason with or without notice. Employees that are terminated due to unsatisfactory performance, policy violations or conduct violations are not eligible for unused vacation payout.

Exit Interview

An exit interview is scheduled in the Human Resources Office during the last week of employment. Matters related to fringe benefit continuation and final paycheck can be discussed at that time. Other feedback will also be requested. Credit cards and ID cards must be returned, and arrangements are made for return of keys and other College owned equipment and property. If any outstanding balances exist with the College, these must be reconciled before the final pay check can be issued.

114 – Work Schedules

Support Staff

The normal workweek for full-time support staff employees is 40 hours, usually scheduled 8 hours per day, Monday through Friday. The normal workday for office staff on the Main Campus is scheduled from 8:00 a.m. to 5:00 p.m. with a one-hour (unpaid) lunch period. The normal workday for office staff at off campus locations may vary due to the different needs and schedules at these sites. This schedule does not apply to part-time employees or to those without a regularly scheduled workday. Hours actually worked each day must be accurately reported on the timesheet. Working in excess of regular hours requires prior authorization from the supervisor.

Each support staff employee may take up to two 15-minute breaks (30 minutes on the clock) each day, usually at mid-morning and mid-afternoon. In situations in which the employee is not free to leave the workstation for breaks at his/her discretion, it is recommended that a break be scheduled during each four-hour work period. Staff whose responsibilities require them to eat “on the clock” are not required to take an unpaid lunch break, but all other staff taking lunch breaks must take the break “off the clock.” Scheduling of breaks and lunch periods is dependent upon the discretion of the supervisor and the nature of the job. Employees may leave the campus while on unpaid breaks, but not while on paid breaks. Taking an excessive number of breaks or making a habit of taking breaks extending beyond 15 minutes will be subject to discipline.

Part-time employees who work a full day are entitled to the same (unpaid) lunch period and breaks as full-time employees. Part-time personnel may take fifteen minutes of break time for any daily work schedule exceeding four hours.

Any change in the employee's regular work schedule must be approved by the supervisor in advance of the change.

Employees are asked not to spend lunch and break periods in other offices or areas where other employees may still be working.

Administrative Staff

The normal workday for administrative office staff on the Main Campus is scheduled from 8:00 a.m. to 5:00 p.m. with a one-hour lunch period. The normal workday at off-campus locations may vary due to the different needs and schedules at these sites. (This schedule does not apply to part-time employees or to those without a regularly scheduled workday.) Changes to the times that Administrative Staff are expected to be in the office may be made with management approval. Administrative staff are paid for the completion of their job and not the hours it takes to complete the job in as such there may be professional responsibilities that must be fulfilled at times other than and in addition the regular business hours.

Any administrative staff employee who plans on teaching a course or courses during regular working hours must have approval from his/her supervisor and the VP for Academic Affairs before a contract will be issued.

115 – Employee Injury

In the event an employee is injured during the performance of their job, the details of the incident must be reported immediately to the employee's immediate supervisor, Campus Safety, and the appropriate report filed with the Human Resources Office within 24 hours. This protects the employee in the event it becomes necessary to seek medical assistance at some point, even if it is much later. Please note that the employee should not use regular medical insurance for a work-related injury or illness.

Lost time and medical expenses may be paid by Worker's Compensation in accordance with their rules. At such time, any College salary will cease until "lost time" pay ends. FMLA (Family Medical Leave Act) leave time will also be charged for the period of the absence. The employee will not be eligible for paid holidays, but normal fringe benefits will continue until such time as it may be determined by the Workers' Compensation Commission that the employee is not returning to his/her position.

Upon return to work, a physician's note must release the employee or specifically state any work limitations.

116 – Employee Absences

Unplanned Absences

All employees are required to call their immediate supervisor, or an alternate designated by the supervisor, to report an unplanned absence and to state the reasons for the absence as soon as possible, but not more than one hour after the normal reporting time. Failure to notify the supervisor may be cause for disciplinary action. If the employee is unable to return to work on subsequent days, the supervisor must be kept informed on a daily basis until or unless a formal leave is approved. (The supervisor is expected to notify Human Resources when the leave period extends longer than three days.)

Any employee who must leave work during scheduled work time, for any reason, must first obtain permission from his/her supervisor or, in the event the supervisor or a designee is not available, the employee should contact the Human Resources Office.

Any employee who is absent three consecutive work days without notifying the supervisor (or being on an approved leave) will be considered to have abandoned their position and their failure to report will be considered a voluntary resignation.

Planned Absences

It is expected that vacation will normally be planned in *advance according to the supervisor expectations*, with a Vacation Request submitted to the employee's supervisor for approval. Planned absences that may qualify for Family and Medical Leave should follow the FMLA policy. Other personal leaves should also follow the corresponding leave policies.

117 - Medical Documentation/Work Release

The supervisor or the Director of Human Resources may request a certificate signed by the attending physician for any absence due to illness or injury that extends beyond three consecutive days.

If an *absence for medical reasons is anticipated to be longer than seven days, you **must** submit your doctor's documentation of medical disability to the Human Resources Office.* Notify the Human Resources Office of your anticipated absence and the expected length of the absence as soon as possible so an FMLA (Family Medical Leave Act) form and Short-Term Disability form can be issued. FMLA will be charged concurrently with Short Term Disability. (Supervisors: Please ensure that these procedures as followed by those you supervise...or report an anticipated extended absence to the Human Resources Office yourself for follow-up.)

In instances of hospitalization, extended illnesses, or absences due to on-the-job injury, the employee must **obtain a release from the attending physician before returning to work.**

Medical documentation is also required in the event an employee requests time off to care for a family member, as stipulated under FMLA. The FMLA requires that a qualified employee be allowed up to 12 weeks each year to care for a seriously ill family member or, in the event of childbirth or adoption, for a new child in the family. Such leave is unpaid leave unless accrued vacation leave is available or short-term disability applies. Both paid and unpaid leave may be considered as FMLA leave.

118 - Emergency Closings

There may be times when emergencies, such as severe weather, fires, power failures, or a tornado, disrupt normal business operations at Wilmington College and/or its branch locations. The College may even have to close a portion of the campus. If the College decides to close, local radio and/or television stations will be contacted to announce the closing and the details of the closure.

- a) No communication will be sent if Wilmington College is open and all faculty and staff are expected to report to campus.
 - a. Wilmington (main) and Cincinnati (branch) will be treated as separate locations for weather-related decisions and announcements.
- b) Any decision to alter the hours of operation or close the main or branch campus of the College will be determined by the Office of the President in consultation with the appropriate site administrator for on-campus or travel:
 - a. By 5:30am for main campus or travel of faculty and staff to academic activities
 - b. By noon for main campus or travel related to co/extra-curricular activities
 - i. This provision recognizes that conditions may improve during the day to allow activities planned for later in the day to occur
 - c. By 1:00 pm for any WC Cincinnati campus evening courses
- c) Notification will be made to the appropriate campus community through the following:
 - a. The RAVE alert system
 - b. Posted on the College website
 - c. Posted to various local media outlets (TV, radio)
 - d. Posted to College social media outlets (i.e. Facebook, Twitter, Instagram, WC App)

- d) In the case of an actual or projected weather emergency (e.g. Level-2 snow emergency), internal or external tragedy, natural disaster, or other act of God, the physical campus may be closed, and faculty, staff and students will be directed accordingly.
 - a. Staff will report remotely and may use College-issued equipment. A staff member may choose to request vacation or discretionary time as appropriate from their manager within the College guidelines during a physical campus closure.
 - b. In such cases, every effort will be made to send preemptive communication to faculty and staff from the Office of the President via Human Resources to allow faculty and staff to prepare to take appropriate measures to work remotely as directed.
- e) In event of a campus closure, faculty will provide students with a synchronous or asynchronous academic activity.
 - a. Faculty will communicate any alternative academic requirements directly to students (i.e. – live video conference during the delay or alternative assignments) by the start of the academic day, not later than 8:00 am for morning classes, and 9:00 am for afternoon and evening classes.
 - b. Online course expectations will not be changed/disrupted due to the alteration of hours of operation or a campus closure.
 - c. Plans for labs or field experiences in these instances will be coordinated by the faculty member in consultation with their area coordinator. Faculty will communicate these plans to students by 8:00 am for morning classes and 9:00 am for afternoon and evening classes.
- f) On days when there is inclement weather, but the College does not officially close, off-campus personnel and commuting students should make reasonable attempts to get to classes. If, however, it appears that such attempts may put one's life or health in more than normal danger, it is wise to stay put. If ice or heavy snow prevail, the members of the faculty will be understanding if off-campus students cannot attend classes. In the event an individual faculty or staff member is unable to come to campus due to inclement weather in their area of residence the following procedures should be followed. Faculty at the main campus should notify the Office of Academic Affairs and their respective area coordinator as soon as they know they will not be coming to class. Branch campus faculty will notify the Vice President for External Program (VPEP) who will be in communication with the VPAA. In these instances, faculty will follow the protocols identified above in item #5 above.
- g) Staff at the main campus should notify their immediate supervisor and Human Resources as soon as they know that they will not be able to come to campus. Staff at the branch campus should notify the VPEP who will be in communication with the VPAA. Staff will report remotely and may use College-issued equipment. A staff member may choose to request vacation or discretionary time as appropriate from their manager within the College guidelines during a physical campus closure.
- h) If the Main or Branch campus closes during normal working hours and faculty and staff are sent home early or open late, non-exempt staff not able to work remotely will be paid for the time off equal to the number of working hours in their normal work day up to a maximum of 8 hours that day at their normal rate of pay. Staff that work during a closing will be paid for hours worked. The closing will not affect exempt faculty and staff pay.
- i) There will likely be instances when faculty and staff in essential operations are asked to report to campus on a day when the College is closed due to an emergency. Only those faculty and staffs called in will be considered essential to the College operation at that time. If a senior staff

member, or his/her designee, asks a non-exempt staff to come to campus to work on a day when the College is closed for emergency reasons, that staff member will receive pay for his/her regularly scheduled hours plus an additional payment for the hours worked while the College is closed. The additional pay will be figured at the individual's regular hourly rate. Exempt faculty and staff will not receive additional pay for working during an emergency closure.

119 – Changes in Personal Information/Status

It is the employee's responsibility to notify Human Resources of any changes in address or telephone number. Changes in tax status, medical insurance, life beneficiaries, etc. must also be promptly reported. Most of these changes can be made directly in the employee's self-service account in the on-line HR/Payroll HRIS system. Failure to report a loss of dependent status for a dependent may result in loss of COBRA continuation benefits. Failure to report the birth of a child could result in loss of medical coverage until the next open enrollment period.

200 – Performance Management

210 – Purpose of Performance Evaluation

The purpose of employee performance evaluation is to provide encouragement and feedback to each employee to perform assigned duties and responsibilities at the maximum level, to assess such performance, and to offer avenues for improvement or enhancement. In addition, the annual performance evaluation for regular staff provides the opportunity for review of the employee's job description. It keeps the lines of communication open and should create a climate of mutual understanding. A probationary evaluation is performed for a new employee no later than three months after initial employment. Unless an employee is a casual worker or a student worker, continuing evaluation processes require that an evaluation be completed and filed each spring, normally prior to April 1 each year.

211 - Procedures for Performance Evaluation

The first-line administrative-level supervisor is responsible for ensuring that performance evaluation procedures are sound and do not reflect rating bias of any kind. Before conducting performance evaluation without assistance, new supervisors should be mentored and receive one-on-one training regarding rating and feedback techniques. Where appropriate, other employees may provide input into the evaluation. Performance evaluation should be a continuous process that involves establishing and communicating expectations, recognition, observation, assistance, coaching and discussion. Evaluations are to be conducted semi-annually.

The job description serves as the basis for appraisal of performance. The completed form must be discussed privately and signed by both the supervisor and the employee. After all necessary signatures are on the form, it is then forwarded to the Human Resources Office.

To prepare for an evaluation meeting, the employee is encouraged to review the job description and goals that have been established. Be prepared to clarify concerns, ask questions and make suggestions.

Listen constructively and ensure that you understand the input you receive. Participate in a two-way dialog during the meeting.

Employee comments may be attached to the form but the form must be signed to verify that it has been reviewed and discussed. In addition, a meeting with the person to whom the supervisor reports may be requested.

300 – Conduct and Ethics

Wilmington College is committed to upholding the highest standards of honest behavior, ethical conduct and fiduciary responsibility with respect to College funds, resources and property. The College also expects members of the College community to comply with all applicable state, local and federal statutes, rules and regulations.

Courtesy, tact, clean buildings, orderly offices, and well-kept lawns are all essential to creating favorable impressions. Therefore, your cooperation and involvement are extremely important in maintaining community relations. The Quaker values emphasizing concern for the individual, mutuality and equality should always be kept in mind in working relationships and contacts with students and the public.

Common sense, good judgment, and regard for the rights and interests of the College and one's co-workers are necessary to achieve harmony. Habits of punctuality, sharing the workload, and remaining courteous and pleasant will contribute greatly to the success of the College. Conduct should always perpetuate respect and courtesy for one's colleagues and associates. It is expected that no employee will interfere with any other employee's ability to work due to any type of abuse, harassment or damaging statements.

301 – Progressive Discipline

Disciplinary action is directed at the offending act and not the employee, with the expected result being a positive change in performance and/or behavior and not punishment of the employee. When the College deems appropriate, it may initiate disciplinary action with an employee, up to and including termination of employment. Among the types of disciplinary action that the College has used are oral/verbal warnings, written reprimand/warning, disciplinary suspension with or without pay, and termination. The College reserves the right to use other types of disciplinary action, including, but not limited to, transfer and/or demotion.

Progressive discipline is encouraged, but whether the College resorts to it and, which particular type of disciplinary action the College begins with depends on the facts of each case, including prior work and disciplinary history and the nature and severity of the misconduct or offending act, among other things. In some instances, the act or acts may be such that immediate termination will be necessary.

The following is an example of how progressive discipline could proceed:

- An oral warning and policy review for the first offense.
- If the oral warning/policy review does not result in correction of performance and/or behavior, a written reprimand/warning will be issued for the next subsequent offense.

- If the first two steps do not result in a satisfactory correction, a disciplinary suspension with or without pay or termination of employment could result, depending on the severity of the subsequent offense.

This discussion is not to be interpreted as a restriction on the College's right to hire and terminate or as a promise that the College will terminate employees only for "just cause" or in accordance with a particular procedure.

An employee may be disciplined for various types of inappropriate conduct including, but not limited to, the following:

- consistent failure to follow rules
- unreported absence
- repeated and excessive absence or lateness
- willful disobedience or insubordination
- immoral or indecent conduct
- theft
- unauthorized use of College equipment or property or unauthorized removal of College property from College premises
- malicious damage to property, tools, and equipment belonging to the College or its employees
- dangerous work practices
- poor work performance
- abandonment of job (being absent for three or more days without reporting whereabouts to the College)
- disruptive behavior and conduct
- inability or unwillingness to adequately perform the assigned job
- dishonesty
- conviction of a felony or crime that is job-related
- giving false information on the employment application or resume
- possession of weapons on College property
- gambling, fighting, disorderly conduct
- use of threatening or abusive language
- assaulting or threatening to assault
- harassment or sexual harassment

An employee placed on disciplinary suspension may not use paid leave of any type. However, the College will continue all benefits coverage during the suspension period with the provision that the suspended employee pay their respective portion of any required benefit premium.

302 – Drug & Alcohol Usage

It is the College policy to maintain a safe, healthful and efficient working and educational environment. The College supports and complies with Federal and state laws pertaining to drug and alcohol abuse. The misuse and abuse of drugs and alcohol pose a serious threat to the College, its employees and students. College policy with respect to drug and alcohol abuse is summarized as follows:

An employee's unlawful possession, use, sale, transfer or purchase of alcohol, any unauthorized or illegal drug, or an intoxicating substance--or the misuse of any legal drug--at any time on College premises or during working hours is prohibited.

Any employee who is under the influence of alcohol or of any illegal, unauthorized or misused drug or substance which impairs judgment, performance or behavior while on College property or during working hours will be disciplined.

No alcoholic beverages will be brought or consumed on College property or at College sponsored events except in connection with specific authorized events.

