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***This Handbook is intended for general information. Please contact Human Resources for specific interpretation as needed. These policies may change without notice. Any policy updates will be included in the Handbook maintained on the University’s Portal. Exceptions to the policies contained in this Handbook can only be made by the President of the University.***

# Section A - Introduction to the University

## History

Marshall B. Ketchum University (MBKU), is the home of Southern California College of Optometry, the School of PA Studies and College of Pharmacy. Southern California College of Optometry, originally named the Los Angeles School of Ophthalmology and Optometry, was chartered by the State of California in 1904. It is the third oldest of the schools and colleges of optometry in the United States and Puerto Rico.

In the early years, both optometrists and physicians studied at the Institution. As the optometric matriculation increased and courses expanded, the medical courses were gradually phased out, and the University became exclusively a school of optometry.

In 1928 the Los Angeles School of Optometry merged with the University of Southern California. In 1933 the school separated from USC and re-established the Los Angeles School of Optometry, accepting students with a minimum of two years of approved pre-optometry curriculum. MBKU became a non-profit institution in 1938. The University remained in the vicinity of the USC campus until early 1973, when it moved to a newly built campus in the City of Fullerton in Orange County, CA. At that time the name of the University was changed to the Southern California University of Optometry.

As an independent, fully-accredited, non-profit educational institution, the University derives its income from tuition, fees, clinical services, research and grants. As a private, educational institution, important additional support is received in the form of voluntary gifts from parents and friends of the University, alumni, trustees, corporations, foundations and others.

The College is accredited regionally by the Accrediting Commission for Senior Colleges and Universities of the Western Association of Schools and Colleges (WASC). It is also accredited professionally and nationally by the Accreditation Council on Optometric Education (ACOE), of the American Optometric Association.

The School of Physician Assistant Studies (SPAS) at Marshall B. Ketchum University was founded in 2012 and offers a 27-month, post-baccalaureate program leading to the degree, Master of Medical Science (MMS). The PA program is nine quarters in duration. Ketchum University is on the forefront of interprofessional education.

The College of Pharmacy at Marshall B. Ketchum University was founded in 2014 and accepted its inaugural class in September 2016.  It will award a Doctor of Pharmacy (PharmD) degree. The program offers all of the American Pharmacists Association (APhA) training certificate programs, five in total, to our students. The five certifications include: Delivering Medication Therapy Management Services, Pharmacy-Based Cardiovascular Disease Risk Management, Pharmacy-Based Immunization Delivery, The Pharmacist and Patient-Centered Diabetes Care and Pharmacy-Based Travel Health Services.

## University Core Values

Marshall B. Ketchum University is guided by the values of:

**Accountability**

We are committed to honesty, fairness and responsibility for our words and actions.

**Caring**

We strive to address the needs of our University community and others by nurturing a spirit of compassion.

**Excellence**

Consistent with our legacy, we are committed to achieving outcomes of the highest quality.

**Innovation**

We have the courage to dream and experiment with creative and unique ideas.

**Respect**

We value the unique talents and diversity of people, strive to work collaboratively, and honor the open exchange of ideas.

## University Mission Statement

The Mission of Marshall B. Ketchum University is to educate caring, inspired health care professionals who are prepared to deliver collaborative, patient-centric health care in an interprofessional environment.

## 

## University Vision Statement

We seek to reimagine the future of health care education.

## Administrator Position Descriptions

Administrator positions are those that support the entire University in their respective areas. The first five (5) positions following the President are members of the President’s Executive Council and all report directly to the President.

### President

The President is the Chief Executive Officer of the University and is appointed by the Board of Trustees. The authority and responsibility of the President relates to providing for effective functioning and implementation of fiscal policies, representing the University before various professional, legislative, educational, political, business, and community organizations, and the planning and implementing of long-term education and patient care goals of the University. The President is also responsible for providing strong leadership, which will establish high standards of ethical and professional conduct for the profession and all members of the University community.

### 

### Senior Vice President and Chief of Staff

Under the direction of the President of the University, the Sr. Vice President & Chief of Staff (SVP & COS) oversees day-to-day operations of the University to support program growth and development as well as operational efficiencies. THE SVP & COS will focus on strategic planning and goal-setting, and assist the President in the daily operations of the University in support of its goals by measuring progress and adjusting processes accordingly. This position is responsible for coordinating all staff and operational activities on a University-wide and campus-specific basis, engaging in appropriate planning and implementation, collaborating with other administrative leaders on important projects and initiating and guiding the development of approved policies and practice within areas of jurisdiction. THE SVP & COS also oversees the Marketing and Communications department for the University.

### Senior Vice President for administration and finance & CFO

The Sr. Vice President of Administration and Finance (SVPAF) & CFO is responsible for all financial activities of the University including the strategic management of the Accounting and Finance functions along with the University Controller as well as oversees Auxiliary Services, Campus Operations and Information Technology. The SVPFA &CFO serves on the President’s Executive Council and is responsible for providing oversight of internal controls that safeguard the University’s assets. The SVPAF & CFO prepares and presents financial statements and reports to the Board of Trustees, collaborates with leaders of other departments regarding critical business opportunities as well as oversees the annual budgeting process.

### Vice President for Human Resources

The Vice President for Human Resources is responsible for assisting the faculty, administrators and staff on personnel policies and benefits. The Vice President for Human Resources reports directly to the President and responsibilities include: employee relations; organizational development; leadership training and development; staff and administrator development; compensation and benefits; recruiting, hiring and orienting all employees; monitoring and coordinating benefit programs offered to employees; monitoring performance management process for administrators and staff; State and Federal employment compliance; creating and implementing all approved personnel and benefit policies; and verifying employment records as requested by outside agencies. The VP for Human Resources also oversees the Safety and Security responsibilities for the University.

### Vice President for Educational Effectiveness and Institutional Research

The role of Vice President for Educational Effectiveness and Institutional Research has the oversight of continuing education, library services, assessment and institutional effectiveness, academic program issues, faculty development and interfacing with IT services as it impacts academic issues.

### Vice President for Student Affairs

The Vice President for Student Affairs is the chief student affairs administrator of the University and is responsible for the non-academic services for students. The Vice President for Student Affairs serves on the President's Executive Council and is responsible for coordinating and supervising records and registration, student financial aid, student orientation co-curricular programing and counseling, and serves as the University liaison to the Student Association as well as all other student organizations.

### Vice President for University Advancement

The Vice President for University Advancement leads the overall fundraising strategy for the University, including annual fundraising activities, major gift, planned gift and corporate and foundation relations activities, and capital campaigns as set forth by the University’s strategic plan. The Vice President for University Advancement reports to the President and is a member of the President’s Executive Council. The VP is responsible for planning and implementing a variety of programs which will establish and maintain relationships with external organizations and individuals to secure private support to the University and its programs. The Vice President for University Advancement leads and directs the overall planning, direction and supervision of all Development, Community Relations and Alumni Relations.

### Dean of Optometry

The Dean of Optometry (Dean) is the chief executive officer of the Southern California College of Optometry whose primary responsibilities are to insure that the integrity and quality of the fiscal, academic and research programs are maintained and enhanced and that the prescribed administrative process is followed. The Dean is responsible for defining the goals of the academic program, facilitating continuous review of the curriculum, recruiting faculty members and providing support for their professional development, and providing leadership and guidance for faculty and students. The Dean serves as an ex-officio member of all faculty committees and several administrative committees, and chairs the Academic Affairs Council. The Dean supervises the Graduate Program (Vision Science).

### Dean of Pharmacy

The Dean of the College of Pharmacy (Dean) serves as the chief executive officer of the program, providing leadership to ensure a smooth and efficient operation of the College. The Dean is responsible for strategic planning for the college, securing and maintaining professional accreditation, and supporting efforts by the University for achieving and maintaining regional accreditation. The Dean serves as the spokesperson for the College, articulating the mission and vision of the program to all stakeholders. As the College CEO, the Dean oversees the recruitment, mentorship, and retention of an experienced and dedicated faculty. In addition, the Dean is responsible for securing adequate financial resources for the College, allowing it to achieve excellence in pharmacy education, achieve the College mission, advance scholarship, and engage in continuous quality improvement.

### Program Director – School of Physician Assistant Studies

The Program Director for the School of Physician Assistant Studies is the head of the School of Physician Assistant Studies, providing effective leadership and management in all areas of the program. The Program

Director is knowledgeable and responsible for program organization, administration, fiscal management,

continuous review and analysis, planning, development, and participation in the accreditation process. The

Program Director will supervise the medical director, principal and instructional faculty and staff in all activities that directly relate to the PA program. The Program Director will lead representation of the program in the

college community and outside professional organizations. The Program Director is responsible for

communicating with institution administrators program needs for the human resources, financial resources,

and physical resources needed for a successful program, and faculty (principal and instructional) recruitment

and development.

### Associate Dean of Clinics

The Associate Dean of Clinics is responsible for the leadership of the University Eye Center at Ketchum Health and has direct oversight of the affiliated clinics of SCCO at MBKU also known as the University Eye Center Clinical Enterprises in providing high quality comprehensive eye care services to the public and quality patient encounters for students.  The Associate Dean of Clinics strives to evaluate and enhance the patient experience at the University Eye Centers, and collaborates with the Assistant Director of Marketing and Communications in developing strategies that will maximize the visibility of all the clinical services. The Associate Dean of Clinics is responsible for negotiating appropriate contracts to maintain the clinic's fiscal visibility, and enhance the clinic's reputation as a center of excellence for exceptional eye and vision care services.  The Associate Dean serves as the chair for the Clinic Council and Student Clinic Advisory Council.