Any employee who tests positive for illegal or unauthorized drugs and alcohol during the course of a physical examination requested by the College may be referred for diagnosis and treatment. Refusal to accept referral and/or failure to follow through with treatment could result in dismissal.

Any employee convicted of a drug-related charge arising from activities while on the job must report that conviction to the Human Resources Office.

Each College employee must, as a condition of employment, agree to abide by the terms above. For further information, refer to the "Drug-Free Schools and Communities Act" on file in the Human Resources Office and provided to new employees in their benefit orientation packets.

303 – Tobacco Usage Policy

In order to comply with Ohio's Smoke-Free Workplace law, Wilmington College has established the following policy :

Smoking (including vaping) is prohibited in all College buildings, residence halls, vehicles and within 25 feet of all building and facility entrances. In addition, smoking is prohibited within all athletic complexes and restricted to the parking lots. Hookahs and electronic cigarettes are also prohibited on campus. We ask that all members of the campus community and campus visitors comply with Wilmington College's No-Smoking Policy.

Ash receptacles are placed in the parking lots. Please dispose of all smoking waste in the designated containers.

Report all violations of this policy to Campus Safety.

It is the responsibility of all members of the College community to observe this policy.

304 – AIDS Guidelines

Individuals with AIDS or positive HTLV-III antibody test, whether symptomatic or not, are allowed regular work activities in an unrestricted manner as long as they are physically able to do so. Consideration of the existence of AIDS, ARC or a positive HTLV-III antibody test is not considered as part of the initial employment decision. Disclosure of the existence of AIDS, ARC or positive HTLV-III antibody test will be held in strictest confidence, but the College Clinic must strictly observe public health

reporting requirements for AIDS. The Clinic provides community education and analysis/advice for the accommodation of each case, in accordance with generally accepted medical knowledge. It is the primary repository of AIDS information.

The College does not tolerate discrimination against any person infected with HIV who is performing normal job-related activities. Likewise, such persons also have a responsibility to the community and are expected to act in accordance with known medical advice to prevent the spread of infection to others. Infected individuals are encouraged to communicate with the College Clinic in order to receive appropriate medical advice and support. (Adapted from "Wilmington College Guidelines on AIDS")

305 - Confidentiality

Employees must realize that some of their work is of a very confidential nature and should not be discussed with anyone. There are certain business matters to which only members of the office staff should have access. Mutual respect for confidence is required of all personnel.

Employee and/or student information contained in College systems is to be used solely for College business purposes only. Access and/or use of this information for personal usage is strictly prohibited. Release of employee information is permitted by Human Resources only. Release of student information is permitted by Academic Affairs only.

None of the files in any office may be inspected without the consent of a responsible person. When files are taken from an office, permission must be given and a written receipt placed prominently in the file to show where it temporarily resides.

306 - Safety

College employees are expected to be careful in their work habits and to observe safety precautions appropriate for the equipment assigned. It is a condition of employment that all employees must be able to perform their jobs safely. Inability or unwillingness to perform the job following the rules of safety, resulting in a direct threat to the employee or other employees, can lead to dismissal. Careful attention should be given to the condition of working surfaces, equipment, material usage, storage of flammable materials, use of combustibles, etc. All employees should be aware of the location of safety devices, exits, and fire extinguishers.

The College seeks to protect employees, students and visitors from any accidents or injuries while on campus. Unsafe conditions observed by employees should be reported promptly to Physical Plant.

Whenever a matter of concern to safety or health needs is identified, it should be reported to Physical Plant or to the Director of Human Resources.

307 - Response to Workplace Accidents

Emergency procedures are posted in every building, on every floor and provide directions for various emergency issues.

In every instance where an injury occurs on the job, it must be reported to the supervisor immediately (or as soon as possible) and a report must be filed in Human Resources within 24 hours.

308 - Solicitation

Solicitation is defined as selling any products, asking for donations for any cause, or conversing with another employee on working time to encourage the employee to join an organization. Solicitation must be limited to those hours that are not considered to be working time. No employee shall interrupt another employee during working time for the purpose of solicitation. (Reasonable use of e-mail for this purpose is permitted since the employee may choose whether or not to read/respond to the item.)

On-campus solicitation by non-employees of the College is prohibited.

309 - Fund-Raising Activities

The Vice President for College Advancement is responsible for coordinating all solicitations and voluntary gift support for the College in all its programs. All such activity must be coordinated through the Advancement Office. All gifts (cash, securities, and in-kind) must be reported to the Business Office through the Advancement Office so that donors may be given proper receipts. In order to implement this policy, please observe the following guidelines:

- The Vice President for College Advancement must give pre-approval for any grant-seeking activity.
- Pre-approval must also be given for any personal solicitations or direct mail solicitation for any College-approved program or activity.
- All outright or in-kind gifts must be reported to the Vice President for College Advancement.

310 - Outside Employment/Secondary Appointments

Judgment should be exercised as to the nature of any outside job and the individual's ability to adequately fulfill the requirement of two positions. Full-time employees are expected to consider their College employment to be their primary employment. Employees who regularly work a second position must notify their supervisor of that fact in writing. Conflicts of interest must be avoided in all cases.

Employees may accept teaching or other secondary assignments within the College (but not within the normal purview of their primary assignment) and will be paid at the appropriate rate if approval is given by the supervisor and the President and the work is not performed during the regular workday (**staff**), or outside the base contract (**administrative**).

311 - Dress Code/Workplace Decor

Every employee contributes to the College image. Normally, employees have the right to select personal dress and workplace décor. The overall image is expected to be professional and appropriate for a particular function. The College reserves the right to restrict dress or workplace décor for legitimate reasons relating to good taste, safety, hygiene or environmental conditions.

All full-time employees are encouraged to attend baccalaureate, commencement and opening convocation during first-year student orientation. Academic caps and gowns are required for those who

participate in these events, including convocation. Employees may buy or rent regalia at their own expense by contacting the Bookstore.

312 - Misuse of Employment Status/Conflict of Interest

Employees should not use the College's name or his/her employment status in any way to legitimize an opinion about the merit of a business undertaking, the value of any invention, the sponsorship of an organization, the support of a political candidate, any commercial venture or enterprise, or any endeavor that could bring discredit to the College.

Conflict of interest arises when an employee is unable to exercise independence of judgment because of tension between responsibility to the College and responsibility to oneself or another. In small institutions like Wilmington College, where individuals are often asked to play a variety of roles, conflict of interest problems have a tendency to arise more frequently than in larger settings where responsibilities can be divided among a larger number of persons.

When a conflict of interest is perceived, one should make a full disclosure of the underlying facts to all affected persons and proceed to act only after their consent is obtained. In instances where one's duties or roles within the institution are themselves in conflict, the only ethical course of conduct is to withdraw from making a decision and to seek the appointment of a disinterested individual to fulfill one or both functions.

313 - Sexual Harassment Policy and Complaint Procedures (See also Appendix I)

As an institution of higher education affiliated with the Religious Society of Friends, Wilmington College seeks to provide an academic and co-curricular environment based on mutual respect, individual dignity, and equality. Consistent with these principles, the College regards the intimidation, harassment, or abuse of any member of the campus community on the basis of gender or sexual orientation as an inappropriate use of power that violates its fundamental values.

The College prohibits any acts of sexual intimidation, harassment, or abuse. Such acts also may constitute a violation of federal and state law.

Sexual harassment is defined as an unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature under any of the following circumstances:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in any program or activity, or status in any program or activity, or status in an academic class;
- Submission or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting him or her; or
- Such conduct has the effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive environment for working, learning, or living on campus, and has no legitimate relationship to the subject matter of a course.
- Sexual harassment undermines the employment relationship by creating an intimidating, hostile or offensive environment and can occur between any individuals associated with the College. For example, it may arise between an employee and a supervisor, between coworkers, between

faculty members, or between a faculty member, staff or a student and a customer, vendor, or contractor. It likewise may occur between a student and a faculty member or another student. Harassment engaged in by anyone, whether at a College-sponsored activity or work-related commitment (on or off campus) is a prohibited violation of Wilmington College policy.

Examples of Sexual Harassment

Sexual harassment involves unwanted sexual attention that may be verbal, visual, or physical in nature. Prohibited conduct includes, but is not limited to:

- Physical Assault
- Direct or implied threats that submission to or rejection of sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- A pattern of conduct that causes discomfort or embarrassment including:
- inappropriate comments of a sexual nature;
- sexually explicit questions, jokes, or anecdotes;
- touching, patting, hugging, brushing against a person's body, or repeated or unwanted staring;
- or
- inappropriate remarks about sexual activity, experience, or orientation; and /or
- display of inappropriate sexually explicit materials in a location where others can see them.

An offender may be unaware that his/her conduct is objectionable or harassing to others. In those cases, individuals who believe they have been subjected to harassment from any other person should make it clear to the offender that a behavior is offensive to them. When deemed necessary, they should bring the matter to the attention of the appropriate person as set forth below.

In fulfilling their obligation to maintain a positive and productive work environment, supervisors are also expected to report any harassment of which they become aware to the Director of Human Resources, who serves as the College's Director of Human Resources. S/he is responsible for ensuring that all complaints alleging sexual harassment are investigated and that appropriate records of all reports are kept.

Reporting Incidents of Sexual Harassment

Individuals who feel that they have been sexually harassed are strongly encouraged to contact the Director of Human Resources. Supervisors are required to relay any reports they receive to the Director of Human Resources. If a complainant decides to file a formal grievance, the procedures outlined below will be followed. If a complainant elects not to file a formal grievance, the Director of Human Resources may determine what action, if any is warranted under the circumstances. Appropriate actions may include, but are not limited to, informal meetings with the accused harasser to discuss the allegations, meetings with the accused harasser's supervisor, further investigation and/or appropriate discipline, up to and including dismissal, where warranted.

The Wilmington College Sexual Harassment Policy applies to all faculty, staff, students, or guests of the College. The Office of Human Resources is responsible for the administration of this policy and its attendant procedures. All members of the campus community, including those in administrative, faculty, secretarial, coaching, or student roles are responsible for its implementation.

Any complaint of sexual harassment that comes to the attention of a supervisor or College administrator must be dealt with whether or not a written complaint is filed. Investigation with due consideration to

privacy concerns, followed by any appropriate disciplinary measures, must be performed and documented in consultation with the Director of Human Resources. Discipline may range from private reprimand to a recommendation for dismissal.

Sexual Harassment Complaint Procedures

Individuals who feel that they have been sexually harassed are encouraged to discuss the incident(s) with their immediate supervisor or the Director of Human Resources. This discussion should assist in determining the validity and extent of the problem. If there is a basis for a charge, the complainant prepares a written complaint of the incident, providing a detailed statement of the events of harassment, including dates, places, the identity of the alleged harasser, and the names of any witnesses. S/he submits the complaint to the Director of Human Resources. Any member of the campus community may assist the complainant in preparing the complaint. The complaint should be submitted as soon as practical after the incident giving rise to the complaint.

Following submission of the complaint, the Director of Human Resources notifies the complainant and contacts the accused individual requesting a written response to the complaint. The response shall be returned to the Director of Human Resources within ten (10) working days.

Following a review of both reports, and other investigatory steps if necessary, the Director of Human Resources determines if there is probable cause for proceeding with the investigation. If the Director of Human Resources decides that there are no reasonable grounds for a sexual harassment complaint, the proceedings are concluded. The complainant may contest the decision that the Complaint does not constitute sexual harassment by submitting a written appeal to the President within five (5) working days of the issuance of the judgment. The President may uphold the decision or request further investigation. If the Director of Human Resources decides that the Complaint does constitute sexual harassment a course of discipline is implemented. The Director of Human Resources shall inform all parties of his or her decision.

Discipline

If it is determined that sexual harassment has occurred, discipline will be issued to insure that it stops immediately. Based on the severity of the offense, appropriate discipline may include a verbal reprimand, written reprimand, suspension without pay, or termination of employment from the College. With prior notice to the harasser, a record of the discipline will become a permanent part of his or her personnel records. The complainant will be informed that discipline has been issued to the offender.

Appeals

Either party may appeal the decision or any imposed discipline to the President within five (5) working days after receiving notification of the decision or disciplinary action. The President makes the final decision within ten (10) working days. In the event the President is a direct party to the proceedings, the Executive Committee of the Board of Trustees shall hold fact-finding hearings and issue the final decision. The decision of the President, or in appropriate instances, the Executive Committee of the Board of Trustees is final, and no further review may take place.

Retaliation, Confidentiality, and False Allegations

Wilmington College, the State of Ohio, and the federal government prohibit any act of reprisal against any individual covered by this policy that reports sexual harassment to appropriate authorities. The College will make every reasonable effort to conduct all proceedings so as to protect the confidentiality of all parties and maintain their personal safety, dignity, and self-respect. Every reasonable effort will be made to safeguard any victim from further harassment or injury. It is a violation of this policy for any member of the campus community to knowingly make false accusations of sexual harassment.

However, the mere fact that one fails to prove a claim of sexual harassment does not in itself constitute a deliberately false accusation. Discipline may be imposed for knowingly making a false accusation of sexual harassment.

Consensual Sexual Relationships

Wilmington College cautions faculty, administrators, and other staff members about the possible ramifications of consensual physical relationships between faculty or administrators and students, or between supervisors and employees. Persons in positions of trust exercise power in assigning grades, according praise or blame, or in making recommendations, and under these circumstances, another's freedom of choice and clarity of decision-making may be compromised. Any employee who enters into what appears to be a consensual sexual relationship with a subordinate or a student when a power differential exists is advised that the asymmetrical nature of the relationship will make it difficult to prove mutual consent in subsequent judicial proceedings.

400 – Compensation

401 – Wage and Salary Administration

Each position at the College is defined as exempt or nonexempt based on the duties and responsibilities of that position as stated in the Fair Labor Standards Act (FLSA). Each position is classified and is assigned a specific pay range by Human Resources. Human Resources reviews specific positions to ensure that positions are correctly classified and that job descriptions reflect any changes in the duties and responsibilities of the position. The FLSA also requires that employers pay employees a minimum wage for each hour worked and must pay nonexempt employees overtime pay at the rate of one and one-half times the employee's regular rate for each hour worked over forty in a work week.

The purpose of the salary administration/job evaluation program is to provide an objective system that can be used to relate the salaries of our regular employees to the organizational value of each position. The objectives of the program are as follows:

- Define clearly the responsibilities and requirements of each position through written position descriptions.
- Determine the value of each position to the College in the external labor market
- Develop a structure for wages that promotes internal equity among positions.
- Compensate employees on an equitable basis without regard to their race, color, religion, sex, national origin, age, or non-performance related disability.
- Promote and maintain effective communications throughout the College with regard to salary administration and position evaluation.

The policy of the College is to attempt to maintain pay rates that are competitive in the appropriate local and national markets, taking into consideration the College's fiscal position and its geographic location.

402 – Employee Pay

Support Staff employees are paid on a bi-weekly basis. They receive payment every other Friday for their services during the two week work period ending on the preceding Sunday. Administrative and

faculty employees are paid monthly, on the 27th of each month for the current month. In the event the 27th falls on a Saturday, Sunday, or holiday, , payment is made on the preceding workday.

The College requires direct deposit service for all employees. Paystubs are available online via the College's HR/Payroll HRIS system through employee self-service.

Wilmington College endeavors to provide accurate pay and deductions. If you believe an error has been made or if you have any questions or problems regarding your paycheck please contact Human Resources immediately, College Hall, Room 306, (ext. 248).

403 - Payroll Reporting

Every Support Staff employee is required to record his or her time worked *each day* on the biweekly time report. Failure to make an accurate record may subject the employee to discipline up to and including discharge. Employees scheduled to work on holidays will receive holiday pay for that day in addition to pay for hours actually worked on that day.

A biweekly timesheet or other time recording device is provided for all Support Staff employees. The number of *hours actually worked each day* and, for those eligible for paid leave, paid leave taken during the two-week time period between Monday and midnight Sunday must be accurately reported on a daily basis. It is important that all time reports are submitted to Payroll in a timely manner for pay processing *after the supervisor gives approval*.