### Director of Campus Operations

The Director of Campus Operations reports to the Senior Vice President for Administration and Finance & CFO and is responsible for planning, organizing and supervising the University’s ongoing maintenance program for all buildings and plant operations. The Director is also responsible for management of the University-owned housing. The Director is responsible for all phases of physical plant development, construction, preventative maintenance and repair of facilities, grounds, and equipment.

### Director of Campus Safety and Security

The Director of Campus Safety and Security reports to the Vice President for Human Resources and is responsible for ensuring the overall safety and well-being of the University personnel including disaster preparedness. The Director is also responsible for all aspects of safety operations including directly supervising a team of Safety and Security Officers to maintain proper campus safety, security and service. The Director will ensure that all Safety and Security Officers continuously receive training on the latest techniques, procedures and legal issues surrounding campus safety and security as well as ensure all Safety and Security Officers remain attentive and watchful at all times to prevent theft, vandalism or damage to the University.

### Director of Clinical Services

The Director of Clinic Services reports to the Associate Dean of Clinics and is responsible for the development of external strategic program, vision and medical plans and all activities to enhance clinical relations, which includes development of a community network that will generate patient referrals, grants, and contracts. The Director is also responsible for management and leadership of employees providing patient care services and for educating faculty and staff on grant procedures and new project opportunities and assisting in designing and implementing continuing education programs for nurses, teachers and other appropriate professionals as they relate to SCCO clinical services.

### Director of Continuing Education

The Director of Continuing Education is responsible for planning, coordinating and implementing all continuing education programs offered by the University. The Director reports to the Vice President for Educational Effectiveness and Institutional Research and serves as an ex officio member of the Continuing Education Committee. The Director is responsible for preparing an annual calendar of continuing education events, implementing programs recommended by the Continuing Education Committee and approved by the Deans and Program Director; managing the fiscal integrity of the Continuing Education Department, and the timely transcription of all completed continuing education programs.

### Director of Financial Aid

The Director of Financial Aid reports to the Vice President for Student Affairs and is responsible for establishing and implementing the overall policies and operating procedures for the Office of Financial Aid. The Director of Financial Aid bears primary responsibility for coordinating all federal, state, private and institutional student aid programs including loans, grants and scholarships.

### Director of Healthcare Policy Compliance

The Director of Healthcare Policy Compliance reports to the Associate Dean of Clinics and is responsible for ensuring that all policies and procedures of the Ketchum Health organization are being accurately maintained and organized; the employees of Ketchum Health are complying with the rules and regulations of regulatory agencies; that Ketchum Health policies and procedures are being followed and that behavior in the organization meets the University’s Code of Ethics.

### Director of Information Technology

The Director of Information Technology reports to the Senior Vice President for Administration and Finance & CFO and is responsible for all campus computer services including systems analysis, programming, technical support and equipment operations. The Director works with computer users to achieve maximum and effective utilization of computing resources. The Director of Information Technology is responsible for the evaluation and recommendation of new computer hardware and software systems throughout the University.

### Director of Library Services

The Director of Library Services organizes, coordinates and manages the operations of the Library. The Director reports directly to the Deputy Chief of Staff for Academic Services. Primary responsibilities include: administrative management of day-to-day and long-range library operations (including the library budget); development of the Library collection (selection, acquisition and processing); cataloging, classifying and bibliographic control of library materials; providing reference services; developing and implementing library instructional programs; selecting, training, supervising and evaluating the staff and student assistants. The Director serves as co-chair of the Exhibits Space Committee and as an ex-officio member of the Curriculum Committee.

### Director of Major Gifts

The Director of Major Gifts provides leadership and direction to a comprehensive fundraising program to secure significant new and increased private support through major gifts from individuals, including alumni and community members and foundations and corporations to advance the mission of the institution and to build resources in conjunction with the overall strategic development plan of Marshall B. Ketchum University. The Director has experience with a wide variety of fundraising techniques and experience working with volunteers and committee structures.  The Director reports to the Vice President for University Advancement.

### Director of Health Care Marketing and Communications

The Director of Health Care Marketing and Communications leads the execution of clinic-related strategies to increase brand awareness while ensuring brand integrity across all communication platforms and channels. S/he sets priorities, aligns activities and ensures Ketchum Health’s marketing and communications products are high-quality, on-brand and effective. The Director of Health Care Marketing and Communications also manages the creative unit for MBKU.  S/he organizes and aligns the efforts of staff to support brand exposure to effectively achieve program success. Provides fiscal oversight of the marketing and communications budget, as it relates to Ketchum Health.

### 

### Director of University Marketing and Communications

The Director of University Marketing and Communications leads the execution of MBKU’s strategies to increase brand awareness while ensuring brand integrity across all communication platforms and channels. S/he sets priorities, aligns activities and ensures MBKU’s marketing and communications products are high-quality, on-brand and effective. The Director of University Marketing and Communications manages the brand marketing team, including the online engagement and editorial units. S/he organizes and aligns the efforts of staff to support brand exposure to effectively achieve program success. The Director of University Marketing and Communications also serves as the Editor for Ketchum magazine, the official periodical of Marshall B. Ketchum University. Provides fiscal oversight of the marketing, communications and website budgets.

### Director of Multi-Media

The Director of Multi-Media reports to the Senior Vice President & Chief of Staff and is responsible for the technical support of all audiovisual materials needed by the faculty for teaching and scholarly activities. Support is also provided to the administration to include promotional and marketing assistance as well as for University events including Commencement, convocations, symposia, alumni reunion, continuing education, etc. The Director administers the budget for the department and supervises the departmental staff. The Director is responsible for providing high quality media support in consultation with faculty and the administration.

### director of registration & international student services

The Director of Registration and International Student Services (DRISS) is responsible for the overall supervision, planning and administration of the University’s registration functions and International Student Services to ensure compliance with immigration laws and regulations concerning the sponsorship of non-US students. The DRISS works collaboratively with academic and administrative departments to organize and manage all activities related to student records and registration and institutional reporting of student information.

### Director of Student Accounts

The Director of Student Accounts reports to the Vice President for Administration & Finance, CFO and is responsible for the day-to-day operations of student account services, including billing, cashiering, timely issuance of student refunds, monitoring and management of delinquent collection balances, ensuring superior customer service to students, families, faculty and staff, and managing third-party service providers. The Director oversees and enforces internal financial controls over student transactional systems.

### Director of Student Affairs

The Director of Student Affairs reports to the Vice President for Student Affairs. The Director serves as the advisor to student government, coordinator of the Student Leadership Development Certificate program and the Student Achievement Center along with future programming.

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### Senior Director of Financial Reporting and Budget

The Senior Director of Financial Reporting and Budget is directly responsible for managing the preparation of internal and external financial statements and reports for a variety of University constituents. The Senior Director keeps the budgets and budget processes on track and provides accountability reporting. The Senior Director reports to the Vice President for Administration & Finance, CFO.

### University Controller

The University Controller reports to the Vice President for Administration & Finance, CFO and has overall responsibility for the accounting activities of the University including cash receipts and disbursements, accounts receivable and payable, bank reconciliation, budget, payroll and clinic and outreach accounting. The University Controller also oversees payroll and purchasing.

## University Publications

There are additional University publications which relate to official policy and procedures and provide important information about the University:

### Accounting Policies and Procedures Manual

This manual sets out the minimum standards for accounting, fiscal, and budgeting policies of the University.  It is designed to help insure that all funds are handled, recorded, and disbursed in a consistent and proper manner.  The manual is located on the University’s portal and is also available through the Controller’s office.

### Administrative Guide for Board of Trustees

Materials relating to the functions and procedures of the University's Board of Trustees are included in the *Administrative Guide for Board of Trustees*. Copies of this publication are available from the President for review by members of the faculty who are encouraged to become familiar with the responsibilities and policies of the Board of Trustees.

### Administrative Guide for Residents

This Administrative guide for residents has been prepared as a ready reference to the official policies, regulations and requirements of SCCO at MBKU affiliated residency programs.

### Clinical Outreach Manual

This publication describes the responsibilities of the fourth-year students during their off-campus clinical rotations, as well as certain policies and procedures pertaining to their rotations. The responsibility of the outreach-site faculty is also described, as well as documentation requirements of the students and faculty. There is a detailed section regarding the time-off policy and how the requests will be addressed. The school screening program is also described in detail. Outreach faculty and the fourth year students are supplied copies of the Manual by the Associate Dean for Clinical Education, who has the responsibility of updating, publishing, and distributing the Manual annually.

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### Faculty Handbook

The Faculty Handbook is a ready reference on specific policies, regulations and benefits relating to full-time and part-time persons holding faculty appointments at the University. It is a supplemental handbook to the MBKU Employee Handbook, for faculty personnel.