404 - Overtime Pay

All Support Staff employees must report hours worked and are eligible for overtime pay for hours *worked* over 40 in a work week. Vacation, sick and discretionary hours are not used to compute hours worked for overtime purposes. As a general policy, it is expected that an employee's work assignments should be accomplished within the basic schedule of the workweek. Emergencies or unforeseen circumstances may create a need for an employee to work additional hours. The area supervisor must authorize overtime work. Overtime is not permitted on a voluntary basis.

Support Staff employees requested to work hours beyond their regular schedule will be given overtime pay at time and a half for *hours over 40 actually worked in any one-week period*. (Except for student workers, the normal College work week begins on Monday and ends at midnight the following Sunday.)

Each workweek is considered separately in computing overtime. The College pays overtime in accordance with FLSA and other applicable laws.

Administrative positions are EXEMPT from the Fair Labor Standards Act (FLSA) and therefore administrative staff employees are not required to complete timesheets and are not eligible for overtime pay or compensatory time for service rendered in excess of the "normal" work week. This exemption is determined on the basis of job duties, job responsibilities, and salary.

405 - Payroll Deductions

The following is a list of deductions that either must or may be taken through the payroll process.

Taxes

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- F.I.C.A. (Social Security/Medicare) - The College makes payroll deductions as required by law. The College, as an employer, is required to match employee contributions and to forward the combined amount to the appropriate governmental agency in the employee's name.
- Federal Income Tax is deducted on a regular basis. The amount withheld and forwarded to the Internal Revenue Service is based on the number of exemptions a staff member claimed on the withholding exemption certificate filed at the time of employment or as changed by the staff member subsequent to employment. The rate of withholding is determined from tables published by the Internal Revenue Service and is based on the gross amount of payment due to an employee on a specific pay date.
- State Withholding Tax is deducted in accordance with the taxing rate established by the state in which the employee works. A separate withholding exemption certificate must be placed on file through the Human Resources office.
- City of Wilmington Income Tax is automatically deducted from payroll checks received by employees assigned to the main campus. Blue Ash and Cincinnati local tax is deducted from employees assigned to those offices respectively. No additional local city tax deductions are taken.
- School District Tax is deducted from payroll checks of employees who reside in school districts that have passed School District Income Tax (SDIT).
- Tax on College Provided Life Insurance - Employer paid life insurance over \$50,000 is considered by the IRS as a taxable benefit. The IRS provides a table based on age, to dictate the cost per \$1,000 of coverage per month, regardless of the actual premium amount the College pays for the insurance benefit. The College is required to report this cost as income to the employee and withhold the appropriate taxes.

Other Deductions

- Salary Advances
- Health care, dental and vision insurance (if enrolled)
- Retirement – TIAA Group Retirement Plan
- College Annual Support - Employees have an opportunity through payroll deduction to contribute to the various fundraising drives sponsored by the College for its continued development.
- Long and Short Term Disability Insurance
- Flexible Spending Accounts - Dependent care and medical.
- Health Savings Account
- Supplemental Life Insurance (Self, Dependents)
- Garnishments (Tax Liens, Child Support) as required by law

500 – Employee Benefits

Wilmington College recognizes that a comprehensive package providing for health and life insurance, disability income protection, retirement savings and other optional benefits is essential to attract and retain employees. Below is a summary of our “menu” of fringe benefits available to full-time active employees. These descriptions are summaries of formal contracts and legal documents and employees must rely on the Plan Documents for the details of the specific policies. An annual Enrollment Period is held each November during which employees may add or change medical/dental coverage effective January 1. The College may change coverage or coverage levels from time to time.

501 - Medical Plans

All full-time benefits eligible employees may enroll in the College's medical plan, however employees may waive enrollment if they are covered under another medical plan.

If elected by the employee, coverage under the medical plan is provided effective the first day of the month following 30 days of employment. The cost for medical coverage is shared by both the College and the Employee, through payroll deduction. Normally, payroll deductions are taken prior to the beginning of the month for each covered month.

Coverage is effective the first day of the month following 30 days of employment or at the beginning of a new plan year (January 1). New employees have 30 days from the time of hire to make application to participate in a medical plan. Coverage ends the end of the month in which employment terminates.

Normally, changes in coverage may only be made during the open enrollment period in November. However, a "qualified life event" (i.e., marriage, divorce, birth, adoption, spouse's loss of benefits), may allow an employee to make changes during a plan year if notified within 30 days of the event. A brief overview of each plan is provided on **WC @ Home**. (See "About Your Medical Plan" file on the Human Resources page.)

502 - Dental and Vision Plans

The College's dental and vision plans are voluntary and the entire premium is paid by the employee through payroll deductions. Coverage is effective the first day of the month following 30 days of employment or at the beginning of the new plan year (January 1). Normally, payroll deductions are taken prior to the beginning of the month of coverage. Coverage ends the end of the month in which employment terminates.

A "qualified life event" must be documented in a timely manner to make changes during a plan year. A brief overview of each plan is provided on **WC @ Home**.

503 - Long- and Short-Term Disability

Long-term and short-term disability is a mandatory fully insured group plan provided to College employees through payroll deduction. The premiums are paid on an after tax basis so the benefit when used will be tax exempt to the employee. Coverage begins the first of the month following 30 days of employment. Coverage ends on the last day of employment.

The short-term disability insurance provides 70% salary protection for up to 12 weeks of disability for each incident of incapacity for medical reasons subject to a 8 day waiting period.

The long term disability plan (LTD) is subject to a "preexisting condition" exclusion period for the first 12 months of employment. The LTD plan provides 60% income protection after 90 days of total disability to a maximum of \$6,500 per month. The policy also pays 10% of indexed earnings into the employee's retirement plan. Once approved for long-term disability insurance payments, a determination will be made as to the individual's continued employment, however, participation in the college's group medical plan is terminated and COBRA for the continuation of medical benefits will be offered.

Pregnancies are covered in the same manner as a disability. Disability information may be found on **WC @ Home** under **Strictly Business, Human Resource**. The College reserves the right to alter disability benefits at any time with or without notice.

504 - Life Insurance/AD&D

Effective with the beginning of the month following hire, the College provides life and AD&D insurance to full-time employees of two times annual earnings, rounded to the next higher \$1,000. (Coverage levels decrease at age 65, 70 and 75.) The College pays the entire premium for group policy, however, amounts in excess of \$50,000 are considered taxable and employees are required to pay taxes on the IRS determined value. Employees approved for long-term disability may apply for waiver of premium for life insurance. Eligible terminating employees may convert coverage to a private policy. Coverage begins the first of the month following 30 days of employment. Coverage ends the last day of employment.

Additional supplemental life insurance and spousal and dependent life insurance is available on a voluntary basis to employees. Depending on amount of coverage elected, employees may be required to complete an "evidence of insurability" form for approval before coverage will become effective.

506 - Flexible Spending Accounts (FSA)

These plans allow an employee to set up spending accounts prior to the start of a particular benefit year (January 1 through December 31) from which they can be reimbursed for qualified, documented expenses during that year, provided the spending account is established during the annual open enrollment period. In compliance with IRS provisions, however, any account balance not used during the Plan Year is forfeited, if the claim is not submitted within three months of the end of the plan year. Only a change in family status permits an employee to change an annual election. Additionally, funds cannot be transferred from one FSA to another during the benefit Plan Year.

Flex Health Care Account

Employees may redirect a portion of their earnings before Federal taxes for reimbursement of eligible medical, dental or vision expenses for themselves and/or their dependents, up to the federally mandated limit.

Flex Dependent Care Account

Employees who have pre-teen children or parents who reside with them who require care while they are at work may redirect up to \$2,500 of their pre-tax dollars (\$5,000 if the employee is single or married and filing a joint income tax return) and receive reimbursement for documented expenses for that care.

509 – Health Savings Account/Health Reimbursement Arrangement

Health Savings Account

A Health Savings Account is an alternative to traditional health insurance; it is a savings product that offers a different way for consumers to pay for their health care. HSAs enable you to pay for current health expenses and save for future qualified medical and retiree health expenses on a tax-free basis. You must be covered by a High Deductible Health Plan (HDHP) to be able to take advantage of HSAs. An HDHP generally costs less than what traditional health care coverage costs, so the money that you save on insurance can therefore be put into the Health Savings Account. You own and you control the money in your HSA. Decisions on how to spend the money are made by you without relying on a third party or a health insurer. You will also decide what types of investments to make with the money in the account in order to make it grow.

Health Reimbursement Arrangement

A Health Reimbursement Arrangement (HRA) is a plan that is funded by a sponsoring employer and that allows reimbursement for eligible medical expenses. You must be covered by a High Deductible Health Plan (HDHP) to be able to take advantage of HRA. An HDHP generally costs less than what traditional health care coverage costs. The HRA is offered to those eligible for Medicare as the option is an HSA is no longer available. As the cost of providing medical insurance benefits continues to rise, employers are attempting to find creative ways to maintain benefit levels while at the same time attempting to contain costs. An HRA is one way to accomplish these two goals.

510 – Retirement Plans

Employees may elect to join The Wilmington College Retirement Plan and contribute tax-deferred income to the plan. After one year of working at least 1,000 hours during the year (as defined in the plan document), the employee is eligible for College contributions. The employee who wants to establish an account and/or apply for those matching funds at that time should contact the Human Resources Office.

If the eligible employee agrees to contribute at least 5% to The Wilmington College Retirement Plan, the College matches that amount with a 7% contribution for eligible employees. (If the new employee has an active contract in force with TIAA at the time of hire, it is possible that matching funds can begin immediately.) The College's contribution is based on regular pay and does not include overtime or bonus pay. The College retains the right to change this benefit, including the percentage of contribution, at any time without notice.

After three years, participation in this retirement plan is mandatory. Upon approaching the third anniversary, the employee must contact the Human Resources Office if a TIAA account has not yet been established.

Further information can be obtained from the Human Resources Office in 306 College Hall.

511 – Education Benefits

The College wants employees and their dependents to have an opportunity to complete an undergraduate college education. To that end, the College supports three tuition benefit programs: Tuition remission, Transcribed courses and Enrichment courses. Tuition remission and tuition grants are designed to “bridge the gap” between resources available to the employee and the cost of a college degree. Therefore, both programs operate on the assumption that the employee will use all other assistance available first, applying Wilmington College assistance to the remaining tuition.

General Notes:

- Full-time employees will be eligible for the tuition remission in the first full semester following one year of employment. Part-time employees will be eligible for the tuition remission the first full semester following five (5) years of employment on a pro rata basis.
- An employee or dependent enrolled in any Wilmington College course is subject to the course and College minimum enrollment requirements.
- An employee or dependent must be in “good academic standing” as defined by the institution attended to qualify for remission or grants.
- When an employee resigns or is discharged, all tuition benefits cease at the time of termination and current tuition costs will be pro-rated accordingly.
- Death or disability of an employee will not terminate an existing tuition benefit. The children and spouse will continue to benefit from the policy in force at the time of death or disability whether or not receiving benefits at the time of death or disability.
- The College retains the right to alter any of the tuition benefits programs without notice.
- Graduate level work is available for full time employees and their spouses only through the CIC-TEP.
- Summer school enrollment is available on a space available basis.
- Tuition remission will be reduced if the eligible student (employee or family member) also receives aid from any source that is restricted to the payment of tuition or if the total aid package exceeds direct cost. Ohio grants and scholarships may be applied to tuition, but not to room and board. Those who live on campus who are eligible for a Pell Grant, College scholarships, or other aid that is not restricted to the payment of tuition will not have the tuition remission reduced unless the total aid exceeds direct costs.
- Applicants for tuition remission must file the FAFSA annually. The FAFSA is available online at [www. Fafsa.gov](http://www.Fafsa.gov).
- Employees or dependents enrolled for 9 or more hours will be required to pay the student activity fee and technology fee.

Tuition Remission (Applies Only to Undergraduate Courses Taken at Wilmington College)

Full-time employees, and their FAFSA eligible dependents aged 23 or under and the employee’s spouse may enroll in Wilmington College classes and receive tuition remission subject to the following conditions (No books, fees, or housing expenses are covered). Full-time employees receive 100% tuition remission the first full semester following one (1) year of employment.

Part-time employees, and their FAFSA eligible dependents aged 23 or under and the employee’s spouse may enroll in Wilmington College classes and receive tuition remission subject to the following conditions (No books, fees, or housing expenses are covered). Part-time employees are eligible for a tuition remission benefit after 5 years of service with the College. The benefit is prorated for each 5 years of service. Once a part-time employee has 5 years of service the employee is eligible for 25%

tuition remission, after 10 years the employee is eligible for 50% remission, after 15 years 75% remission, and after 20 years a full 100% remission. Eligible part-time employees must be actively employed during the semester in which the tuition remission benefit is used.

- An “Eligible Dependent” is a dependent child that enrolls in a degree program prior to their 24th birthday and must complete the Wilmington College degree program within six (6) years of enrollment.

The intent of the employee or dependent determines the conditions that are followed. Courses may be taken to earn a degree, transfer to another institution, or be recorded to document the experience (transcribed courses). Courses may also be taken for enrichment only. In this case the College will record no grade or credit for the courses.

Transcribed Courses

Employees are eligible after one 1 year of employment and must be in good performance standing (not under a Performance Improvement Plan).

- Employee must have their supervisor’s permission to attend a course during working hours.
- Only one course may be taken during an employee’s normal working hours per semester. Time missed from work must be made up.
- Eligibility for taking courses must be verified by the Human Resources Office each semester. The verification form will require a work make up plan for employee’s that must be approved by the supervisor and the supervisor’s appropriate President’s Council Member in addition to the Human Resources Officer prior to registration. It is the employee’s responsibility to file the proper paper work in a timely fashion to receive tuition remission.
- Employee or family member must apply for admission to Wilmington College and become matriculated through the normal admissions and registration procedures. Employee may use
 - Catalog provisions for Special Students prior to actual acceptance, however, catalog limits do
 - apply.
 - There is a lifetime limit of 130 semester hours after which only enrichment courses will be
 - allowed (or enough courses to complete one degree with a maximum of two academic majors).
 - Exceptions to this must be appealed to the Office of Academic Affairs and the employee’s
 - appropriate President’s Council Member.

Employee or family member may also take enrichment course under the provisions outlined in the next section.

Enrichment Courses

Courses taken under these policies will not be transcribed. The Human Resources Office will record use of the benefit.

- Employees are eligible after 6 months of employment and must be in good performance standing (not under a Performance Improvement Plan).
- Courses can be taken on a space available basis only.
- Employee must have their supervisor’s permission to attend a course during working hours. Only one course per semester may be taken during an employee’s normal working hours. Time missed from work must be made up.

- Eligibility for taking courses must be verified by the Human Resources Office each semester. The verification form will require a work make up plan for employee's that must be approved by the supervisor and the supervisor's appropriate President's Council Member in addition to the Human Resources Officer prior to registration. It is the employee's responsibility to file the proper paper work in a timely fashion to receive tuition remission.
- Registration for the courses will take place no sooner than one week prior to the start of classes.
- Employee and family members must have the instructor's permission to take the course. However, faculty members may not deny permission for reasons other than space limitations in the class. Employee must enroll for the class at the Records Office after verification of employment by the Human Resources Office.
- In order to record participation, allow all students to have e-mail accounts, place all students in WebCT rosters, etc., family members selecting the enrichment course option will need to be given an ID (CARS) number by the College.

There is no lifetime limitation on enrichment courses.

Tuition Exchange

Tuition Exchange Program (tuitionexchange.org)--This is a scholarship program that is available to eligible dependent children of eligible full-time faculty and staff. In order to receive a scholarship, the dependent child must be officially admitted by the gaining institution and be formally accepted into the Tuition Exchange Program (TEP). There are no guarantees that either will occur. An application for the program should be submitted to the Wilmington College Financial Aid Office by the June 30 following the student's completion of eleventh grade. Subject to the availability of openings at the importing institution, an educational grant for a period necessary to complete one baccalaureate degree, not to exceed a maximum of eight semesters or twelve quarters, may be granted for each eligible dependent child.

Our college must maintain "good standing" status with Tuition Exchange, Inc. in order to export students to other institutions. While the College will attempt to manage the TEP so that any eligible dependent child who wants to apply for Tuition Exchange can do so, it cannot guarantee participation because the College has no control over the number of students who wish to attend under the TEP from other institutions. Therefore, there may be years when no or limited numbers of students will be certified to apply to the Tuition Exchange Program. In such cases, if more students apply for the TEP by June 30 than the College is allowed to export, seniority will be used in determining the eligibility of dependent children who will be certified for participation.

The eligible dependent children of full-time faculty and staff who have been employed full-time for at least *three years* are eligible to apply for the TEP. (The three-year requirement must be met prior to the start of the college term for which the scholarship is to be considered.) An employee *may not have more than one eligible dependent child* participating in the TEP at any point in time. The eligible dependent child must be the biological, adopted or legal stepchild of the faculty or staff member. The eligible dependent child must be and remain a dependent as defined by the IRS, must be enrolled in a regionally accredited college within 24 months of high school graduation or within 24 months after completion of military service, must attend college full-time as defined by the college selected, and must remain in good

academic standing. Children who have an earned baccalaureate from another institution are not eligible for the TEP program. TE awards are based on class levels with an eight-semester maximum for entering undergraduate freshmen. Sophomores would be awarded six semesters and juniors would be awarded four semesters to complete degrees OR graduation, whichever is first. Schools offering graduate TE scholarship opportunities, generally offer the student a total of four semesters of eligibility.

A dependent interested in the TEP needs to begin the application process approximately 15 months prior to the start of the freshman year in college (apply before June 30). Application materials can be obtained from the Financial Aid Office. Acceptance in TEP is not guaranteed, and it is up to the gaining institution to determine if a child is accepted and annually re-certified for a TEP scholarship.

CIC Tuition Exchange Program

CIC-TEP is a network of CIC member colleges and universities willing to accept, tuition-free students from families of full-time employees of other participating institutions.

Each participating institution agrees to accept (import) annually at least three new students from other participating institutions. There are no limitations on the total number of exports. Each participating institution sets its own criteria for selecting applicants into the program. This approach is both nondiscriminatory and in full compliance with IRS regulations.

All full-time employees of a CIC-TEP participating institution are eligible with their spouses and dependents. **Graduate study is limited to employees and spouses.** Student applicants must be admissible at the host/importing institution with regular institutional admission standards and must comply with all of the host/importing institution's financial aid policies and procedures. Students must maintain good overall academic and social standing and satisfactory academic progress.

Students are responsible for all non-tuition charges-including room, board, and fees-at the host/importing institution.

516 – Other Benefits

Admission to College Activities

Support staff and administrators are encouraged to participate in other College activities including concerts, plays and other special activities. Admission to regularly scheduled home games is available to employees/dependents at no cost. During the school year, theater admission for college productions is also provided to employees, with 50% discounts for their spouses.

Participation in Courses and Seminars

Employees are encouraged to engage in seminars and courses that are job related. The College will pay for these seminars and courses if approved. A Tuition Form can be obtained from the Human Resources Office for Wilmington College classes. An employee who would like to participate in a job-related

seminar or training opportunity must seek approval and, if necessary, budget appropriations from his/her supervisor. Employees, who's job requires re-certification, special license or training, will be reimbursed for that expense by the College, only with prior approval from their supervisor and the VP of Business and Finance.

Housing

College-owned housing for employees is very limited, but occasionally a unit may become available for rental by an employee. However, it is recommended that staff members make every effort to secure their own housing as soon as circumstances permit. If the rent charged to employees is lower than "fair market value," the difference will result in a tax liability for the employee. Further information as to the present status of rental property may be secured in the Business Office.

Worker's Compensation

In accordance with the law, all Wilmington College employees are covered by Worker's Compensation. Should an employee be injured while on the job, the employee should notify the supervisor immediately. Any medical attention received, either from the hospital or from the employee's physician, will be submitted for payment to the Ohio Bureau of Worker's Compensation. The employee must notify medical providers that bills should be submitted to the College's Human Resources Office.

Compensation for time off will be in accordance with the regulations established by the Bureau of Worker's Compensation.

All accidents must be reported to the Human Resources Office within 24 hours and an accident report form completed for proper documentation.

COBRA Continuation of Benefits

If you are an employee of the College covered by a group medical and/or dental plan, you have a right to choose to continue this coverage for yourself and/or your dependents at your own expense (plus a 2% administration fee) for up to 18 months if you lose coverage because of a reduction in your hours of employment, your resignation, layoff, the termination of your employment (for reasons other than gross misconduct), or if you begin long term disability. If COBRA continuation is desired, the COBRA election form must be signed and returned and payment must be made on or before the first of the month for each month's coverage.

Your spouse and eligible dependents can continue coverage for up to 36 months in the event of your death, divorce or legal separation or your becoming entitled to Medicare. In addition, if your dependent ceases to be a "dependent child," coverage can be extended for up to 36 months. Special provisions and limitations may apply. Full information was provided to eligible employees in the orientation packet at the time of employment.

The employee or family member has the responsibility to inform Human Resources of a divorce, legal separation, or a child losing dependent status under a health plan within 60 days of the event.

Dining Services/Bookstore

Employees are encouraged to make use of student dining services. The vendor often provides lunches at reduced rates to employees.

The Bookstore also provides discounts to employees on office supplies. Supplies purchased for personal use are sold at a discount of ten percent (10%) and supplies for office use are sold at a discount of 20 percent (20%). Employees do not receive a discount on textbooks.

600 – Time Away from Work

The following types of leave apply to support staff and administrators as noted. The College reserves the right to amend any of these policies without notice.

601 - Vacation

Vacation time is intended to provide a time to rest and relax during the course of a year's work. Whenever possible, the College will grant vacation at the convenience of an employee. Departmental needs must be met, however, and vacation should not be planned nor taken without prior request and approval. This describes the procedures for vacation accrual and usage by full-time and part-time, twelve-month employees who normally work 40 and 30 hours per week. Employees with less than 12 month contracts are not eligible for vacation. (Employees with the vacation accrual benefit hired before July 1, 1999 will retain their rights to vacation accrual even if they are not twelve-month, full-time employees.)

Administrative Staff Leave Accrual

Administrative staff employees hired to a full-time, 12-month position are eligible for annual vacation accrual of 20 days as of the beginning of each fiscal year (July 1 – June 30). New hire vacation accrual will be prorated based on date of hire to the end of the fiscal year.

Vacation will be allotted at the date of hire for new hires or at the beginning of each fiscal year based on the annualized accrual rate.

Vacation eligibility for part time employees will be limited to those employees working 30 hours per week, 12-month schedule. Annual vacation accrual will be 15 days as of the beginning of each fiscal year. New hire vacation accrual will be prorated based on the date of hire to the end of the fiscal year.

Administrative staff employees (full or part time) hired to less than a 12-month position are not eligible for vacation.

Vacation will be allotted at the date of hire for new hires or at the beginning of each fiscal year based on the annualized accrual rate.

Support Staff Leave Accrual

Support staff hired to a full-time, 12-month position are eligible for annual vacation accrual on the basis of years of service achieved as of the beginning of each fiscal year (July 1 – June 30). Accrual is awarded for the month of hire if the start date was on or before the 15th of the month. New hire vacation accrual will be prorated based on date of hire to the end of the fiscal year. Annual vacation accrual is as follows:

Less than 5 Years of Service	10 days
5 Years of Service	15 Days
10 Years of Service	20 Days

Vacation will be allotted at the date of hire for new hires or at the beginning of each fiscal year based on the annualized accrual rate. Support staff new hires may not utilize vacation until completion of 90 days of employment.

Vacation eligibility for part time employees will be limited to those employees working 30 hours per week, 12-month schedule. Annual vacation accrual is as follows:

Less than 5 Years of Service	7.5 days
5 Years of Service	11 Days
10 Years of Service	15 Days

Vacation Usage

All employees must submit a Vacation Request to their supervisor for approval. Any employee who changes his/her vacation plans should submit a revised Vacation Request. If a College holiday falls in the time period the employee is on vacation, that day will not be counted as vacation usage.

Administrative and Support staff employees are allowed to take vacation in increments of 1 hour.

Vacation leave may not be accumulated beyond the end of the fiscal year unless permission for carry over is granted. Requests for carry-over must be in writing and approved by the supervisor and the Director of Human Resources. No more than 80 hours of vacation may be carried over. These requests must be completed by July 1 of each year. All vacation carried over from the previous fiscal year must be taken by December 31 or the time will be forfeited.

Vacation Payout at Termination

Any employee who voluntarily resigns or retires from the College who has been employed by the College for a period of more than one year will be paid at the employee's current rate of pay for accrued but unused vacation leave based on months actually worked in the current fiscal year. Any employee whose employment is terminated due to position elimination, disability or death will be eligible for all unused vacation for that fiscal year. Employees that are terminated for cause (e.g. disciplinary or performance issues) will not be eligible for vacation payout. Vacation rollover amounts are not eligible for payout at termination.

Vacation Buy Option

Employees will be allowed to buy additional vacation days either upon hire or annually in July and January. Purchase of vacation days must be approved by the supervisor and Director of Human Resources. Vacation days may be purchased in full days only. The maximum annual vacation buy is 5

days. Cost for each day of vacation will be based on the employee's annualized base salary divided by annual regular hours worked then multiplied by regular daily hours. Example of regular full time employee: \$25,000 annual salary /2080/annual hours = \$12.02 X 8 hours = \$96.16 per day. Payment of additional vacation days will be made by payroll deduction and must be paid over a period of two month maximum. Purchased vacation days are utilized before regular accrued vacation.

602 – Medical/Illness Absences

Twelve-month, full-time Administrative and Support Staff employees earn paid sick leave based on an annual allotment of 12 days. Full-time administrative and support staff employed on a basis of less than 12 months are allotted paid sick leave on a pro-rated basis. Absences of 3 consecutive days or more will require a doctors certification.

New regular administrative and support staff are allotted paid sick leave from the date of hire (on a pro rata basis from hire date until the end of the fiscal year). Sick leave does not accumulate from one year to the next. Unused sick leave is not paid off when College employment ends. Sick leave time is to be used for the employee's illnesses only, not the illness of a child, spouse, or any other person.

Whenever it becomes evident that an illness or disability will exceed 3 concurrent days, provisions of the Family and Medical Leave Act (FMLA) may be applied. If the illness or disability exceeds 7 concurrent days, short term disability may be applied. A medical leave longer than 90 days may be eligible for long-term disability.

Absence due to illness on a recognized College holiday will be paid and not counted as sick leave (with the exception of if the employee is on short or long term disability, then no holiday pay will be paid); likewise, illness during a previously approved vacation period or discretionary day is not counted as sick leave unless a doctor's statement is provided with a revised leave report form. Eligibility of all leave will continue while on a paid leave due to illness or injury. If an employee becomes ill while serving as a juror and is excused by the court, the illness can be paid as sick leave.

Misuse of sick leave will result in loss of pay for the period of time involved and be subject to further discipline up to and including dismissal.

603 – Family and Medical Leave (FMLA)

Under the Family and Medical Leave Act (FMLA), a qualified employee must be granted up to 12 weeks of leave in a 12-month period* for absences due to (1) the birth or adoption of a child by the employee, (2) any documented serious health condition of the employee, (3) a documented serious health condition of a spouse, son, daughter, or parent of the employee, (4) a qualifying exigency arising out of the fact that your spouse; son or daughter; or parent is on covered active duty or call to covered active duty status with the Armed Forces or (5) you are the spouse; son or daughter; parent; or next of kin of a covered service member with a serious injury or illness. The employee may apply available vacation towards this leave, but the remaining time will be unpaid unless, in the case of childbirth or personal illness, the employee qualifies for short-term disability.

*The 12-month period begins based on the beginning of the first FMLA leave requested by an employee and is defined for each employee.

A “qualified” employee is defined by law as one who has been employed for at least twelve months (not necessarily consecutive months) and have worked at least 1,250 hours during the previous twelve-month period. An employee must also be at a work site where the employer has at least 50 employees no more than 75 miles from the site.

A “serious health condition” is defined as (1) an illness, injury, impairment or physical or mental condition that involves a period of incapacity or treatment following in-patient care in a hospital, hospice or medical care facility, (2) a period of incapacity requiring an absence or more than three days, or (3) continuing treatment by or under supervision of a health care provided for a chronic or long-term condition or disability that is incurable.

For birth, adoption or foster care placement, the leave must be taken all at one time. For other covered reasons, the leave may be taken consecutively, intermittently, or on a reduced schedule. However, if the leave is based on planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the College. (Under the law, classroom instructors may not be able to take intermittent or reduced-schedule leave if it takes them out of the classroom for more than 20% of the time and is deemed to be too disruptive to students. In addition, they may not be permitted to return from leave near the end of a school term.)

Again, qualification for leave under FMLA does not result automatically in paid leave. However, benefits will be maintained, with the employee paying the same share as is normal. (For a long period of unpaid leave, this may not be the case.)

Unless designated as a “key employee as defined by the Family Medical Leave Act” an employee taking leave under FMLA will be returned to the employee’s same (or equivalent) position unless the employee would have been terminated in the absence of any leave. A doctor’s release is required for employees on FMLA leave for their personal illness. Failure to return at the end of the approved leave period shall be treated as a voluntary termination by the employee.

604 – Discretionary/Personal Time

Discretionary time is defined as authorized paid absence to attend to personal matters such as appointments with doctors, dentists, attorneys or non-work related court appearances. This time may be used for the illness of a child or spouse or for any purpose deemed by the employee's supervisor and the Director of Human Resources to be appropriate. Its use must be approved in advance, and it may not be used as additional vacation time or to compensate for the employee's lack of punctuality.

Each full-time Support Staff 12-month employee is eligible to receive up to three paid discretionary days (24 hours) per fiscal year. New employees hired during the year will receive discretionary time on a pro-rated basis. Full-time support staff employed on the basis of less than 12 months per year will be allotted discretionary time on a pro-rated basis.

Discretionary leave cannot be used until completion of 90 days of employment, but it will be allotted from the date of hire. Employees will not be paid for unused discretionary leave upon discharge or resignation.

605 – Bereavement

An employee is entitled to reasonable time off with pay, not to exceed three working days, to attend or make funeral arrangements for members of the immediate family. This includes parent, brother, sister, spouse, child, mother- or father-in-law and legal guardians or wards.

Up to one day with pay for funeral attendance will be granted for the death of a grandchild, grandparent, brother- or sister-in-law, or daughter- or son-in-law.

In situations requiring extensive travel time, an additional day may be granted.

Time off without pay or discretionary leave (up to one day) may be allowed, with the approval of the department head, to attend the funeral service of a close friend or associate.

606 – Active Duty Military

Military leaves will be granted in accordance with the law. Under the Uniformed Services Employment and Reemployment Rights Act, an employee may request leave for required or voluntary military service and/or training. Reasonable written notice is required prior to departing for duty. The supervisor can request that the employee provide written orders. The service/training cannot exceed a five-year cumulative cap. Such leave is unpaid unless the employee chooses to make use of available vacation accrual. (See Section 603 for information and benefits.)

Seniority (and any related benefits) returns to the status prior to commencement of the leave upon return from military leave.

607 – Jury Duty

Time off will be granted for jury duty for any full-time or regular part-time employee. The employee will receive their full regular pay while on jury duty. If payment is received for jury duty time, the employee should sign over the payment to the College.

Upon notification of jury duty, an employee should immediately inform the supervisor.

608 – Parental Leave

In order to assist and support new parent relationships and to assist with balancing work and family matters, Wilmington College provides Paid Parental Leave to eligible full time faculty and staff as follows.

Paid Parental Leave is defined as leave for the birth of a child to an eligible employee (biological parent) or the placement of a child with an eligible employee for adoption (each of which is a qualifying event) and excludes other types of leave. Although the birthing and non-birthing parent are both eligible for Paid Parental Leave, if both parents are employees of Wilmington College, the paid leave must be shared between them.

Paid Parental Leave must be taken within one year of the qualified event and may not be taken intermittently. However, Paid Parental Leave may be granted prior to an adoption when deemed necessary to fulfill legal requirements.