### Manual of Clinical Education and Clinical Policies and Procedures

The material in this publication addresses the overarching procedures and policies that apply to clinic operations. Included in this publication are the roles and functions of the various University clinics and their personnel. Patients’ rights, as well as certain disclosure requirements are described. Fees, emergency procedures, third party payment information, record keeping, immunization procedures, infection control protocols, retention of clinic records, confidentiality and privacy policies and other pertinent information is included. The contents of this publication are meant for students, faculty, staff and administrators alike.

Included in this publication is the information that is aimed at addressing the educational aspects of the clinical education of students at MBKU. Information concerning the behavioral objectives from each of the clinical services is included as a basis for evaluation of student performance. Additional information regarding student evaluation and conduct is addressed. This publication is available on the MBKU Portal.

### MBKU Employee Handbook

This guide is a reference for all MBKU employees to use in understanding University policies and procedures. This handbook is not an employment contract nor does it create contractual obligations. It is the employee’s responsibility to read and understand this handbook. The University has the right to add to, discontinue or modify any provision, procedure or employment benefit. No such change shall be effective unless approved by the President of the University. As subsequent changes occur, they will be posted to the MBKU Employee Handbook found on the MBKU Portal. Employees should check the on-line handbook for the most recent policies, procedures and benefits.

### MBKU News

This monthly publication is designed to provide information that will benefit members of the campus community. The focus is to communicate news, information and upcoming events. MBKU News is produced by the Marketing and Communications department and is transmitted electronically in PDF format.

### Student Handbooks

### Program Student Handbooks

These publications are produced annually by each Program’s Dean/Director’s office. Some of the material relates to policies and regulations of the University, which is also covered in the publications described previously. The Program Student Handbooks are unique to each Program and cover a variety of specific topics including academic/professional policies and regulations, technical standards, attendance policies, dress codes and other information. These documents are located online via the MBKU portal.

### University Student Handbook

This publication is produced annually by University Student Affairs to provide information for enrolled students. Some of the material relates to policies and regulations of the University, which is also covered in the publications described previously. The University Student Handbook is one of the primary sources of information concerning academic information, student records, student conduct, student services, the Student Association, health and safety and other information. This document is located online via the MBKU portal. Program-specific information is located within the Program Student Handbooks.

### University Catalog

This publication provides a brief history of the institution and lists the institutional goals and objectives. The policies on admissions and academic standing stated in the catalog serve as a contract between the institution and each of our enrolled students. The catalog also lists the curriculum and a directory of all faculty members and administration. Each member of the faculty is expected to be familiar with the material in the most recent

edition of the catalog. Copies of the University Catalog are available from the office of the Vice President for Student Affairs or on-line via the MBKU website.

# Section B - Employment at the University

## Americans With Disabilities Act (ADA)

It is the University policy to comply with all Federal and State laws concerning the employment of persons with disabilities as required in The Americans with Disabilities Act (ADA), as amended.

The University does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The University will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a job. An individual, who can be reasonably accommodated for a job without undue hardship, will be given the same consideration for that position as any other applicant.

However, all employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, a threat that cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until the University has made a decision in regard to the employee’s immediate employment situation.

Employees should contact the VP for Human Resources regarding the implementation of this policy including resolutions of reasonable accommodation, safety, and undue hardship issues.

## Background Investigation

To determine suitability for employment or continued employment in addition to verifying previous employment and education, the University reserves its right to obtain extensive background checks on all present and future employees. These reports can include, but are not limited to, Driver’s History, Criminal Courts, Public Filings and Consumer Credit Report for specified positions. Employees will be aware of MBKU’s request for a credit report and will be entitled to receive a copy of the criminal report and credit report in accordance with the Fair Credit Reporting Act.

## Employment At-Will

Employment at the University is at-will. This means that employment and the terms and conditions of employment may be changed with or without cause and with or without notice, including but not limited to promotion, transfer, compensation, benefits, duties, location of work, demotion and termination. No manager, supervisor or employee of the University has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will. An employee’s status as an at-will employee can only be changed through a written agreement signed by the President of the University.

## Employment of Relatives

Employees' relatives are not eligible for employment with the University where potential problems of supervision, safety, security, morale, or potential conflicts of interest exist. Relatives include an employee's parent, child, spouse, brother, sister, in-laws and step relationships.

If two employees marry or become related, it will be necessary for the individuals to meet with the VP for Human Resources and/or the President to establish what shall occur.

## Equal Employment Opportunity

It is our commitment to recruit, hire, train, and promote individuals, as well as administer any and all personnel actions, without regard to race, color, creed, gender (including gender identity and gender expression), religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition (including genetic characteristics, cancer or a record or history of cancer), sex (including pregnancy, childbirth, breastfeeding and/or other related medical conditions), genetic information, sexual orientation or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful.

The University is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in University operations and prohibits unlawful discrimination by any employee of the University, including supervisors and coworkers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the University will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

## Human Resources Department

The Human Resources (HR) Department has been established to provide employees with information and necessary assistance to understand the University's personnel policies, benefits and to promote a positive work environment. The HR Department is the best resource for employees to obtain current information on work rules, benefits, personnel policies, payroll data, personnel records, insurance, job opportunities, and benefit conversion privileges upon termination of employment. The representatives of the HR Department are eager to help employees with any problem or concern; although employees should try to resolve any issues with their manager before going to the HR Department.

## Human Resources Records

The HR Department maintains confidential records of each employee’s name and address, personnel history, previous experience and history of employment at the University. Employees are responsible for notifying the University in the event of a name or address change. These records are of great assistance in the selection of personnel for promotions, merit increases and benefits. Employees may request additions to their personnel files, material felt to be beneficial in the consideration of promotions and salary increases.

Employees have a right to inspect certain documents in their personnel file, as provided by law, in the presence of an HR representative at a mutually convenient time. Employees must complete the request form found on the portal. No copies of documents in an employee’s file may be made, with the exception of documents that one has previously signed.

The University will attempt to restrict disclosure of personnel files to authorized individuals within the University. Any request for information from personnel files must be directed to an HR representative. Only HR representatives are authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, the University will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations and as otherwise legally required.

Employees as well as former employees may make an appointment to review the contents of their personnel files and obtain one copy of each signed document as long as they provide reasonable advance notice of the request. A fee will be assessed for the actual cost of duplication.

## Independent Contractors

Due to strict Federal and State regulations, an individual being hired as an Independent Contractor is extremely rare. Prior to approving an individual for hire as an Independent Contractor the eligibility test will be conducted by the VP for Human Resources.

## Selection Process

Employees are selected for employment and promotion based on their ability to do the job. Testing for skills necessary to perform the essential tasks and assessments measuring a candidate’s suitability for a position may be used in the recruitment process for internal and external candidates. Available staff positions will generally appear on the MBKU website. Advertisements may also appear on internet recruiting sites. Employees are encouraged to apply for openings within the University that will provide promotional opportunities. The University is an equal employment opportunity employer and will not discriminate against any employee or applicant for employment in an unlawful manner.

The University reserves the right to make exceptions to the selection process when deemed in the best interest of the University and appoint individuals to positions without open recruitment.

## Temporary Workers

Temporary workers brought on to perform various assignments are not employees and should not expect to receive any employee benefit. Should a temporary worker be hired during or at the completion of their temporary assignment, the hire date for all purposes including benefit eligibility will be the first day of the status change to regular part-time or regular full-time.

## Verification of Lawful Work Status (Form I-9)

The University is committed to full compliance with the federal immigration laws which prohibit employment of unauthorized aliens. Federal law requires all employers to verify each new employee’s identity and legal authority to work in the United States on Form I-9, Employment and Eligibility Verification no later than three business days after employment.  All offers of employment are conditioned upon the receipt of satisfactory evidence of an employee’s authorization to work in the United States. Any employee whose right to work in the United States expires must rectify their right to work in the United States on the I-9 Form in advance of the expiration of the authorization.  Any applicant or employee who submits false information to the University in order to qualify to work in the United States will be immediately terminated.

## Volunteer Policy

**Purpose**

To provide guidelines for volunteers serving at MBKU.

**When Volunteers Serve in the University Eye Centers or Elsewhere on Campus**

Volunteers provide non-clinical support services to patients, visitors and staff departments within guidelines established for each specific assignment.

The volunteer program provides “value added” service and is not intended to supplant or conflict with paid personnel in any way. The professional staff maintains full responsibility for performance of duties delegated to volunteers.

Volunteer service at the University Eye Centers is rendered by those interested in the welfare of the institution and its patients. By providing such services, volunteers enhance patient satisfaction by freeing professionals for more direct patient services and by providing efficiencies in key processes.

Volunteers are governed by policies and procedures. Volunteers are accepted for service only after completing established screening processes.

Volunteers are considered part of the MBKU family and as such, are invited to attend various campus activities, such as Staff Appreciation Day, holiday luncheons, etc.

1. Volunteers will:
   1. Complete an Application and if selected, may undergo background check.
   2. Sign a “Volunteer Service Agreement / Waiver.”
   3. Undergo a TB test, reimbursed by MBKU (eye centers only).
   4. Sign “Policy Acknowledgements.”
   5. Complete the Minors on Campus training if applicable.
2. Volunteer Service Descriptions relative to volunteer assignments are developed as a collaborative effort with the appropriate Department Chief or Department Director and Human Resources. Copies will be given to volunteers prior to beginning their assigned duties.
3. To assure volunteers’ competency to perform assignments, competency will be assessed on an on-going basis.
4. As potential requests for volunteers emerge, they are to be discussed with the VP for Clinical Affairs or appropriate VP. Appropriateness for new services and tasks to be performed by volunteers will be determined in collaboration between the requesting department, the VP for Clinical Affairs or appropriate VP and the VP for Human Resources.
5. Other Considerations:
   1. Liability Insurance applies; volunteer is not covered by Workers Compensation (identified in Agreement/Waiver),
   2. Receive limited access ID badge; access to parking structure, fitness center excluded,
   3. Schedules and assignments to be determined by Service Chief or Department Manager.
   4. Policy Acknowledgements for:
      1. Harassment Prevention
      2. Dress Code: Abide by applicable Dress Code
      3. Confidentiality: Patient info / non-public University information to be kept confidential
      4. Drug & Alcohol Abuse
      5. Child Abuse Reporting (University Eye Centers only)

**When Volunteers Serve as Committee Members**

1. Purpose will be to contribute professional, industry, network guidance and leadership to promote efforts of MBKU.
2. Volunteers will:
   1. Sign a “Committee Member Volunteer Service Agreement / Waiver”
   2. Sign “Policy Acknowledgements”
   3. Sign a “Statement of Understanding and Agreement for Members of the Board of Trustees”
3. Other Considerations:
   1. Parking
   2. I.D. Badge
   3. Liability Insurance applies (not workers comp insurance)

**Current Constituents**

* Board of Trustees
* Alumni Association members
* Council of Regents

# Section C - Employee Classifications and Categories of Employment

## Employee Classifications

Employees will not automatically change from one employment classification to another as a result of a temporary change in schedule. Changes in classifications must be requested by the supervisor and approved by the VP for Human Resources.

Since all employees are hired for an unspecified duration, these classifications do not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the University. Accordingly, either the employee or the University can terminate the employment relationship at will, at any time, with or without cause or advance notice. **These classifications differ from those used to establish benefit eligibility.**

* **Full-time Employees** work a regular schedule of 40 or more hours a week.
* **Part-time Employees** work a regular schedule of less than 40 hour per week.
* **Temporary Employees** typically hold jobs of limited duration arising out of special projects, abnormal workloads or emergencies; may be paid through an agency or temporarily on University payroll.
* **Contract and Fill-in Employees** typically hold jobs of limited duration arising out of special projects, abnormal workloads or emergencies and are paid through accounts payable.
* **Residents** position is for one year and primarily for training purposes.

## Employee Definitions

We have faculty, administrators and staff. Administrators are management personnel with direct responsibility for one or more departments. Their titles range from Assistant Director and higher. Staff provides departmental support services in the form of clerical, professional, maintenance, technical, etc. For the purpose of this handbook, administrators, staff and faculty will be referred to as "employee(s)".

## Exempt vs. Non-Exempt Status

Calculation of wages is determined by an employee's status under certain laws. The status is determined by the VP for HR and as a general rule, non-exempt employees must complete electronic timesheets in order to determine their wages. If the employee is unsure of their status, they should contact the HR Department.

### Exempt Employees

Exempt employees are classified by the University based on the “duties” and “salary” test determined by state and federal laws. If a position meets the duties and salary test, then the position is exempt from overtime provisions of the Federal Fair Labor Standards Act (FLSA). Such employees include those who qualify as exempt executive, administrative, computer or professional employees and who earn a monthly salary equivalent of no less than two (2) times the state minimum wage for full-time employment. For purposes of exempt classification, full-time employment is calculated at 40 hours per week.

### Non-Exempt Employees

Non-exempt employees include all regular employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act or any applicable state laws. Employees in this category are entitled to premium pay for work in excess of 40 hours in a workweek, eight hours in a workday, more than 12 hours in a workday and any hours worked on the seventh consecutive workday in a workweek.

## Promotions

It is the University's policy to encourage and promote the professional growth of each employee. Therefore, based upon an employee's qualifications, preference will be given to current employees whenever possible in filling available positions.

Assessments for skills necessary to perform the essential tasks and measuring a candidate’s suitability for a position may be used in the recruitment process for internal and external candidates.

## Rehired Employees

Employees who are rehired following a break in service in excess of one month, other than an approved leave of absence, are considered new employees from the effective date of their re-employment for all purposes, including for the purpose of determining benefit eligibility.

## Transfers Between Departments

Lateral transfers and promotions will be considered if the employee has been in his or her present position at least six months. The University reserves the right to make exceptions when deemed in the best interest of the University. Approved transfers will take place after 30 days to allow the departing manager time to find and train a replacement. Transfers may be delayed if the transfer will impact service quality.

# Section D - Policies Affecting Compensation

This section will review all the areas that will affect an employee’s paycheck. If employees have any questions about their actual paycheck, they should contact the Payroll Department in Accounting.

## After Hours / Off the Clock Policy for Non-Exempt (Hourly) Employees

MBKU non-exempt hourly employees are not required and are not expected to check voicemails, email or other University related software outside of their regularly scheduled work hours. *To prevent unauthorized or inadvertent violation of University* *Policy,* MBKU emails and other data are not to be forwarded or transmitted to a non-exempt employee’s personal email account or personal computer. Likewise, non-exempt employees should not set their smart phones to retrieve work related emails.

On those unusual occasions when a need may arise, non-exempt employees are required to get administrative authorization before working after hours. This includes using remote access technology (smart phones, laptops, etc.) to access or retrieve emails, texts or other data for work related purposes. Employees are obligated to report all such time worked.

Non-exempt employees with University-issued smart phones or remote access technology are obligated to report all time worked should they be contacted outside of their regularly scheduled work hours.

As a Reminder: No one has the authority to allow or ask, directly or indirectly, any non-exempt employee to perform work “off the clock”, that is, to work without compensation being given. Non-exempt employees are prohibited from working “off the clock,” whether requested or voluntarily. Employees who violate this policy are subject to disciplinary action up to and including termination.

## Attendance at Lectures, Meetings, and Training Programs

The University is not responsible for the payment or reimbursement of any wages, costs or expenses associated with attendance at lectures, meetings and/or training programs unless attendance is requested or approved by the University.

## Calculation of Wages

Non-exempt employees will be paid on an hourly basis for all hours worked and all compensated absences within each pay period. Exempt employees will be paid on a salary basis, which is paid in 24 equal payments.

## Compensatory Time Off

### Exempt Employees

Exempt employees are paid a fixed salary that is intended to cover all of the compensation to which they are entitled. Because of their exempt status, such employees are not entitled to additional compensation or compensatory time off for extra hours of work performed in the course of doing their job. The University does not maintain any compensatory time off plan or arrangement. Accordingly, any additional time off that is provided an exempt employee is done on an informal basis. Neither extra compensation nor compensatory time off will, under any circumstances, be owed or payable to an exempt employee upon separation from the University's employ for any reason.

### Non-Exempt Employees

Non-exempt employees are entitled to overtime pay whenever they perform overtime work. The State of California and therefore the University does not permit employees to take time off in lieu of receiving overtime pay. If an employee clocks out and then is requested to perform work duties, the employee is responsible for notifying his or her supervisor to correct his or her time record to reflect all time worked. No individual, including an employee’s supervisor, has the authority to grant compensatory time off in lieu of overtime compensation or request work to be performed “off the clock.” Supervisors or any individual in authority granting such time or making such requests will be subject to disciplinary action up to and including termination.

## Deductions from Wages

Certain deductions required by law will be made from each employee's wages. These include state and federal income taxes, social security taxes (FICA), and state disability insurance (SDI) payments. Other deductions may be made from an employee’s paycheck with the employee’s written permission including, but not limited to: benefit premiums, voluntary retirement contributions, health savings account (HSA), flexible spending account (FSA), charitable contributions and parking fees.

## Definition of Workweek

For the purpose of calculating wages and overtime payments, the standard workweek begins at 12:01 a.m. on Sunday and ends at 12 midnight the following Saturday.

## Exempt vs. Non-exempt Status

Calculation of wages is determined by an employee's status under certain laws. As a general rule, non-exempt employees must complete electronic time records in order to determine their wages.

## FLSA Exemptions (Executive, Administrative, Professional, Computer Employees)

Exempt and non-exempt status of any particular employee or position must be determined on the basis of whether the employee's actual duties, responsibilities and salary meet all the FLSA requirements for exemption. The University is charged with the responsibility of determining the exempt or non-exempt status of positions/employees.

## Garnishment of Wages

Employees are responsible for their own debts. Garnishments cause considerable paperwork and expense for the University. Employees are strongly encouraged to work out any financial problem before this situation occurs.

## Make-up Time

When a non-exempt employee’s personal obligations result in lost work time (partial workday), it is possible for the employee to make up this time in the same workweek without causing the make-up time to fall under the overtime provisions as noted below:

* Employees must make the request in advance by email to their supervisor for each occasion they want to take advantage of the make-up time provision. The Supervisor must approve the request **before** the employee can take the time off or work the additional make-up hours.
* Make-up time must occur within the **same** 7-day workweek (workweek is Sunday at 12:01 am through Saturday, midnight).
* When the employee makes up the time, he or she should clock out at his or her normal time and then clock back in the Payroll system using the “Make-up Time” pay code and then the employee would clock out at the end of the make-up time (the supervisor may need to adjust the punch to “Make-up”).
* Make-up hours do not count toward overtime except for hours in excess of eleven (11) hours in a workday or forty (40) hours in a workweek.