Paid Parental Leave will run concurrently with Family and Medical Leave (FMLA) but will be a supplement to Short Term Disability benefits when applicable.

Employees on Paid Parental Leave will maintain all benefits and deductions for required taxes and benefit premiums will be taken.

Faculty

Full-time faculty members are eligible for 10 weeks of paid parental leave at 100% of their base compensation in a semester in the 12 months following the birth or adoption. For the birthing parent, it will be combined with and in addition to short-term disability; however, the combined short-term disability and paid leave benefits may not exceed 16 weeks. If short-term disability benefits exceed 6 weeks, the 10 weeks of paid leave will be correspondingly reduced to limit the total leave to 16 weeks.

Coordination with the VPAA will be required in scheduling Paid Parental Leave and will address specific circumstances for a faculty member's return to work. It will be understood that, if a return to duties occurs in the course of a semester, there may not be a return to teaching duties, or there may be a return to partial teaching duties, depending on circumstances. A return to work without teaching duties may include committee assignments, departmental duties, advising, or special faculty projects (not clerical or non-faculty work), depending on circumstances.

Staff

Full-time staff members are eligible for 10 weeks of paid parental leave at 100% of their base compensation in the 12 months following the birth or adoption. For the birthing parent, it will be combined with and in addition to short-term disability; however, the combined short-term disability and paid leave benefits may not exceed 16 weeks. If short-term disability benefits exceed 6 weeks, the 10 weeks of paid leave will be correspondingly reduced to limit the total leave to 16 weeks.

609 - Holidays

The College will be closed for the following holidays:

- Martin Luther King, Jr. Birthday
- Good Friday
- Memorial Day
- Fourth of July*
- Labor Day
- Thanksgiving Day
- Winter Holiday Break (Christmas Day through New Year's Day)**

*When July 4th falls on a weekend the preceding Friday will be a paid Holiday.

**When Christmas day falls on a Tuesday, the preceding Monday (Christmas Eve), will be observed as a paid Holiday. Also, when New Year's Day falls on a Thursday, the next day (Friday January 2nd) will be observed as a paid Holiday.

At the discretion of the President, the College may be closed for additional days such as the day after Thanksgiving or a day or half-day preceding or following Christmas and/or New Year's Day. A Holiday Listing is provided each year on the Human Resources page on **WC @ Home**.

Eligibility

All full time, 12 month Administrative and Support Staff employees are eligible for holiday pay and their regular base salary. Employees must be actively at work on the working day before and the working day after a holiday in order to receive holiday pay. Exceptions to this would be a pre-authorized sick day or vacation day. Employees receiving disability pay are not eligible for holiday pay.

For full time employees on 9- or 10-month appointments, eligibility for holidays are the same as above except for holidays that fall outside the normal months of work are not paid.

All part time, 12 month employees working 30 hours per week are eligible for holiday pay at their regular base salary. Employees must be actively at work on the working day before and the working day after a holiday in order to receive holiday pay. Exceptions to this would be a pre-authorized sick day or vacation day.

For part time employees on 9- or 10-month appointments, eligibility for holidays are the same as above except for holidays that fall outside the normal months of work are not paid.

All other regular part time employees will only be eligible for holiday pay (with the exception of Winter Break) if their regularly scheduled work day falls on a holiday. Employees will be required to have worked the scheduled work day before and after the holiday (if applicable).

Seasonal, occasional, temporary and student workers are not eligible for holiday pay.

Work on Holidays

Because operating a four-year institution represents a unique form of business activity, it is sometimes necessary for some College operations to remain active on holidays.

Staff employees that are required to work on a holiday will receive holiday pay in addition to regular pay.

Administrative staff employees that are required to work on a holiday will receive an alternative day off, to be used during that fiscal year.

Holiday Pay and Overtime

Holiday pay will not be considered hours worked when computing time for overtime pay.

Other Religious Holidays

Any employee wishing to observe an alternate religious holiday during working hours must give prior notification of at least five (5) working days. Employees are expected to use vacation or discretionary leave (or time off without pay) when observing an alternate religious holiday.

610 – Other Leave Without Pay

Family Necessity/Child Care (Non-FMLA)

A leave of absence for childcare or compelling family reasons may be granted at the discretion of the College. (See Section 603.)

For birth, adoption or foster care placement, the leave must be taken all at one time (this leave falls under FMLA). For other covered reasons, the leave may be taken consecutively, intermittently, or on a reduced schedule. However, if the leave is based on planned medical treatment, employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the College. (Under the law, classroom instructors may not be able to take intermittent or reduced-schedule leave if it takes them out of the classroom for more than 20% of the time and is deemed to be too disruptive to students. In addition, they may not be permitted to return from leave near the end of a school term.)

As described in Section 603, qualification for leave under FMLA does not result automatically in paid leave. Unless designated a “key employee”, an employee taking leave under FMLA will be returned to the employee’s same (or equivalent) position unless the employee would have been terminated in the absence of any leave. Failure to return at the end of the approved leave period shall be treated as a voluntary termination by the employee.

Personal Leaves

Other leaves may be approved for study, professional improvement or other reasons deemed acceptable by the College, but non-medical leaves are eligible for pay only to the extent that vacation accrual is available to the employee. Leave will not accrue while on unpaid leave, nor will holidays be compensated. For an unpaid leave longer than 30 days, continuation rights will be offered for health benefits at the employee’s expense and other benefits will be suspended unless the employee arranges to pay all costs of coverage.

In the event an employee is required to appear in court to testify on a matter that is not work related, the use of discretionary or vacation leave will be required for the time to be paid unless the employee has been subpoenaed.

700 – Employee Complaints or Concerns

Each employee may request clarification of action that has been taken; review of manifestly unfair or clearly inequitable treatment; or review of a violation, misinterpretation or inequitable application of this Handbook. The College’s goal is to resolve concerns as quickly as possible. If an employee believes that a College policy or procedure has been violated, the concern should be raised first with the supervisor who took the action. Concerns should always be discussed with supervisors on an informal basis before any formal action is pursued. Time limits are prescribed for each step in the complaint process.

Complaints shall be presented to the supervisor no later than one month (or no less than 20 working days) after the occurrence of the event. The following steps should be taken:

Step One: The problem or concern is taken to the immediate supervisor(s). Most problems can be worked out at this level. The employee should indicate that she/he would like to have a written response from the supervisor “in accordance with Section 800, Step One.” The supervisor should document the date on which the complaint was first discussed and the date(s) on which the incident(s) occurred, state the concern(s) raised by the employee and, after consultation with an administrative-level supervisor, respond to the employee’s concern(s) in writing within two weeks (or 10 working days) of the date on which the employee raised the concern.

Step Two: If the employee is not satisfied with the decision by the immediate supervisor(s), he/she may present their complaint in writing to the Director of Human Resources, attaching the written response of the supervisor(s). This request must be made within ten (10) working days from the receipt of the response.

The appeal should contain the following information:

- Employee's statement of the complaint or problem and the facts upon which it is based
- Date(s) of the occurrence(s)
- Witness(es) to the occurrence(s), if any
- A copy of the supervisor's written response
- The remedy or corrective action sought
- Signature of the employee

If all timelines have been observed, the Director of Human Resources shall have one month (20 working days) in which to research/investigate the matter and respond to the employee in writing. Reasons for the determination made will be provided in the response. If timelines have not been observed the Director may choose to investigate, but the complaint will lose its status as a formal complaint.

Step Three: If further remedy is sought, appeal may be made to the President within two weeks (10 working days). The President will review all complaint documentation and make a determination within a reasonable period of time. The decision of the President is final and binding. If the President is a party to the complaint the Board of Trustees will accept the appeal in lieu of the President and their decision will be final and binding.

While the College desires to resolve all employee complaints (informally, if possible) the College retains the right to direct its employees and to discipline or discharge employees at its sole discretion.

701 – Mediation Activities

Two or more employees who cannot settle a disagreement between themselves may request the assistance of a trained mediator. Contact the Human Resources Office for a list of available facilitators for assistance in working out a mutually agreeable arrangement for all parties.

800 – Campus Environment

801 – Emergency Procedures

If someone should become ill or suffer injury, the person in charge should assess the seriousness of the emergency and call a Campus Safety Officer, the school nurse/doctor and/or community emergency

service numbers. An Emergency Response Plan is located on every floor of each campus building with instructions on who to contact and what to do in cases of emergency. All incidents should be reported to Campus Safety and, if the victim is an employee, Human Resources should be notified so a report can be filed for Worker's Compensation.

In the event of a fire or major disaster on campus, the person in charge should assume responsibility for the safety of others. The nearest fire alarm should be activated and the building vacated.

802 - Security Protection

Campus Safety Officers are provided to assist visitors, protect persons, safeguard property, prevent misuse of College facilities, enforce the safety rules and regulations, and otherwise promote the general well-being of the campus. Those desiring an escort may contact the Campus Safety Office at Ext. 311 or 382-0100.

803 – Violence in the Workplace

It is the intent of Wilmington College to provide a safe and secure environment for College employees, students and visitors by establishing preventative measures and providing assistance and support to victims.

Wilmington College does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making threatening remarks.
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Possessing a weapon while on College property or while on College business.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations must be immediately reported to a supervisor or Human Resources. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. Wilmington College will actively intervene at any indication of a possibly hostile or violent situation.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Nonemployees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

Weapons

Except as otherwise provided by law, possession of weapons (firearms, handguns, including BB guns and air-soft guns), slingshots, knives (other than utility tools), explosives (including firecrackers), other weapons, dangerous chemicals (outside of a controlled laboratory environment), or any item used in a threatening matter is not permitted on College property or in College buildings. Possession of any “look-alike” item, toy, etc. that resembles a weapon is also prohibited. This policy applies to all persons coming onto the College property or in College buildings, including faculty, staff, students, visitors, vendors, and contractors, except where specifically permitted. This policy does not apply to law enforcement officers coming on to the College property or in College buildings while engaged in the performance of their official duties or while required to possess a firearm by rules of the officer’s employing agency. Persons found to be in violation of this policy are subject to immediate action under College policies applicable to that individual. Such responsive action may include, but is not limited to, removal, expulsion, dismissal, or termination from the College. Persons found to be in violation of this policy may also be subject to criminal prosecution or a no-trespassing directive.

804 – College Vehicle Usage and Travel

Whenever possible, College-owned vehicles should be used for College travel rather than a personal vehicle. (College travel does not include commuting between work and home.) No vehicle should be taken home without the prior approval of the supervisor. Using College vehicles for personal trips such as non-business lunches, shopping and recreation/vacation is not appropriate. In accordance with IRS guidelines, personal use of College vehicles must be reported in writing to the Business Office.

Employees who are planning travel for official College business (as interpreted by the appropriate Vice President, the Director of Athletics, or the President) may reserve a College vehicle. Normally, vehicles for such trips should not be reserved for more than two consecutive days. Institutional needs may require an exception to this rule for some departments, however.

Reimbursable expenses while traveling on approved College business include transportation, meals and lodging. Laundry, personal telephone calls, personal entertainment and travel accident insurance are not reimbursable. (The College provides travel accident/accidental death coverage for eligible employees.)

Reimbursement is based on actual receipts. Mileage paid for travel by automobile cannot exceed equivalent allowable tourist airfare. When two employees travel together by automobile, only one will be reimbursed for auto expenses. When necessary, an advance of funds may be obtained for authorized travel purposes. A signed expense report (with receipts) should be submitted to Accounts Payable within ten days of the conclusion of the trip.

Motor Vehicle Record Inquiry

The College performs a BMV check on all employees who would have reason to drive a College owned vehicle. The following criteria disqualify a person from driving a College owned vehicle.

- 4 or more points on license for speeding
- any reckless operation points on license
- any points for alcohol or drug violation on license
- all other serious vehicle violations

Wilmington College reserves the right to deny driving privileges of College owned vehicles to anyone at anytime.

Losing driving privileges due to a poor driving record may result in a loss of employment where driving a College vehicle is an essential function of an employee's job.

805 - Mail and Inter-Office Communications

The College mail service is provided for official business only. College mail is received in the mailroom and is sorted and distributed from there. We encourage employees to deposit all outgoing personal mail in U.S. Postal Service boxes. Inter-office communications are also for official College business. The mail for each area is sorted, packaged, and delivered to the appropriate location. Each area is responsible for distribution of mail to staff members in the area.

806 - College Internet/Intranet/Network Services

It is expected that access to the Internet will be limited to work-related research/communications. The College network and Internet services provide important resources for your day-to-day responsibilities and special projects. The College has an Intranet (WC @ Home) that has individual pages for most campus departments. Important information of interest to staff members is posted on these pages. Employees are urged to become familiar with the types of materials available on these pages.

Guidelines for Use of Computer Resources

The following guidelines for use of computer hardware and resources are provided:

- Safeguard your passwords or other sensitive access control information. Never give your user ID or password to another person. Don't type your password while someone is watching. Don't use easy-to-guess passwords.
- Change your password frequently. Don't attempt to "crack" the passwords of others.
- Use your network access for work-related purposes only.
- Observe security alerts and protect your equipment from virus infestation. Corruption of the files of others will not be tolerated.
- Don't make copies of proprietary software.
- Don't use your printer as a printing press. Make multiple copies on a copy machine.
- Don't destroy or alter information belonging to others.
- Much of the data in the Administrative system (CARS) is confidential in nature. Do not release information about individuals if you are unaware of FERPA guidelines or how confidential data are displayed.

Acceptable Network Use Policy

The Wilmington College Network is a facility providing data communications services to members of the immediate college community. Insofar as these services and associated communications may extend beyond the confines of college property, the college is responsible for appropriate use of these facilities by its members.

The Wilmington College Network is provided to facilitate the educational process and the administrative efforts in support of research and instruction for faculty, staff, and students of Wilmington College. The use of the network must be consistent with facilitating the exchange of knowledge and information while encouraging resource sharing and collaborative projects in education and research.

It is not acceptable to use the Wilmington College Network for illegal purposes including, but not limited to, copyright infringement.

It is not acceptable to use the Wilmington College Network to transmit threatening, obscene, or harassing materials.

It is not acceptable to use the Wilmington College Network for personal profit or commercial purposes.

It is not acceptable to use the Wilmington College Network to interfere with or disrupt network users, services, or system resources of Wilmington College or any facility accessible via the network. Disruptions include, but are not limited to: distribution of unsolicited advertising; creation and propagation of computer worms or viruses; and using the network to gain unauthorized entry to any other facility accessible via the network.

Information and resources available via the Wilmington College Network are assumed to be the sole possession of those individuals and organizations which own or hold rights to those assets, unless specifically stated otherwise by the owners or holders of the rights. It is unacceptable to access information or resources via the Wilmington College Network unless permission to do so has been granted by the owners or holders of rights to those resources and information.

Violations of the Acceptable Use Policy may result in the immediate suspension of violators from access to Wilmington College computing resources. Such cases will be delivered to the appropriate office at Wilmington College for disciplinary action. Violations of state or federal laws will be referred to the appropriate authorities.

807 - College E-Mail

Most employees have access to e-mail. E-mail should be sent to those with a need to know and kept as brief as possible. Use businesslike language and make it clear if you want or need any action from the recipient. E-mail is a business tool and should be used only for College business. E-mail is not private communication and don't assume that an e-mail you have deleted ceases to exist.

- E-mail should not be used for personal communications or for confidential highly sensitive information.
- Do not forward another person's e-mail without permission, especially to a large group of recipients.
- Limit the use of "Reply All" except in instances when it is important that all recipients receive your response.
- Be specific in the Subject
- Only those needing to take action should be in the "To"; utilize the "CC" for those that need to be informed only
- Keep your e-mail messages short and to the point. Focus on one subject per message.
- Be professional and courteous in writing e-mails.
- Do not include possibly offensive topics or use sarcasm.

- Respect the privacy of electronic communications.
- Represent yourself truthfully in all forms of electronic communication.
- Do not mail chain letters or send them on. Do not respond to or instigate a moneymaking scheme online.
- Do not send excessively large files via e-mail; e.g. MP3 files.
- Check your e-mail daily and delete unwanted messages immediately. Move mail and downloads you want to save to the appropriate file in your computer.
- Activate your Out-of-Office message when away from the office for extended periods.