## 

## Meal Periods

The Labor Code stipulates that a meal period of not less than thirty (30) minutes be provided for each non-exempt employee working over five hours in a day. This meal period must begin within the first five hours of the shift and cannot be added to the beginning or ending of the work shift. If the total work period per day is no more than six hours, the meal period may be waived by mutual consent of both the employer and the employee. An employee scheduled to work longer than ten (10) hours in a day is required to have a second meal period of not less than 30 minutes. This second meal period can be waived by mutual consent of the employer and the employee only if the first meal period was not waived. However, if the work day is more than twelve (12) hours, the employee must take an additional meal period of at least thirty (30) minutes. Employees who are unable to (cannot be relieved of all work duties and are not free to leave the work premises) take the appropriate meal period will be compensated one-hour of straight time as stipulated by the California Labor Code. A non-exempt employee who can be relieved of all work duties and can leave the work premises but chooses not to take the appropriate meal period within five hours from the start of his or her shift will not be subject to the penalty as per California Labor Code. The only exception to the above is for security guards working by themselves. In the event a security guard is working by him/herself, he or she will have an “on-duty” meal period and not be subjected to the one-hour penalty. The appropriate agreement must be signed in advance.

## Overtime

Non-exempt employees shall be paid for their hours worked in accordance with all legal requirements. For purposes of calculations, the standard workweek begins at 12:01 a.m. Sunday**.** All overtime worked by a non-exempt employee must be approved in advance by the employee's supervisor. Non-approved overtime will be paid, but the employee may be subject to disciplinary action. If it is discovered that a non-exempt employee clocked out and continued to work “off the clock,” he or she will be paid for the time and may be subject to disciplinary action up to and including termination.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

**All non-exempt employees qualify for overtime pay as follows**:

1. **Straight Overtime** – Time and a half for hours worked beyond eight in a workday, over 40 in a workweek or any hours worked on the 7th consecutive workday in a workweek. Hours paid that are not worked, e.g., holidays, bereavement, sick days, jury duty, PTO and vacation days do not count as hours worked for the purpose of calculating overtime.
2. **Double-time** – Double time is paid for hours worked beyond twelve (12) in a workday and for all hours worked beyond eight (8) on the seventh (7th) consecutive workday of the workweek which is Saturday.
3. **Weekends** - Weekend work does not automatically qualify for compensation at a premium rate of pay. Hours worked on weekends will be eligible for overtime as noted above.
4. **Holidays Worked** - Non-exempt employees who work on a University observed holiday shall be paid their straight-time rate of pay for hours actually worked on the holiday, plus receive the regular holiday pay, if eligible, for that day.

## Payroll Period, Paydays and Paychecks

Employees are paid semi-monthly. Earnings for the period between the 1st of the month and the 15th of the month will be available on the 22nd. Earnings from the 16th of the month to the end of the month will be available on the 7th of the next month. If the 7th or 22nd falls on a Saturday, paychecks will be distributed on the Friday before and if it falls on a Sunday, paychecks will be distributed the next workday. If the 7th or 22nd falls on a holiday, paychecks will be distributed the next workday.

The approved electronic time record will be due to payroll by 10:00 am on the 16th and 1st of each month. Hourly employees must approve their timesheet by 9 am prior to the supervisors’ approval.

Paystub information will be available on payday through self-service (on the payroll system) if the employee receives direct deposit. If the employee currently does not have direct deposit he or she will receive his or her paycheck on payday after 8:00 a.m. Any paycheck not picked up by 10:00 am on payday will be mailed by regular U.S. Postal Service the next morning, Questions regarding paychecks should be directed to the Accounting/Payroll department.

## 

## Payroll Tax Withholding and Exemption Certificates

The University, in accordance with legal requirements, collects state and federal payroll taxes. Each employee must complete a withholding exemption certificate (IRS Form W-4) at the time of hire; California state withholding exemption certificate Form DE-4 is also available. This information determines the amount of income taxes withheld. Any change in material information, such as family status, that affects exemptions, must be reported and a new W-4 completed, on-line in the Payroll System. A statement of earnings and taxes withheld (W-2) is made available to employees on or about the end of January of each year, through the Payroll Self Service and a copy will be passed out by the Accounting/Payroll department as well, by the end of January.

## Permission to Leave During Work Hours

If it becomes necessary for an employee to leave the University premises prior to the conclusion of ones work schedule, permission to leave must be obtained from the employee's supervisor before leaving. In the case of the supervisor's absence, another supervisor should be notified. If no supervisor is available, the employee should notify Human Resources. Non-exempt employees who leave the premises for reasons other than University approved business must document the absence by making the appropriate entry on their electronic time record.

## Promotions and Salary Increases

Promotions, lateral transfers or title changes do not automatically result in a salary change.

## Rest Periods

Rest periods for non-exempt employees are provided on employer-paid time and should be enjoyed away from the employee’s work area. It is the employee’s responsibility to take their allotted breaks. One 15-minute rest break is to be taken approximately halfway through each four or five hour work schedule. This time represents the maximum time an employee is to be away from their work area. Moreover, it is not permissible to “tack on” the rest periods to meal periods or the beginning or end of the work shift. Employees are expected to resume work promptly at the end of the rest period.

## Recruitment Process - Administrators and Staff

Recruitment of Administrators and Support Staff goes on throughout the year. When a position becomes available the applicable supervisor and HR reviews the position and makes any necessary changes. This job analysis includes, but is not limited to, reviewing the job description for accuracy and the salary level for equity and competitiveness.

Advertising for open positions is carried out by the HR Department in various ways. HR may post open positions on MBKU’s website, portal and social networks and notify all employees of the posting.

## Salary Reductions

Certain salary reductions can be made to paychecks with the employee's written permission. These salary reductions will reduce the employee's gross salary before taxes. Salary reductions include, but are not limited to: tax sheltered annuity, Sec. 125 Flexible Spending Accounts, University sponsored health and dental insurance premiums and salary over-payments.

## Salary Reviews

In an effort to maintain equitable salaries for its employees, the University conducts ongoing comparative salary studies, which are one of the tools used in determining future salary increases.Wage adjustments, when deemed appropriate, can include a combination of merit and/or equity or position adjustments. These changes generally become effective on or near the beginning of the fiscal year. The University reserves complete discretion in determining if, when, on what basis, and in what amount an increase will be awarded.

## Temporary Schedule Changes

An employee's regular schedule of hours determines the status and benefits he or she has at the University. Any change in the regular number of hours worked that could have an effect on employment status to either full-time or part-time must have prior approval from both the supervisor and the VP for Human Resources. The maximum amount of time a part-time employee may temporarily increase his or her hours to over 30 hours per week is three months. The employee should contact the HR Department to see how the increase or decrease in hours may affect his or her benefits. Temporary fluctuations in hours may not impact benefits.

## Time Worked Records for Non-Exempt Employees

Web-based electronic time records are used as a means of accurately recording hours worked and calculating pay. They should reflect actual hours worked, meal periods, overtime, vacations and other absences. Accordingly, employees should record the time they begin and end each day, the beginning and end of each meal period, and the beginning and end of any split shift. The following rules must be observed regarding time records:

1. Hours recorded in the timekeeping system should only be done through the employees’ computer in his or her own office or from one of the designated time clocks.
2. Employees must record hours on their own time records only. It is strictly forbidden to record time for another employee. Falsifying a time sheet may result in termination.
3. Overtime must be pre-approved by the supervisor. Non-approved overtime will be paid, but the employee may be subject to disciplinary action.
4. Employees must approve and submit their time records at the end of each pay period after verifying the accuracy and completeness. Falsifying a timesheet may result in termination.
5. **The State of California has no provision for accumulating compensatory time off from one week to the next.** All time worked must be reported in the week it was earned.
6. Make-up time allows employees to request time off for a personal obligation and make-up time in the same workweek without receiving overtime. Make-up time requests must be approved in advance by his or her supervisor in the Payroll System.
7. Time records are considered University property.
8. Disciplinary action will be taken against anyone who violates the timekeeping/recording rules.

## Time Worked Records for Exempt Employees

1. Exempt employees must request paid time-off though the electronic payroll system.
2. Exempt employees must review their time records every two weeks for accuracy of any exceptions (full day absences taken for sick, vacation or personal time, jury duty, bereavement).
3. Off-site meetings and training must be recorded in the system.

## Work Schedules

While each employee generally works a set schedule of hours, it should be noted that the University does not guarantee any particular number of hours and reserves the authority to schedule employees and to deviate from normal shifts in whatever manner deemed appropriate including increasing or decreasing work schedules.

# Section E - Benefits

The University provides a well-balanced benefit package for its employees. This section of the guide provides an overview of the University’s Personnel Benefits as well as benefit conversion privileges on retirement or termination of employment.

In order to retain necessary flexibility in the administration of benefit policies and procedures, the University reserves the right to change or revise the benefits as described in this section without notice, as it deems appropriate in its sole and absolute discretion.

The HR Department is responsible for the maintenance of complete and up-to-date benefit records for all current employees. It is important that employees notify the HR Department promptly of any changes in their name, marital status, dependent status, home address, and/or telephone number(s). In this manner, the benefit status and information for all employees can be kept current and accurate.