808 - Telephone Service

College telephones are for business use. Use discretion to ensure that emergency personal calls made do not impair usual College routines. College telephones may not be used for personal long-distance calls.

The telephone system utilizes a message mailbox, but every effort should be made to pick up calls unless doing so would interfere with another business-related interaction. Messages should be answered promptly, and your personal message should be changed before vacation periods or at other appropriate times.

809 - Traffic and Parking Regulations

During the academic year, parking in College lots is restricted to those cars bearing a parking permit. Permits are available on-line via Rydin Permit Express. Parking regulations can be found on wc@home or the College's website. During the summer, most restrictions are lifted but the announced policy, which may vary, must be observed.

The College does not assume liability for damage of vehicles or loss due to theft from vehicles on the parking lots. However, individuals are requested to report such losses to the Campus Safety Office.

810 - Purchasing Services

All members of the College community participate in the purchasing system in one way or another. A purchasing manual can be found on **WC@Home**. The manual outlines the proper steps for acquiring equipment, supplies or services.

If after referencing the manual you are still in doubt about the proper procedure to follow, call the Purchasing Department for instructions on how to proceed. Exceptions to the policies and procedures may be granted if warranted by special circumstances.

811 - College Clinic

Employees are encouraged to access the services of the College Clinic and College Nurse. Health-related advice, mental health referrals, flu shots and blood pressure checks are among the services provided to employees.

900 – Your Suggestions

Is there a better way to do it? Always remember that "progress is the result of someone's finding a better way of doing something that has already been done well."

Suggestions, general or specific, regarding aspects of various matters related to support functions, working conditions, relations with others, etc. are appreciated. You are encouraged to submit your suggestions to your supervisor.

APPENDIX I - Policy on Sex/Gender Harassment, Discrimination and Misconduct

1.0 Statement of Policy

Consistent with Wilmington College's testimony, "I will respect the dignity of all persons," Wilmington College (or the "College") is committed to providing a learning, working, and living environment free of discrimination, including discrimination on the basis of sex and gender by employees, students, and third parties.

Pursuant to Title IX of the Education Amendments of 1972 (Title IX), Wilmington College prohibits discrimination based on sex (including gender identity, gender expression, and sexual orientation) in its educational, extracurricular, athletic, or other programs or activities that it operates, or in the context of admissions or employment. Specifically, Title IX provides, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Wilmington College considers sex and gender discrimination in all its forms, including sexual harassment, to be a serious offense. Consistent with Wilmington College's commitment to compliance with Title IX, the College will promptly and equitably respond to all reports and formal complaints under this Sex Discrimination & Sexual Harassment Policy (the "Policy") in order to end the conduct, prevent its recurrence, and address its effects on individuals and the community.

Inquiries regarding the application of this Policy may be directed to the Title IX Coordinator, the Assistant Secretary of the Office for Civil Rights of the Department of Education, or both.

2.0 Policy Scope

This Policy applies to sexual harassment in the College's **education programs or activities**—*i.e.*, on campus or at locations or events, or under circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by the College. It applies to face-to-face encounters, social media, and other forms of electronic communication.

This Policy applies to allegations of sexual harassment made against any person in the United States, including any member of the College community, by a member of the College community in connection with any education program or activity, including any person participating in or attempting to participate in the College's education programs or activities.

Any person may report sex discrimination and sexual harassment in accordance with this Policy (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment—*i.e.*, the **complainant**). Any person participating in or attempting to participate in the College's education programs or activities may file a formal complaint of sexual harassment in accordance with this Policy.

This Policy applies regardless of gender or sexual orientation, as complainants and **respondents**—*i.e.*, the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment—may be female,

male, non-binary, straight, gay, lesbian, bisexual or transgendered students.¹ For example, both male and female students can be complainants of sexual harassment, and the complainant and respondent can be of the same sex.

3.0 Definitions

3.1 Sex Discrimination

Conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs, activities, co-curricular programs including athletics, or employment opportunities because of an individual's sex, gender, gender identity, gender expression or sexual orientation, and discrimination based on an individual's pregnancy.

3.2 Sexual Harassment

Sexual harassment is a form of sex discrimination and means conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct—*i.e.*, *quid pro quo* sexual harassment;
- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- c) Sexual assault, dating violence, domestic violence, or stalking.

3.2.1 Sexual Conduct

Examples of sexual conduct include, but are not limited to:

- a) Making sexual propositions or pressuring an individual for sexual favors;
- b) Touching of a sexual nature;
- c) Writing graffiti of a sexual nature;
- d) Displaying or distributing sexually explicit drawings, pictures, or written materials;
- e) Performing sexual gestures or touching oneself sexually in front of others;
- f) Telling sexual or dirty jokes;
- g) Spreading sexual rumors or rating other students as to sexual activity or performance; or
- h) Circulating or showing e-mails or websites of a sexual nature.

Example: A College official sends a student a text message to arrange a time to meet for a sexual encounter. Sending such a text message would constitute sexual conduct.

Not all physical contact is sexual in nature. Legitimate nonsexual touching or conduct generally will not be considered sexual harassment. However, it may rise to that level if it takes on sexual connotations.

¹ The terms complainant and respondent apply where a report has been made or formal complaint filed and include situations in which a parent or guardian has the legal right to act on behalf of the individual.

Example: A coach hugs a student who makes a goal. This by itself is not considered sexual conduct. However, a coach's hugging of a student could be considered sexual conduct if it is unwelcome and occurs under inappropriate circumstances.

Sexual harassment encompasses both unwelcome conduct of a sexual nature, as well as other forms of unwelcome conduct on the basis of sex.

3.2.2 Unwelcome Conduct v. Consent

The "conditioning" or "bargain" proposed in *quid pro quo* harassment may be express or implied from the circumstances. The inquiry into whether sexual conduct is unwelcome does not equate to whether an individual consented to the sexual conduct. When a complainant acquiesces to unwelcome conduct to avoid potential negative consequences, such "consent" does not necessarily mean that the sexual conduct was not "unwelcome" or that *quid pro quo* harassment did not occur. Whether conduct is considered to be "unwelcome" is a subjective inquiry (*i.e.*, whether the complainant viewed the conduct as unwelcome).

3.2.3 Consent

For purposes of this Policy, **consent** is defined as the act of knowingly and willingly agreeing verbally or non-verbally to engage in sexual activity.

An individual cannot consent if he/she/they

- a) Is incapacitated;
- b) Is impaired by any drug or intoxicant;
- c) Has been purposely compelled by force, including threats, intimidation, or coercion;
- d) Is unaware that the act is being committed;
- e) Is impaired because of a mental or physical condition; or
- f) Pursuant to Ohio law, is under the age of sixteen (16).

Consent must exist throughout a sexual encounter and can be withdrawn at any time.

3.2.4 Incapacity

Incapacity means a state in which rational or reasonable decision-making and the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment including, but not limited to, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, involuntary physical restraint, or illness.

- a) An incapacitated person cannot give consent.
- b) Sexual activity with someone who one knows or should know to be incapacitated is not consented sexual activity and, therefore, is a violation of this policy.
- c) Incapacitation may result from taking "rape drugs." A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault. Possession, use and/or distribution of any so-called "rape drug" is prohibited, and administering these drugs to another person is a violation of this policy.
- d) Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

3.2.5 Force

Force means the use of physical violence or physical imposition to gain sexual access, including the use of threat, intimidation (implied threats), or coercion to overcome a person’s free will or resistance.

3.2.6 Threat or intimidation

Threat or intimidation mean actual or implied declarations to inflict physical or psychological harm, to cause damage, or to commit other hostile actions to obtain sexual activity from an unwilling participant.

3.2.7 Coercion

Coercion means unreasonable pressure for sexual activity from an unwilling participant.

3.2.8 Severe, Pervasive, and Objectively Offensive

Elements of severity, pervasiveness, and objective offensiveness are evaluated in light of the known circumstances and depend upon the facts of each situation and are determined from the perspective of a reasonable person standing in the shoes of the complainant. Whether conduct is so severe, pervasive, and objectively offensive depends upon the surrounding circumstances, expectations, and relationships, including, but not limited to, the ages, number, disability status, and positions of authority of the individuals involved, among other factors.

3.3 Sexual Assault

Sexual assault is defined under the Clery Act as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (“UCR”).

UCR defines a **forcible sex offense** as a sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and includes the following:

- 3.3.1 **Forcible rape** – the carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their temporary or permanent mental or physical incapacity.
- 3.3.2 **Forcible sodomy** – oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.
- 3.3.3 **Sexual assault with an object** – to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.
- 3.3.4 **Forcible fondling** – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

UCR defines a **nonforcible sex offense** as unlawful, nonforcible sexual intercourse and includes the following:

3.3.5 Incest – nonforcible sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.

3.3.6 Statutory rape – nonforcible sexual intercourse with a person who is under the statutory age of consent.

3.4 Dating Violence

Dating Violence is defined under the Violence Against Women Act (“VAWA”) as:

- a) Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor; and
- b) Where the existence of such a relationship shall be determined based on consideration of the following factors:
 - i. the length of the relationship;
 - ii. the type of relationship; and
 - iii. the frequency of interaction between the persons involved in the relationship.

3.5 Domestic Violence

Domestic violence is defined under VAWA as:

- a) Felony or misdemeanor crimes of violence committed:
 - i. by a current or former spouse or intimate partner of the victim/survivor;
 - ii. by a person with whom the victim/survivor shares a child in common;
 - iii. by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse or intimate partner;
 - iv. by a person similarly situated to a spouse of the victim/survivor;
 - v. by any other person against an adult or youth victim/survivor who is protected from that person’s acts under the state’s domestic or family violence laws.²

3.6 Stalking

Stalking is defined under VAWA as:

- a) Engaging in a course of conduct,
- b) Directed at a specific person,
- c) That would cause a reasonable person to
 - i. fear for his or her safety or the safety of others, or
 - ii. to suffer substantial emotional distress.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

² See Ohio Revised Code 2919.25 and Ohio Revised Code 3113.31 for the state law definition of Domestic Violence.

Sexual assault, dating violence, domestic violence, or stalking are inherently serious sex-based offenses. However, stalking may not always be “on the basis of sex”—*e.g.*, when a student stalks an athlete due to celebrity worship rather than sex. When stalking is “on the basis of sex”—*e.g.*, when the stalker desires to date the victim—stalking constitutes sexual harassment. Stalking that does not constitute sexual harassment may still be prohibited under the College’s student code of conduct.

4.0 Reports & Formal Complaints of Sex Discrimination and Sexual Harassment

Individuals who have questions about Title IX or this Policy, or feel that they have been discriminated against based on sex, sexually harassed, or retaliated against for their involvement in such a report or adjudication, are strongly encouraged to directly contact the Title IX Coordinator or the Alternate Title IX Coordinator.

The College’s duty to respond under this Policy is triggered upon the College’s actual knowledge of sexual harassment or alleged sexual harassment that occurred within its education program or activity against a person within the United States. **Actual knowledge** is notice of sexual harassment or allegations of sexual harassment to the College’s Title IX Coordinator or any College official with authority to institute corrective measures on behalf of the College.

A formal complaint, as defined in Section 4.6 below, is not required to make a report of sexual harassment and initiate a response by the College, including the offering and providing of supportive measures, as defined in Section 4.4 below. However, only a formal complaint of sexual harassment will prompt an investigation and grievance process outlined in Section 5.0 below.

4.1 Officials with Authority

An **official with authority** is a College official who has authority to institute corrective measures on behalf of the College.

For reports involving only students, the College has designated the following individuals as officials who have authority to institute corrective measures on behalf of the College:

- a) President
- b) Vice President of Student Affairs/Dean of Students
- c) Vice President for Academic Affairs/ Dean of Faculty
- d) Vice President of External Programs (where the complainant or respondent participates in the College’s Cincinnati branch)

For reports involving an employee, the College has designated the following individuals as officials with authority who have authority to institute corrective measures on behalf of the College:

- a) President
- b) Director of Human Resources
- c) Vice President for Academic Affairs/Dean of Faculty
- d) Vice President of External Programs (where the complainant or respondent participates in the College’s Cincinnati branch)

Officials with authority who receives notice of sexual harassment or allegations of sexual harassment in one of the College’s education programs or activities, directly or indirectly, are required to promptly report such sexual

harassment or allegations of sexual harassment to the Title IX Coordinator or Alternate Title IX Coordinator. Reporting allows complainants to receive supportive measures and helps to maintain a safe campus environment.

4.2 Reporting Sex Discrimination and Sexual Harassment

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report, including reporting to the Alternate Title IX Coordinator listed in Section 4.3 below. A report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.³

Officials with authority are required to promptly report incidents or allegations of sexual harassment to the College's Title IX Coordinator or Alternate Title IX Coordinator. Where an official with authority is the complainant, you are strongly encouraged to report the misconduct to the College's Title IX Coordinator or Alternate Title IX Coordinator.

Any person who is not an official with authority, including students and members of the College community, are strongly encouraged to promptly report incidents or allegations of sex discrimination and sexual harassment to the College's Title IX Coordinator or Alternate Title IX Coordinator.

4.3 Title IX Coordinators

The Title IX Coordinator is the designated agent of the College with primary responsibility for receiving reports and formal complaints of sexual harassment, signing formal complaints, and generally coordinating the College's compliance with Title IX. The Title IX Coordinator's responsibilities include overseeing the College's response to reports and formal complaints of sexual harassment, including supportive measures, as well as overseeing the College's documentation and recordkeeping set forth in Section 7.0. The Title IX coordinator provides educational materials and training on Title IX, and generally provides guidance and ensures a fair process for individuals involved in Title IX complaints. Below is the contact information for the **Title IX Coordinator**:

Libby Hayes
Director of Human Resources
1870 Quaker Way
Pyle Center Box 1186
Wilmington, Ohio 45177
Tel: (937) 481-2282 (Ext. 282)
E-mail: libby_hayes@wilmington.edu

³ For students, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the grievance procedure contained in the Student Code of Conduct in the Student Handbook. For faculty, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the procedure for grievances contained in the Faculty Handbook. For staff, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the procedure for grievances contained in the Administrative and Support Staff Handbook.

If the Title IX Coordinator has a conflict of interest in handling or is otherwise unable to handle the Title IX matter at issue, the Director of Human Resources will act as the Alternate Title IX Coordinator for that matter. Below is the contact information for the **Alternate Title IX Coordinator**:

Nina Talley
Director of Career Services
1870 Quaker Way
Pyle Center Box 1306
Wilmington, Ohio 45177
Tel: (937) 481-2299 (Ext. 299)
E-mail: nina.l.talley@wilmington.edu

4.4 Offering and Providing Supportive Measures

Where the Title IX Coordinator receives a report of an incident or allegation of sexual harassment from any individual, including an official with authority or complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of **supportive measures** and inform the complainant of the availability of such supportive measures with or without filing of a formal complaint. The Title IX Coordinator will also provide to the complainant a copy of this Policy and explain to the complainant their right to file a formal complaint and the process for filing a formal complaint, as outlined in Section 4.6 below.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, the following:

- a) Extensions of deadlines or other course-related adjustments;
- b) Modifications of work or class schedules;
- c) Campus escort services;
- d) Mutual restrictions on contact between parties—*e.g.*, a no-contact order;
- e) Changes in work or housing locations;
- f) Leaves of absence;
- g) Increased security and monitoring of certain areas of campus; and
- h) Other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and will consider the complainant's wishes with respect to supportive measures.

The College will maintain the confidentiality of any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. To the extent an individual chooses to report an incident or allegation of sexual harassment anonymously or without disclosing the identity of the complainant and/or the respondent, the College will be unable to provide supportive measures to the complainant and/or consider whether to initiate the grievance process against a respondent in response.

4.5 Emergency Removal & Administrative Leave

In addition to implementing supportive measures set forth in Section 4.4 above, in emergency situations that arise out of allegations of conduct that could constitute sexual harassment, the College may elect to remove the respondent from the College's education programs or activities. Removal may be made only after the College conducts an individualized safety and risk analysis and concludes that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. Removal may take place before an investigation into sexual harassment allegations concludes or where no grievance process is pending. The Title IX Coordinator may make removal decisions on behalf of the College and may periodically reassess whether an immediate threat to physical health or safety is ongoing or has dissipated such that removal is no longer warranted.