## Benefit Summary by Category

Hire date, classification and number of scheduled hours determine eligibility for benefits.

### Full-time Administrator, Staff & Faculty employees

**(For the purpose of determining benefits only – weekly schedule: 30 to 40 hours)**

1. Bereavement
2. Credit Union
3. Dental Insurance
4. Employee Assistance Program
5. Fitness Center
6. 403(b) Voluntary Retirement Savings Plan
7. Flexible Spending Accounts (Pre-tax)
8. Holidays
9. Life and Accidental Death and Dismemberment Insurance
10. Medical Insurance
11. Paid Time Off
12. 401(a) Pension Plan
13. Service Awards
14. Short Term Disability Benefit and Long Term Disability Insurance
15. Sick Leave
16. Vacation
17. Vision Care
18. Voluntary Pre-Paid Legal & Voluntary Term Life Insurance

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### Part-time Staff Employees

**(For the purpose of determining benefits only – weekly schedule: 20 to 29 hours for staff employees only. Part-time faculty benefits are outlined in the faculty handbook)**

1. Bereavement
2. Credit Union
3. Employee Assistance Program
4. Fitness Center
5. Flexible Spending Accounts (Pre-tax)
6. 403(b) Voluntary Retirement Savings Plan
7. Holidays
8. Paid Time Off
9. 401(a) Pension Plan
10. Service Awards
11. Sick Leave
12. $10,000 Life Insurance and Accidental Death and Dismemberment
13. Vacation
14. Vision Care
15. Voluntary Pre-Paid Legal
16. Voluntary Term Life Insurance

### Limited Part-time Staff Employees

**(For the purpose of determining benefits only – weekly schedule: 19 hours or less for staff employees only)**

1. Employee Assistance Program
2. Fitness Center
3. 403(b) Voluntary Retirement Savings Plan
4. Sick Leave
5. Service Awards
6. $10,000 Life Insurance and Accidental Death and Dismemberment (8 hours minimum)
7. Vision Care
8. Voluntary Pre-Paid Legal (and any other voluntary benefit added)

***Note: Limited Part-Time employees hired prior to 07/01/2020 still receive holiday pay as well as prorated PTO and vacation accruals.***

***Anyone hired or have his/her hours decreased below 20 hours a week, 07/01/2020 or later, will not receive holiday pay, PTO or vacation accruals.***

### Temporary, Contract or Fill-In Status

**(No set schedule of hours)**

Not eligible for any University-sponsored benefits.

Additional benefit information can be obtained by contacting an HR representative.

## Benefit Effective Dates (Administrators and Staff Only)

**(If eligible for benefits based on requirements. *Faculty should refer to the faculty handbook for benefit effective dates.)***

Effective upon date of hire:

Bereavement

403(b) Voluntary Retirement Savings Plan

Holiday / University Closures

Paid Time Off Accrual

Sick Leave Accrual

401(a) Pension Plan\*

Vacation Accrual

Vision Care

Effective the first of the month following date of employment - Administrators:

Dental Insurance

Medical Insurance

Employee Assistance Program (EAP)

Flexible Spending Accounts (Pre-tax)

\*\*Life and AD&D Insurance

Long Term Disability Insurance

Voluntary Life Insurance

Effective the first of the month following 30 days of employment - Staff:

Dental Insurance

Medical Insurance

Employee Assistance Program (EAP)

Flexible Spending Accounts (Pre-tax)

\*\*Life and AD&D Insurance

Long Term Disability Insurance

Voluntary Life Insurance

***\*Pension Plan Eligibility: Eligible if expected to work 1,000 hours within first 12 months of employment or within the relevant Eligibility Computation Period.***

***\*\*Effective date for life and AD&D insurance for part-time employees is the first of the month following one year of continuous service. Participation requires a minimum schedule of 8 hours per week.***

## Beneficiary Changes

It is the responsibility of the employee to request beneficiary changes when desired. All changes must be made on the appropriate forms provided for each plan. This should be completed electronically on the HR/Payroll system. Retirement plan beneficiary changes should be made through the Lincoln Financial Group website.

## Coffee

For an employee’s refreshment during breaks and lunches, the University provides free coffee and tea in the employee lounges.

## Credit Union

The University makes available the SchoolsFirst Federal Credit Union, formerly known as the Orange County Teachers Federal Credit Union (OCTFCU). Information is available in the HR Department.

## Dental Insurance

Eligible employees are provided with three dental care options to choose from including a DHMO (Dental Health Maintenance Organization) or 2 PPO (Preferred Provider Organization Plans). Employees are required to contribute toward the cost of the plan in which they (and their dependents) are enrolled.

An Open Enrollment period is offered each November/December enabling employees an opportunity to change their benefit elections. Any election changes are effective January 1 is effective through December 31 of that year. Employee’s experiencing a life changing event, e.g. marriage, birth/adoption of a child, divorce or loss or addition of insurance coverage under another group plan may make changes within 31 days of the life changing event. Additional information may be obtained from the HR Department.

## Dues Reimbursement (Administrators)

The University will reimburse Administrators for professional association dues that are integral to the Administrator’s role, up to $500 per fiscal year. Reimbursement for dues requires Vice Presidential approval. The Administrators are required to submit receipts for dues paid in the current fiscal year in order to obtain reimbursement. Faculty, see faculty handbook for dues reimbursement, professional fees and DEA registration.

The University will reimburse the President, Vice Presidents and Deans for professional dues that are integral to their role. They are required to submit receipts for dues paid in the current fiscal year in order to obtain reimbursement.

To foster MBKU’s community relations, the University maintains memberships in several community organizations.

## Educational Reimbursement for Administrators and Staff Employees

MBKU is committed to supporting all eligible employees who wish to enhance their education. The University values educational growth and encourages all MBKU employees to pursue associate, baccalaureate and post baccalaureate degrees. In keeping with this philosophy, the University has established a tuition reimbursement program for certain educational expenses incurred at MBKU approved accredited programs. Acceptance each year will be based on available budget and if budget is available, approval is made by the President’s Executive Council.

Program highlights include:

* Employees working a minimum of 30 hours week/.75 FTE who have completed one year of employment.
* Courses or degree program which can be beneficial to the University are eligible.
* Employee must attend a regionally accredited institution approved by MBKU.
* Employees must complete and submit a “Request for Tuition Reimbursement” form to Human Resources no later than March 15th of the year **prior to** the start of the educational program.
* Approved studies will be reimbursed up to a maximum of 60% per course, limited to two courses per semester.
* A maximum amount of $10,000 will be eligible reimbursement per undergraduate program; and $15,000 for graduate programs.
* Any amount received in excess of $5,250 per calendar year will be taxed.
* Procedure is posted on the portal. Employees should contact the HR Department if they have any questions.

## Employee Assistance Program

The Employee Assistant Program (EAP) is available for a variety of personal and professional matters, including: stress, depression, parenting, financial issues, relationships, mental health, drug/alcohol abuse, life changes, grief, balancing work and home.

EAP has trained professionals to work with employees and their dependents as they search for solutions to personal and workplace issues. The program is voluntary and confidential; only EAP professionals will know employees have called. This program is paid for by the University and includes assistance for employees and their immediate dependent family members.

Services include: 24 hour toll-free phone access to highly trained, masters-level EAP professionals 7 days a week. Employees can call 1.800.96.HELPS (1.800.964.3577). Unlimited telephonic assistance and referral; three face-to-face emotional or work-life counseling sessions per occurrence per year; web access to a library of assistance materials at [www.guidanceresources.com](http://www.guidanceresources.com).

## Fitness Center

Full-time and part-time employees have access to the University’s Fitness Center. For the convenience of those using the Fitness Center, showers, lockers and a change room have been provided. The Center is open during regular campus hours. Regular campus hours are 6:00 am – 1:00 am. Only employees and students can use the Fitness Center and only after a Waiver of Liability and Indemnity has been completed with HR.

## Flexible Spending Accounts (Pre-Tax)

Flexible Spending Accounts provide employees (working a minimum of 20 hours a week) with the opportunity to pay for certain out-of-pocket health and dependent care expenses with pre-tax salary dollars. Money set aside in these accounts is not subject to Federal income tax, California State income tax or Social Security Tax making it possible to receive a higher value for the dollar earned. The following accounts are available:

**Health Care Reimbursement** **Account:** Premiums for University sponsored health, dependent health, dental and certain life insurance benefits may be reduced from checks using pre-tax dollars up to IRS limit each year.

**Limited Health** **Care:** Qualified, out-of-pocket dental and vision expenses up to the IRS limit each year.

**Dependent** **Care:** Pre-tax wages up to the IRS limit for a married, working couple or up to IRS limit for a single employee can be set aside to pay for out-of-pocket, work-related dependent day-care costs each year.

Employees are eligible to participate during their initial Benefit Orientation or at the beginning of each calendar year.

## 403(b) Voluntary Retirement Savings Plan

All employees are encouraged to participate in the voluntary 403(b) Retirement Savings Plan. Contributing to the Plan in pre-tax dollars is a powerful advantage because it reduces current taxable income every year and contributions and earnings are not taxed until withdrawn. It is also easy. Contributions will be automatically deducted from the employee’s paycheck and deposited into their account.

## Health Insurance Continuation (COBRA)

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), employees and their families have the opportunity to temporarily extend health coverage at group rates in certain instances where coverage under the plans would otherwise end. Under certain circumstances employees are also eligible for Cal-COBRA at the end of COBRA coverage.

## Health Insurance Portability and Accountability Act (HIPAA)

The University maintains health care and related plans that are subject to HIPAA requirements. In an ongoing effort to protect MBKU’s employees and maintain confidentiality, the University will adhere to the HIPAA privacy and security provisions as it applies to protected health information (PHI) maintained by the University.

## Holidays (Administrators and Staff)

**Please see Faculty Handbook for details regarding the holiday policy for faculty.** Each year a memo is sent out indicating the holidays (and potential campus closures, non-paid) to be observed by the University for the upcoming calendar year. Full-time, regular part-time employees and limited part-time employees are eligible for holidays that occur on their regular workdays as long as the employee is in current active status prior to and following the holiday. The number of holidays (and holiday hours) an employee receives in a calendar year is determined by his or her schedule. While there is no guarantee, an employee working a full 40-hour schedule will generally receive a minimum of 12 holidays per year, this includes the end of the year holiday closure.

**Weekends and Vacations –** When a scheduled holiday falls on Sunday, it will be observed by the University on the following Monday. When a scheduled holiday falls on a Saturday, it will be observed on the preceding Friday. Scheduled holidays that occur during an employee’s paid vacation will be considered a holiday and not counted as a vacation day.

**Holidays Falling on Scheduled Day Off –** When a holiday falls on the employee’s normal day off, he or she will neither receive holiday pay nor be eligible for another day off during the week.

**Leaves of Absence and Sick Leave –** Employees are not eligible for holiday benefits that occur while they are on a leave of absence. Employees who request intermittent leave the day before and the day after a holiday will be considered on leave status for purposes of holiday pay benefits.

**Religious Holidays –** Employees wishing to observe religious holidays not observed by the University should communicate this desire with their supervisor and with HR. Reasonable accommodation will be made to grant this time, which is charged to Paid Time Off (PTO) or Vacation. Time-off without pay will be granted when no accrued paid time-off benefits are available. Employees must submit, in advance, an electronic time-off request.

**Computation of Benefits –** The amount of compensation an employee will receive for a holiday shall be determined on the basis of the employee’s normal schedule, excluding any overtime for the hours normally worked on that day of the week. Compensated holidays will not be considered hours worked for the purpose of computing overtime.

**Working on Holidays –** In addition to receiving eligible holiday pay, an employee will receive straight-time compensation for hours worked on the holiday.

## Life and Accidental Death and Dismemberment Insurance

All eligible employees will receive term life insurance at an amount determined by type of schedule. Full-time employees have policies valued at their annual salary rate (up to a maximum of $150,000) and have the same effective date as their other insured benefits. Regularly scheduled part-time employees working a minimum of 8 hours per week or 0.20 FTE, after one year of employment, receive a flat $10,000 term life insurance policy. The policy amount reduces at age 65 and reduces again at age 80, and terminates at retirement.

All regularly scheduled employees will receive Accidental Death and Dismemberment insurance at the same amounts and effective dates as their Life Insurance coverage. The full benefit is paid to beneficiaries for accidental death in addition to the life insurance policy. Dismemberment benefits are paid at 50% - 100%.

## Medical Insurance Plans

Eligible employees are provided with two or more health care options to choose from including an HMO (Health Maintenance Organization), PPO (Preferred Provider Organization) or PPO with HSA (Health Savings Account with a high deductible health plan). Employees are required to contribute toward the cost of the plan in which they (and their dependents) are enrolled.

An Open Enrollment period is offered each November/December enabling employees an opportunity to change their benefit elections. Any election changes are effective January 1 through December 31 of that year. Employees experiencing a life changing event, e.g. marriage, birth/ adoption of a child, divorce or loss or addition of insurance coverage under another group plan may make changes within 31 days of the life changing event. Additional information can be obtained from the HR Department.

## Paid Time Off (PTO) (Administrators and Staff)

**Please see Faculty Handbook for details regarding PTO for full-time faculty. Part-time faculty do not accrue PTO.** Paid Time-Off is a benefit that allows full-time faculty (.75 FTE or greater), staff and administrators and part-time staff and administrators at 20 hours a week or greater to receive compensated time off to attend to such absences as personal leave, additional religious holidays, doctor appointments and other medically related time off needs when sick time is exhausted. The accrual is used in conjunction with the sick leave accrual in calculating the requirements per CA law.

The accrual for this benefit begins with the first day of employment and continues thereafter unless broken by a leave of absence or termination. Full-time employees working a 40-hour schedule will accumulate 1.67 hours per pay period. This benefit will be prorated for eligible employees working less than a 40-hour schedule. The maximum PTO accumulation an employee may have on hand at any time shall be the equivalent of a two-year accumulation or 10 days for a full-time employee. Upon reaching this maximum, accrual will cease until the balance in this account falls below the maximum. **Employees can verify their balances online through the employee self-service portion of the payroll system and are responsible for keeping an eye on balances reaching the maximum accrual.**

Employees obtain their supervisor's approval PRIOR to taking scheduled time off. Upon termination the balance in this account will be paid out to the employee on their final paycheck. Employees on a leave of absence (LOA) do not accrue paid time-off. An employee may not use paid time-off before it is accrued.

Exempt employees working any part of a workday will be paid for the day. If an exempt employee would like to schedule more than a half of day off, the manager has the authority to approve the partial time off request, which would not require wage replacement or the manager could request the employee to take a full day off. In no circumstances will the exempt staff or administrative employee be required to use wage replacement for a partial day absence. Partial day off requests will not be documented in the payroll system.

**Required Use of PTO before Unpaid Leave**

Employees are required to take accrued and unused Paid Time-Off (PTO) before taking unpaid leave or having unpaid absences. PTO is not required to be used during a pregnancy disability leave. If the absence is covered by job-protection leave, accrued and unused PTO, upon an agreement between the University and the employee, may be used to supplement state disability insurance, workers' compensation benefits or any other disability leave plan; and/or leave is for a pregnancy-related disability; and/or the employee is receiving wage replacement through an employer-provided benefit.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after the employee has been absent from work for 7 calendar days. If an employee has accrued sick leave, sick leave will be used first for the first 7 days before SDI payments begin. If the employee has no accrued sick leave, or they have exhausted sick leave, accrued and unused PTO will be used for the first 7 days before SDI payments begin. Accrued and unused vacation will be used once sick leave and PTO are exhausted.

SDI benefits do not replace all of an employee’s usual wages. If the absence is also covered by Federal Family/Medical Leave (FMLA), employees may choose to supplement their SDI benefits with PTO. If an employee is not eligible for FMLA, they must supplement their SDI benefits with accrued PTO. An employee’s SDI benefits will be supplemented with any accrued and unused sick leave first. If they have no sick leave or they have exhausted their sick leave, accrued and unused PTO will be used to supplement their SDI benefits. Accrued and unused vacation will be used once sick leave and PTO are exhausted.

If an employee is absent for a reason that qualifies them for Paid Family Leave (PFL) payments, they will be required to use accrued sick leave (if for a medical reason, otherwise PTO) for the first 7 days before PFL payments begin. If they have no sick leave or the reason does not qualify for the usage of sick time, or once they have exhausted their sick leave, accrued and unused PTO will be used for the first 7 days before PFL payments begin. Accrued and unused vacation will be used once sick leave (as appropriate) and PTO are exhausted.

PFL benefits do not replace all of an employee’s usual wages. If the absence is covered by job-protected leave, their PFL benefits may be supplemented with any accrued and unused sick leave first if used for kin care reasons and PTO if used for bonding purposes. If an employee is not eligible for job-protected leave, he/she must supplement their PFL benefits with accrued PTO. If they have no sick leave or once they have exhausted their sick leave (for medical uses of PFL), accrued and unused PTO will be used to supplement their PFL benefits. Accrued and unused vacation will be used once sick leave and PTO are exhausted accordingly.

## Pension Plan (Administrators and Staff)

**Please see Faculty Handbook for details regarding pension plan details including eligibility for faculty.** The University has established the MBKU University Sponsored Retirement Plan 401(a) for the benefit of all eligible employees. Initial eligibility requires that the employee be expected to work a minimum of 1,000 hours within their first 12 months of employment or during the relevant Eligibility Computation Period. Once in the plan, the employee becomes fully vested after three years of service. This Plan is a defined contribution plan funded entirely by the University in an amount equal to 9% of the employee’s gross salary. Enrollment in the plan may affect the deductibility of individual IRA's. Retirement benefits are based on the value of the plan and vested interest at the time of separation. Rollover options are available. An employee can see the complete summary plan description on the portal.

## Retiree Benefits

Updated 07/05/17

The University has developed a special retirement package for those individuals who have devoted a good portion of their working careers to the University.  The milestone that one must reach to obtain these benefits is as follows:  Must have worked a minimum of 10 years (current and consecutive) with the University and be at least 50 years old upon leaving the University. The employee is entitled to the following benefits:

* Selection of a retirement gift which comes from the next service award level
* Continuing use of access card for ID purposes \*
* Use of Fitness Center
* Continuation of vision services at the UEC for employee and spouse/domestic partner only
* Lifetime access to the Library
* Tuition waiver for MBKU Continuing Education programs

\* Access limited to the Parking Structure and Fitness Center; ID used for Library privileges.