Where the College elects to remove a respondent from its education programs or activities, it will provide the respondent with notice and an opportunity to challenge the decision immediately following removal. The respondent must make any challenge to the Title IX Coordinator.

Where a respondent is a non-student employee, the College may also elect to place the respondent on administrative leave during the pendency of a grievance process under Section 5.0. The Director of Human Resources may make administrative leave decisions on behalf of the College and may periodically reassess whether administrative leave is warranted during the grievance process.

4.6 Formal Complaints of Sex Discrimination and Sexual Harassment

While the College will promptly and meaningfully respond to reports of sexual harassment as outlined in Section 4.4 above, only a **formal complaint** of sexual harassment will prompt an investigation and grievance process outlined in Section 5.0 below.⁴ A formal complaint is a **document filed by a complainant** or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. A document filed by a complainant is a document or electronic submission—*i.e.*, electronic mail—that contains the complainant's physical or digital signature, or otherwise indicated that the complainant is the person filing the formal complaint.⁵

Third parties are not permitted to file formal complaints and formal complaints cannot be filed anonymously. However, where the complainant's identity is unknown—*e.g.*, where a third party has made a report—the grievance process may proceed if the Title IX Coordinator determines it is necessary to sign a formal complaint.⁶ Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. Where the Title IX Coordinator signs a formal complaint knowing that the complainant did not wish to do so, the College will respect the complainant's wishes regarding whether to participate or not in the grievance process.

⁴ For students, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the grievance procedure contained in the Student Code of Conduct in the Student Handbook. For faculty, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the procedure for grievances contained in the Faculty Handbook. For staff, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the procedure for grievances contained in the Administrative and Support Staff Handbook.

⁵ Parents or legal guardians may also act on behalf of a complainant, respondent, or other party, including with respect to filing formal complaints.

⁶ The Title IX Coordinator may sign a formal complaint and a formal complaint may proceed without the consent of the complainant in order to initiate an investigation and adjudication of sexual harassment in order to protect the College community or otherwise avoid being deliberately indifferent to known sexual harassment.

Filing of a formal complaint with the Title IX Coordinator may be accomplished in person, by mail, or by electronic mail, by using the contact information of the Title IX Coordinator listed in Section 4.3 above.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an educational program or activity of the College.

4.7 Confidentiality of Reports and Formal Complaints

The College will keep confidential the identity of any individual who has made a report or formal complaint of sex discrimination or sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination or sexual harassment, any respondent, and any witness, except under the following circumstances:

- As may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99;
- As required by law; or
- To carry out the purposes of the Title IX regulations, 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

While consent from a complainant is not required, the Title IX Coordinator or alternate Title IX Coordinator will seek consent from the complainant before the Title IX Coordinator signs a formal complaint and pursues the grievance process. To the extent possible and consistent with the above exceptions, disclosure of any information relating to a formal complaint will be limited to the individuals conducting the College's investigation or resolving the complaint.

If the complainant requests confidentiality or asks that the complaint not be pursued or that the College stop the investigation process, the College will inform the complainant that its ability to respond may be limited as a result, but that it will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. The College will also inform the complainant that Title IX prohibits retaliation and that it will take actions to prevent retaliation and take strong action against anyone who engages in retaliation, as well as the complainant's right not to participate in the grievance process.

The College must weigh requests for confidentiality and/or requests that no action be taken against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community, including the complainant. The College may not be deliberately indifferent to known sexual harassment. The College will likely be unable to honor a request for confidentiality or a request that no action be taken in cases indicating pattern, predation, weapons, violence, or if a minor is involved.

There are some sources to whom students may report sexual harassment who may maintain complete confidentiality. These sources include:

Professional Counselor. A professional counselor is an individual employed or contacted by the College who is responsible for providing mental health counseling to members of the College's community and acting within the scope of his or her license or certification. This includes professional counselors at the Wilmington College Health Center, which can be reached at 937-481-2272 (x272).

Pastoral Counselor. A pastoral counselor is an individual associated with a religious order or denomination and recognized as someone who provides confidential counseling by such religious order or denomination. This person must function within the scope of that recognition in order to keep confidentiality.

Doctors and Nurses. A doctor or nurse is an individual employed or contracted by the College who is responsible for providing medical health services to members of the College's community and acting within the scope of his or her license or certification. This includes doctors and nurses at the Wilmington College Health Center, which can be reached at 937-481-2217 (x217).

Victim or Survivor Advocates. A victim or survivor advocate is an individual employed or contracted with the College's Victim Services, WeCare, including those individuals employed or contracted with the College through the Victims of Crime Act (VOCA) grant program. WeCare can be reached through its 24-hour support line at 937-356-9778.

Nothing in this Policy prohibits or restricts the ability of either party to discuss the allegations under investigation.

5.0 Grievance Process for Formal Complaints of Sexual Harassment

5.1 Equity in the Grievance Process

The grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The Title IX Coordinator, Alternate Title IX Coordinator, investigator(s), any decision-maker(s), including any Adjudicator and the Appeal Board member, and any person designated to facilitate an information resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

5.2 Written Notice of Allegations

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to known parties that includes the following:

- a) notice of this grievance process;
- b) notice of the allegations of sexual harassment with sufficient details known at the time, including,
 - i. the identities of the known parties involved in the incident,
 - ii. the conduct allegedly constituting sexual harassment, and
 - iii. the date and location of the alleged incident, if known;
- c) a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- d) notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney consistent with Section 5.7.2 below;
- e) notice that the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint consistent with Section 5.7.5 below;
- f) notice of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and
- g) notice that making a good faith formal complaint that is not later substantiated does not constitute

providing false or misleading information.

Written notice will be provided with sufficient time to prepare a response before any initial interview.

If, in the course of the investigation, the College decides to investigate allegations about the complainant or respondent that were not included in the written notice provided above, the Title IX Coordinator will provide written notice of the additional allegations to known parties.

5.3 Dismissal of Formal Complaint

While the College will investigate the allegations in formal complaints of sexual harassment, it will dismiss a formal complaint where the conduct alleged:

- a) would not constitute sexual harassment, even if proved;
- b) did not occur in the College's education program or activity—*i.e.*, locations or events, or under circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the College; or
- c) did not occur against a person in the United States.

Such mandatory dismissal, however, does not preclude action under another provision of the College's code of conduct.

The College may dismiss a formal complaint or any allegation therein, if at any time during the investigation or hearing:

- a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- b) the respondent is no longer enrolled or employed by the College; or
- c) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

For example, where the identity of a complainant is not disclosed, the College may not be able to gather evidence necessary to establish the elements of sexual harassment, such as whether the alleged conduct was unwelcome or without consent. In such instances, discretionary dismissal may be appropriate.

The Title IX Coordinator will make determinations regarding dismissal and will promptly notify the parties in writing of any dismissal and the reasons therefore.

5.4 Time Frame and Temporary Delays

Upon receipt of a sexual harassment complaint, the College will exercise good faith to investigate and conclude the grievance process in a reasonably prompt time frame.

- a) Once a formal complaint of sexual harassment has been made, an investigation into the complaint will be conducted by the investigator(s) within sixty (60) days of the complaint being made.
- b) Consistent with Section 5.7.5, prior to the completion of the investigative report (see Section 5.7.6), the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic format or hard copy, with any redactions required by the Family

Educational Rights and Privacy Act (“FERPA”). The parties will have ten (10) days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report.

- c) Consistent with Section 5.7.6, the investigator(s) will create an investigative report that fairly summarizes relevant evidence within ninety (90) days of the complaint being made.
- d) The Title IX Coordinator will send to each party and the party’s advisor, if any, a copy of the final investigative report, in electronic format or hard copy, with any redactions required by FERPA, for their review and written response within three (3) days of completing the investigative report and at least ten (10) days prior to the hearing.
- e) A hearing before the Adjudicator will be held within one hundred and twenty (120) days of the complaint being made.
- f) The Adjudicator will issue a written determination regarding responsibility within fourteen (14) days of the hearing.

Temporary delay of the grievance process or a limited extension of time frames may be permitted for good cause. Good cause may include, but is not limited to, the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide written notice to the complainant and the respondent of any temporary delay or limited extension and the reasons for such action.

5.5 Evidentiary Standard & Evidence

Determinations regarding responsibility for all formal complaints of sexual harassment, whether against a student or employee, will be made using the preponderance of the evidence standard.

Parties are provided an equal opportunity to participate fully and robustly in the investigation process by gathering and presenting evidence, including fact and expert witnesses and other evidence, reviewing the evidence gathered, responding to the investigative report that summarizes relevant evidence, and asking questions of other parties and witnesses before the Adjudicator has reached a determination regarding responsibility.

However, while not a party to the proceedings, the College bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility provided that the College cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party’s voluntary, written consent to do so.

This Policy also does not require, allow, rely upon or otherwise use questions or evidence that constitute or seek disclosure of information protected under legally recognized privilege, such as the attorney-client privilege or the doctor-patient privilege, unless the person holding such privilege waives it.

Investigator(s) must objectively and impartially gather and present any relevant evidence to the Adjudicator in an investigative report, who, in turn, must objectively and impartially evaluate relevant evidence and reach a determination regarding responsibility.

All relevant evidence discovered during this grievance process, including inculpatory and exculpatory evidence, will be evaluated on an objective basis. All credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

5.6 Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one complainant or more than one respondent, references in this Policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

5.7 Investigation of a Formal Complaint

5.7.1 Investigators

Following the receipt of a formal complaint of sexual harassment, the Title IX Coordinator will designate one or more investigators to conduct the investigation. Eligible investigators include faculty or staff who have been trained in this Policy and the role of an investigator. When the complaint is made against an employee, at least one of the designated investigators will be a member of the Office of Human Resources.

Investigators are responsible for objectively and impartially gathering evidence and presenting any relevant evidence to the Adjudicator in an investigative report as set forth in Section 5.7.6 below.

5.7.2 Choice of Advisor

In any related meeting or grievance proceeding, the parties have an equal opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney. An advisor may be a member of the College community, an attorney, or another individual not affiliated with the College. During any related meeting or proceeding, however, an advisor’s role is limited. Except as permitted during hearings as set forth in Section 5.8 below, an advisor is not permitted to engage in the grievance process on the party’s behalf or participate directly in any related meeting or proceeding. An advisor may quietly consult with his or her advisee during a related meeting or proceeding in a manner that does not disrupt or interfere with the meeting or proceeding. If an advisor fails to act in accordance with these procedures, he/she/they may be asked to leave the meeting or proceeding.

5.7.3 Gathering of Evidence

During the investigation, both the complainant and the respondent may present written and oral statements, names of witnesses, and other evidence to the investigators. The complainant, respondent, and witnesses may be interviewed as part of the investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews will be conducted by the investigators as needed.

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of the College’s policy and can subject a student or employee to disciplinary action. Making a good faith report to the College that is not later substantiated does not constitute providing false or misleading information.

Any employee respondent is expected to participate and cooperate in the investigation, including submitting to any requested interview by the investigators. If an employee refuses to participate or cooperate in the investigation, that person will be subject to discipline, up to and including termination. Consistent with Section 4.7, the investigation may still go forward if a respondent, whether an employee or a student, refuses to participate or cooperate.

5.7.4 Notice of Interviews and Hearings

The College will provide written notice of the date, time, location, participants, and purposes of all investigative interviews, hearings, or other meetings, to a party whose participation is invited or expected. Such notice will be provided with sufficient time for the party to prepare to participate.

5.7.5 Inspection and Review of Evidence

All parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report set forth in Section 5.7.6 below, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, with any redactions required by FERPA. The parties will have at least ten (10) days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report.

The College shall make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

5.7.6 Investigative Report

The investigator(s) will create an investigative report that fairly summarizes relevant evidence. Within three (3) days of the completion of the final investigative report and at least ten (10) days prior to the hearing or other time of determination regarding responsibility, the Title IX Coordinator will send to each party and the party's advisor, if any, the final investigative report in electronic format or hard copy, with any redactions required by FERPA, for their review and written response.

The final investigative report will include all the written responses provided by the parties involved, with any redactions required by FERPA.

5.8 Decision Making of Formal Complaints

5.8.1 Adjudicator

Prior to the finalization of the investigative report, the Title IX Coordinator will designate a third-party decision-maker trained in this Policy ("Adjudicator") to conduct the live hearing and make a determination regarding responsibility.

The Title IX Coordinator shall provide the investigative report to the Adjudicator. The Adjudicator is responsible for reviewing the investigative report, conducting the live hearings set forth in Section 5.8.2, making a determination regarding responsibility, and determining remedies and sanctions. In reaching a determination, the Adjudicator will apply the preponderance of the evidence standard as set forth in Section 5.5. The Adjudicator will determine, based on the complete record and applying a preponderance of the evidence standard, whether or not the evidence is sufficient to support a conclusion that the conduct occurred and that there was a violation of this Policy. Following the close of the hearing, if the Adjudicator determines that there was a violation, the Adjudicator will also determine

the appropriate remedies and sanctions that should be imposed consistent with Section 5.12. In doing so, the Adjudicator may consult with the Title IX Coordinator to obtain information about College precedent for such remedies and sanctions.

5.8.2 Live Hearing

Consistent with Section 5.4, a live hearing before the Adjudicator will be held within one hundred and twenty (120) days of the formal complaint being made.

The reporting party and the accused are entitled to the same opportunities to have others present during the hearing, including the opportunity to be accompanied by an advisor pursuant to Section 5.7.2.

5.8.3 Cross Examination

Both parties have an equal opportunity to cross examine the other party and any witnesses—*i.e.*, to ask relevant questions and follow-up questions, including those challenging credibility—through his/her/their advisor. Cross examination must be conducted directly, orally, and in real time by the party's advisor. A party may never personally cross examine another party or witnesses.

If a party does not have an advisor present at the live hearing, the College will provide an advisor of the College's choice, who may or may not be an attorney, without fee or charge, to conduct cross examination on behalf of the party.

Only relevant cross examination and other questions may be asked of a party or witness. As such, before a party or witness answers a cross examination or other question, the Adjudicator must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Where a party or witness does not submit to cross examination at the live hearing, the Adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the Adjudicator cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

Cross-examination that may reveal faulty memory, mistaken beliefs, or inaccurate facts about allegations does not mean that the party answering questions is necessarily lying or making intentionally false statements. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the Adjudicator, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party.

5.8.4 Virtual and Remote Hearings

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Adjudicator and parties to simultaneously see and hear the party or the witness answering questions.

5.8.5 Record of Hearing

All live hearings, whether they occur in person or virtually, will be recorded via audio or audiovisual recording or transcribed. The record shall be the property of the College. Such recording or transcript will be made available to the parties for inspection and review.

5.9 Informal Resolution

5.9.1 Use of Informal Resolution

Where a formal complaint is filed, and at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. An informal resolution process may not be utilized unless:

- a) The parties are provided written notice that discloses the following:
 - the allegations,
 - the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
 - any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- b) The parties provide voluntary, written consent to the informal resolution process.

An informal resolution process may not be utilized to resolve allegations that an employee sexually harassed a student.

5.9.2 Informal Resolution Process

Where an informal resolution process may be utilized in accordance with Section 5.9.1 above, such process will be overseen by The Title IX Coordinator or Alternate Title IX Coordinator. The complainant and respondent have the right to an advisor as set forth in Section 5.7.2 above.

At any time prior to agreeing to a resolution under this process, any party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. In addition, any party can resume the grievance process where the party is dissatisfied with a proposed informal resolution.

As described in Section 4.7 above, the College may elect to pursue a formal resolution process even if the complainant does not wish to pursue a formal resolution.

5.10 Determination Regarding Responsibility

5.10.1 Written Determination Regarding Responsibility

The Adjudicator must issue a written determination regarding responsibility to be provided simultaneously to the parties that must include the following:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the College's code of conduct to the facts;
- e) A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant; and
- f) The College's procedures and permissible bases for the complainant and respondent to appeal.

The Title IX Coordinator is responsible for effective implementation of any remedies herein.

The Adjudicator will issue the written determination regarding responsibility, which will be provided simultaneously to the parties by the Title IX Coordinator within fourteen (14) days of the hearing. The complainant will be informed of any specific sanctions imposed on respondent directly relating to the complainant in a manner consistent with the requirements of FERPA. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

5.11 Appeal to the Appeal Board

Either the complainant or the respondent may appeal any determination and/or sanction of the Adjudicator or any dismissal of a formal complaint or any allegations therein to the Appeal Board on any of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, Alternate Title IX Coordinator, investigator(s), or the decision-maker, including the Adjudicator, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

5.11.1 Appeal Board

Upon receipt of a written request for appeal under Section 5.11.2, the Title IX Coordinator will designate an Appeal Board to conduct an appeal. The Appeal Board shall include three (3) members comprised of faculty and administration/support staff, all of whom have received training on this Policy. The Appeal Board may not include the investigator(s), the Title IX Coordinator, or the Adjudicator involved in the grievance process at issue.

The Appeal Board is responsible for reviewing the complete record of the investigation, the live hearing, and the determination of the Adjudicator.

5.11.2 Filing the Appeal

The appeal must be made in writing to the Title IX Coordinator within ten (10) days from when the party receives the written decision of the Adjudicator, including the day on which the party receives the written decision. The written appeal must include the bases for the appeal, as set forth in Section 5.11 above, and all relevant information and arguments in support. The Title IX Coordinator will promptly notify the other party in writing when an appeal is filed.

If an appeal is not filed within this time frame, the right to appeal is waived and the determination and/or sanction of the Adjudicator or any dismissal of a formal complaint or any allegations therein becomes final.

5.11.3 Review and Approval of Appeal

The Appeal Board will review the written appeal for scope and determine permissibility of the appeal, which will be limited to the bases set forth in Section 5.11 above, and notify the parties regarding whether the appeal is permitted or denied within ten (10) days of the written appeal.

5.11.4 Appeal Procedure

Upon notification that an appeal is permitted, the appellee will be provided with the written appeal and shall have ten (10) days, including the date of receipt, to respond in writing to the statement of the appellant.

The Appeal Board will determine the merit of the appeal, based on its review of the complete record and applying a preponderance of the evidence standard. Such determination shall be made by a majority vote of the Appeal Board. The Appeal Board may affirm, reverse, or modify the determination and/or sanction of the Adjudicator, or remand the matter for further investigation and/or analysis. If the matter is remanded, the process will repeat, generally beginning at the appropriate stage of the investigation or grievance process as indicated by the Appeal Board's remand.

The written decision of the Appeal Board describing the result of the appeal and the rationale for the result will be sent simultaneously to both parties, typically within five (5) days following the Appeal Board's determination and no more than thirty (30) days after approval of the written appeal under Section 5.11.3. The complainant will be informed of any specific sanctions imposed on respondent directly relating to the complainant in a manner consistent with the requirements of FERPA.

5.12 Remedies and Disciplinary Sanctions

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The College is committed to taking action to eliminate all sex discrimination and sexual harassment. Where a determination of responsibility for sexual harassment has been made against the respondent, remedies are designed to restore or preserve equal access to the College's education programs or activities, to stop the conduct, prevent its recurrence, and address its effects. Such remedies may include the same individualized services that constitute supportive measures in Section 4.4 above, but may also be disciplinary or punitive and need not avoid burdening the respondent. To that end, when determining the appropriate remedies or sanctions to be imposed, consideration shall be given to the principle that the sanctions should be proportionate to the offense and seek to provide a remedy to the complainant and to prevent recurrence of the offense for the protection of the campus community. Any

student or employee determined to be responsible for violation of this Policy should expect the imposition of remedies and/or sanctions.

Remedies and sanctions for students may include any of those set forth in the Student Handbook and Student Code of Conduct, including modification of living arrangements, dismissal, suspension, reporting to the local police, and other remedies and sanctions determined by the College to be appropriate.

Remedies and sanctions for employees may include any of those set forth in the Faculty Handbook or Staff Handbook, including termination, suspension, removal from campus, cancellation of contract, written reprimand, oral reprimand, and other remedies and sanctions determined by the College to be appropriate.

6.0 Retaliation

The College strictly prohibits retaliation—*i.e.*, intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy, constitutes retaliation.

Retaliation does not include the exercise of First Amendment rights or a code of conduct violation charge for making a materially false statement in bad faith in the course of a grievance proceeding.⁷

Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or dismissal if they are a student.

7.0 Documentation and Recordkeeping

Where the Title IX Coordinator receives a report of an incident or allegation of sexual harassment or a formal complaint is filed, the College will create records of any actions, including any supportive measures, taken in response to a report or formal complaint. In each instance, the College will document the basis for its conclusion that its response was not **deliberately indifferent** and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. Deliberate indifference occurs only where a response to sexual harassment is clearly unreasonable in light of the known circumstances. Where supportive measures are not provided to a complainant, the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The foregoing documentation, as well as the following, will be maintained by the College for a period of seven years:

- a) Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript;
- b) Any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's education program or activity;
- c) Any appeal and the result therefrom;

⁷ A determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

- d) Any informal resolution and the result therefrom; and
- e) All materials used to train Title IX Coordinators, investigators, decision-makers, including Adjudicators and Appeal Board members, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website.

8.0 Education and Training

Wilmington College is committed to taking steps to prevent discrimination based on sex, including all forms of sex discrimination and sexual harassment, and to address its impact upon any victims. Efforts to address these issues are made by a variety of programs, departments and services available on campus. For example, the College provides new student orientation and employee training programs addressing topics such as (1) the provisions of this Policy; (2) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual harassment; and (3) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. The College also provides education on these topics on an ongoing basis for students and faculty.

Title IX Coordinators, investigators, any person who facilitates an informal resolution process, Adjudicators, and Appeal Board members will receive training on this Policy and the proper handling of cases of sexual harassment, including, but not limited to the following:

- a) the definition of sexual harassment,
- b) the scope of the College's education programs and activities,
- c) how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, and
- d) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Adjudicators will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in Section 5.8.1 above.

Investigators and Adjudicators will also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth Section 5.7.6 above, and make relevancy determinations during live hearings, as set forth in Section 5.8.3 above.

Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

9.0 Guidance on Taking Immediate Action in Cases of Sexual Harassment

In the event that a sex offense (including sexual assault or stalking) has occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future and will help in obtaining a protective order, if necessary.) Victims/survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed, but if they are bring all original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)

When necessary seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

In addition to the above College resources, there are also independent resources available to victims of sexual assault. The Alternatives to Violence Center serves any person who is a survivor of sexual assault, including providing court advocacy, counseling, support groups, temporary shelter, education, and a 24-hour crisis line. The Center is located at 94 N South St, 3rd Floor Suite D, Wilmington, OH 45177. The telephone number for the Center is (937) 383-3285 and the crisis line number is (888) 816-1146.

Though the College will undertake its own investigation of any report of sexual harassment, you may also: (1) notify law enforcement authorities, including the Wilmington Police Department; (2) be assisted by campus authorities in notifying law enforcement; or (3) decline to notify such authorities.

10.0 Additional Resources

10.1 College Resources

As listed in Section 4.3 above, students (including the reporting party or accused) may contact the Title IX Coordinator for information on the College's process for responding to reports and formal complaints of sexual harassment and for assistance through that process. In addition, students may contact the following, all of whom have been trained on the College's sex discrimination policies and procedures and who are available 24 hours per day. The following College resources may be able to provide assistance, but do not necessarily constitute officials with authority under this Policy:

Wilmington College Counseling Center
Tel: (937) 481-2272
Email: kazi_mcdowell@wilmington.edu

Housing and Professional Staff
1870 Quaker Way
Pyle Center Box 1226
Wilmington, OH 45177
Business Hours Tel: (937) 481-2369
After Hours Tel: (937) 283-5158
E-mail: housing@wilmington.edu

Campus Safety
Aegis Protective Services
1870 Quaker Way
Pyle Center Box 2029
Wilmington, OH 45177
Tel: (937) 382-0100
E-mail: campussafety@wilmington.edu

It's On Us⁸
Contact: Carissa Macella
Tel: (937) 481-2225

⁸ *It's on Us* is a national campaign and interest group on Wilmington College Campus that strives to empower students in the fight against campus sexual assault.

E-mail: carissa_macella@wilmington.edu

10.2 Local Law Enforcement

The city of Wilmington, Ohio is served by two local law enforcement agencies: the Wilmington Police Department and the Clinton County Sheriff's Office.

Wilmington Police Department
69 North South Street
Wilmington, OH 45177
Tel: (937) 382-3833

Clinton County Sheriff's Office
1645 Davids Drive
Wilmington, OH 45177
Tel: (937) 382-1611
Hours: 8:00 am – 4:00 pm

11.0 Options Outside the College For Resolution of Discrimination Based on Sex

Students may file complaints under Title IX with the Office for Civil Rights, U.S. Department of Education, or with the State Department of Fair Employment and Housing. Contact the campus Title IX Coordinator or the U.S. Department of Education, Office for Civil Rights for current information. The Office for Civil Rights is not a party to the College's internal grievance process and a complaint may be filed with the Office of Civil Rights at any time.

Staff and faculty may file complaints under Title IX under certain conditions, as outlined above; under Title VII, with the Equal Employment Opportunity Commission; or with the State Department of Fair Employment and Housing.

The time limits for filing complaints with State or Federal agencies vary. Contact the relevant State or Federal agency for further information.

12.0 Accommodations for Disabilities

The Office of Disability Services works with students and faculty to ensure that a disability will not be a barrier to equal opportunity and access to educational programs and services. If a reporting party, accused, or witness needs an accommodation for a disability in order to participate in the investigation and/or grievance procedure, he/she/they should make the request for an accommodation to the Academic Services Director, whose contact information is below:

Amber Walters, Disability Services Director
RCC 120, Office B
(937) 481-2444 (Ext. 444)
amber_walters@wilmington.edu

The Disability Services Handbook provides additional information about policies, procedures, and resources available at Wilmington College for students with disabilities.

APPENDIX II – COVID19 EMPLOYEE & GENERAL OFFICE SPACE PROTOCOL (Updated 9/16/2021)

Purpose

The following protocol was updated in conjunction with current recommendations and requirements from the US/OH Departments of Health and Education, CDC, and the Clinton County Health Department in order to continue to provide and maintain a safe work environment for employees, students and guests to Wilmington College.

Compliance with this protocol is mandatory for all employees. These protocols pertain to all employees, students, and visitors regardless of whether they have been vaccinated or tested positive for COVID19 previously.

This will replace all previous campus, employee, and student protocols.

We will continue to monitor this issue monthly and make any necessary adjustments.

Campus Protocols

COVID-19 Vaccine - Wilmington College will be requiring all students, faculty, staff, and volunteers to be fully vaccinated or have an approved exemption prior to the start of the Spring Semester 2022.

Students

For those students that are currently fully vaccinated, thank you for taking steps to protect yourself and our community. Students that are not fully vaccinated, we will continue to take steps to make the vaccine available to you to make the process as convenient as possible to get vaccinated.

All students will be allowed to register for Spring classes. All students are required to be fully vaccinated or have an approved exemption to return to campus and begin all classes in the Spring 2022 and beyond. Those students not providing vaccination documentation or approved exemption by December 22, 2021, will be withdrawn from Spring classes and not allowed to move into the residence halls.

Faculty and Staff

For those faculty and staff that are currently fully vaccinated, thank you for taking the steps to protect yourself and our community. All active faculty and staff including full, part time, adjuncts, and volunteers are required to be fully vaccinated or have an approved exemption by December 14, 2021.

Exemptions

Students, faculty, and staff may request a medical or religious exemption from the vaccination requirement. Exemption requests will be reviewed on a case-by-case basis. All exemption requests will need be received by November 1, 2021. Information on requesting an exemption will be provided in a separate communication.

All individuals who receive an exemption will be required to be tested on a weekly basis.

To assist with the vaccination process, Wilmington College will be holding vaccine clinics on campus during the months of October, November, and December. Additional information on future clinics will be announced from the Offices of Students Affairs and Human Resources.

Facial Coverings – All individuals (vaccinated and unvaccinated) will be required to wear a facial covering while inside any campus building (with the exception of when alone in a private office or private residence). Facial coverings may be worn by any individual on campus at any time but are not required outdoors. As mentioned above, we will begin monthly reviews of our campus climate in September to determine if this requirement can be lifted.

Social Distancing - Classrooms and meeting rooms will continue to be set to allow for social distancing and signage will be displayed to indicate where seating is and is not allowed. This also requires capacity restrictions in some spaces. The CDC and local health officials indicate this is the most important and effective mitigation against COVID.

Dining Hall - The dining hall will have reduced capacity. Most of its operations will return to normal. There will continue to be an entrance and exit restrictions. Facial coverings will be required when not eating.

Travel – Individuals requesting to participate in foreign travel/education opportunities will be required to be vaccinated and comply with current foreign travel guidelines. Domestic travel will be allowed following current US COVID protocols. Usage of campus vehicles will require all occupants to wear facial coverings. See Campus Activities/Meetings below for approval process.

Campus Activities/Meetings – Student and Classroom campus activities will continue to be monitored and managed the same method as last academic year utilizing the Event Approval Form. Opportunities for off campus activities will be available. No food will be allowed for any campus activity/event that is held inside and includes individuals from off campus.

Testing – COVID testing will continue to be utilized for those individuals identified with symptoms. Isolation and quarantine protocols will follow current CDC guidelines. Students and employees that are tested positive or identified as a close contact will be required to stay off campus during the isolation or quarantine period. On campus isolation/quarantine for out of state and international students will again be available as needed. The Athletic program will continue to follow both NCAA and OAC guidelines.

Library, Harcum Art Gallery, Quaker Heritage Center, Peace Resource Center – All of these facilities will operate under normal conditions. Regular hours and services will be available to faculty, staff, students, and the public.

Theatre – All events held in the Theatre must observe social distancing in seating and facial coverings worn by the audience. Seats will be marked to require two seats between each individual for on-

campus personnel. Theatre events that involve the public will require seat assignments in family pods and social distanced. Livestreaming of events for the public is encouraged.

Individual Self-Assessment Requirements – Vaccinated and Unvaccinated

All students, staff and faculty should continue to conduct a personal self-assessment including taking their temperature for the following COVID symptoms on a daily basis:

- Cough.
- Shortness of breath or difficulty breathing.
- Fever (100.4F or higher)
- Chills.
- Muscle pain.
- Sore throat.
- New loss of taste or smell.
- Nausea, vomiting, or diarrhea.

Individuals experiencing the above symptoms should:

- Employees should contact their health care provider for assessment of the symptoms prior to coming to campus.
- Students should contact the Student Health Service Center for assessment of the symptoms prior to reporting to class.
- If directed to be tested by your health care provider, employees and students should advise Human Resources or Student Affairs.
- Follow directives from your health care provider and/or local health department with regard to isolation or quarantine requirements. Advise Human Resources or Student Affairs.

COVID-19 Accommodations

At this time, all faculty and staff are expected be on campus to complete the expectations of their roles and responsibilities, even if classes are being taught on-line.

The College will consider remote learning and working accommodations for individuals who provide supporting medical documentation from a physician. Employees that desire to learn more about receiving an COVID-19 accommodation, please contact the Human Resources Department for more information. Students who would like more information about COVID-related accommodations should contact Student Affairs. The Office of Disability Services manages all academic accommodations not related to COVID-19.

Employee Handbook Acknowledgment Form

I acknowledge that I have received, read, and understand the policies outlined in the Wilmington College Employee Handbook. I agree to conform to the rules and regulations of Wilmington College as described in the handbook, which is intended, as a guide to human resource policies and procedures. I understand that the College has the right to change the handbook without notice. It is understood that future changes in policies and procedures will supersede or eliminate those found in this book, and that employees will be notified of such changes through normal communication channels.

I also understand and agree that the information contained in these materials does not constitute an employment contract between Wilmington College and me, and that either Wilmington College or I may terminate our employment relationship at any time, with or without cause. I understand that no manager or representative of Wilmington College, other than the President of the College, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing.

Employee Signature

Date

Employee Name (please print)