The University President has the right to modify this policy at any time. The retiring employee is requested to notify the University if they would like to exercise these benefits otherwise the access card will be collected upon separation and a new access card will not be issued.

## Service Awards

Long-term service is recognized as a significant contribution to the progress and success of the University. For this reason, the University gives recognition to those individuals who achieve certain levels in terms of length of service.

## Short-Term Disability and Long-term Disability Insurance

If an illness or disability lasts more than seven (7) calendar days, the employee is considered on a leave of absence (LOA) and is encouraged to apply for State Disability Insurance (SDI) benefits. The University requires all employees to complete a LOA request form and furnish medical certification to confirm the medical necessity of the leave.

If the illness or disability is expected to last beyond thirty (30) calendar days, eligible employees will be covered by the University’s self-funded Short-Term Disability (STD) benefit from calendar day 31 through calendar day 90. This STD benefit will coordinate with other income benefits the employee may qualify to receive to the extent necessary to provide benefits equal to the employee’s straight-time compensation immediately before the beginning of the illness or disability. An employee must have completed at least 12 months of service and be classified as a full-time employee to be eligible for the University’s STD benefit. **If an employee does not qualify for State Disability, he or she would not qualify for the STD benefit.**

Paid Time-Off (PTO), Sick Leave, and Vacation may be used during the first 30 days of an illness / disability to supplement SDI benefits to the extent necessary to provide benefits equal to straight-time compensation immediately before the beginning of the illness / disability.

Full-time employees are provided Long-Term Disability protection for serious disabilities. This LTD benefit will begin after an elimination period of ninety (90) days of disability and upon approval of the claim. The monthly benefit is an amount equal to 66 2/3 of covered monthly earnings, subject to a minimum and a maximum benefit. LTD benefits coordinate with other income benefits which an employee might qualify to receive to achieve the 66 2/3% benefit. This is a University-paid benefit making the income received from this benefit taxable.

Benefits under the vacation plan may also be paid out in a lump sum prior to a disability reaching 90 days. The University may, at any time, require employees on disability leave to furnish additional medical certification to substantiate the medical need for their absence.

A release from the employee’s health care professional giving permission for the employee to return to work must be received by an HR representative no later than the return-to-work day.

## Sick Leave (Administrators and Staff)

**Please see Faculty Handbook for details regarding sick leave for faculty.** Sick Leave is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness. It is intended to be used only when actually required to recover from illness or injury; sick leave is not for “personal” absences. Time-off for medical and dental appointments will be treated as sick leave.

Full-time staff members and administrators (1.0 FTE) will accrue 1.00 hou per pay period (three days per year) into their Sick Leave account beginning with the first day of employment and continuing thereafter unless broken by a leave of absence or termination. This benefit will be prorated for eligible employees working less than a 40-hour schedule (see Appendix AA-1 for Administrators and Staff Sick Time Accrual Matrix). Employees may not use sick leave before it has been accrued. The maximum Sick Leave accumulation will be 45 days. Upon reaching this maximum, accrual will cease until the balance falls below the maximum. No benefits within this account are paid upon termination of employment for any reason.

If an employee is unable to report for work as scheduled, the employee must provide notice as follows: If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. Employees must also inform their supervisors of the expected duration of any absence. If the duration is unknown, the employee must call, email or test message in each day until he or she returns, unless extenuating circumstances exist. A voicemail message by itself, is not considered acceptable notification. If personal contact within the department is not successful, a call to HR is expected. If an employee is absent longer than 3 days due to illness, the supervisor should notify HR, who will then contact the employee regarding a possible medical leave.

If an illness or disability lasts more than seven (7) calendar days, the employee is considered on a leave of absence (LOA) and must complete the appropriate paperwork with an HR representative. Sick leave cannot be used to extend or supplement a vacation.

Exempt employees who come to work and become ill and leave will be paid for the day. In no circumstances will the exempt employee be required to use wage replacement for a partial day absence. Partial sick days will not be documented in the payroll system. All employees not feeling well should stay home to minimize the spread of illness.

**Kin Care/Covered Relationships**

Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, spouse, domestic partner, or domestic partner’s child who is ill or for any other relationship per CA law. Leave for this purpose may not be taken until it has actually accrued.

**Required Use of Paid Sick Leave before Unpaid Leave**

Employees are required to take accrued and unused paid sick leave before taking unpaid leave, or having unpaid absences. If the absence is covered by job-protection leave, accrued and unused sick leave, upon an agreement between the University and the employee, may be used to supplement state disability insurance (SDI), workers' compensation benefits or any other disability leave plan, and/or an employer provided benefit.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after an employee has been absent from work for 7 calendar days. If an employee has accrued paid sick leave, sick leave will be used for the first 7 days, before SDI payments begin. If they have no accrued sick leave, any accrued PTO benefits will be used during this waiting period. Accrued and unused vacation will be used once sick leave and PTO are exhausted.

SDI benefits do not replace all of an employee’s usual wages. If the absence is also covered by Federal Family/Medical Leave (FMLA), an employee may choose to supplement their SDI benefits with sick leave. If an employee is not eligible for FMLA, they must supplement their SDI benefits with accrued sick leave. If they have no sick leave, or once they have exhausted their sick leave, accrued and unused PTO will be used to supplement their SDI benefits. Accrued and used vacation will be used once sick leave and PTO are exhausted.

If an employee is absent for a medical reason that qualifies them for Paid Family Leave (PFL) payments, they are required to use any accrued and unused sick leave during the 7-day waiting period before PFL benefits begin. If an employee has no accrued sick leave, any accrued PTO benefits will be used during this waiting period. Accrued and unused vacation will be used once sick leave and PTO are exhausted.

PFL benefits do not replace all of an employee’s usual wages. If the absence is covered by job-protection leave, the PFL benefits may be supplemented with accrued and unused sick leave. If the absence is not covered by job-protection leave, the PFL benefits will be supplemented with any accrued and unused sick leave. If they have no sick leave, or once they have exhausted sick leave, accrued and unused PTO benefits will be used to supplement their PFL benefits. Accrued and unused vacation will be used once sick leave and PTO are exhausted.

**Paid Sick Leave and Workers’ Compensation Benefits**

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers’ compensation insurance. However, workers’ compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, they will be sent for medical treatment, if treatment is necessary. He or she will be paid their regular wages for the time spent seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If an employee has accrued unused sick leave, the additional absences from work will be paid with the use of sick leave.

If an employee does not have accrued, paid sick leave, or if they have used all of their sick leave, they may choose to substitute vacation/paid time off for further work absences related to their illness or injury.

## Social Security

All employees are covered by the Social Security Act and are subject to taxes under the Federal Insurance Contributions Act (FICA). A deduction is made from each employee's gross earnings in accordance with Federal law as the employee's contribution to Social Security. The University contributes an additional amount equal to that paid by each employee. Social Security benefits include retirement, disability and survivor's benefits.

## State Disability Insurance

Employees, who suffer a non-work related illness or injury and file a claim, may be entitled to State Disability Insurance (SDI). SDI benefits are paid by the State and are financed from mandatory payroll tax deductions from all employees' wages. Benefits begin after the seventh day of the illness or accident. The University's Short-Term and Long Term Disability coordinates with SDI.

## Tuition Reduction

A dependent of a current full-time employee who has been employed by the University for 10 or more years will be eligible for a 50% tuition reduction in any program offered by the University. Employees interested in this significant benefit should apply to their Dean or Program Director who will forward all applications to the President of the University for final approval.

Current full-time employees who have served between 5 and 9 years are eligible for the benefit on a pro-rated basis (e.g. 6 years - 10%, 7 years - 20%, 8 years - 30%, 9 years - 40%). Those current employees who have been with MBKU on a part-time basis for 10 or more consecutive years are eligible for a tuition waiver benefit on a proportional basis equal to one-half the average FTE/hours worked of their previous five years.

A Trustee or dependent of a Trustee currently serving on the University Board of Trustees at the time of application will be eligible for a 50% tuition reduction. For Trustees having served 3 years or longer, the benefit shall be in effect until program completion. For Trustees who resign with less than 3 years of service, the benefit shall terminate with the completion of the quarter coinciding with the resignation of the Trustee. In the event a Trustee is also an employee of the University, the total benefit shall be limited to a 50% tuition reduction. The Trustee tuition reduction will be recommended by the University President to the Board of Trustees for final approval.

Dependent eligibility is as follows:

* Natural or adopted child of employee/Trustee
* Stepchild and is claimed by the employee/Trustee as a dependent on his or her federal income tax return
* Legal spouse or domestic partner of an eligible employee/Trustee

## Vacation (Administrators and Staff)

**Please see Faculty Handbook for details regarding the vacation policy for faculty.** The University has established a vacation plan for the benefit of its full-time and regular part-time employees (at least 20 hours).

1. **Amount** **of** **Benefits:** Vacation pay starts to accrue from an employee’s date of hire and can be used, with their supervisor's approval, after it is earned. Calculation is based on the regular weekly schedule of hours worked at straight time. The benefit will not be affected by an abnormal or unanticipated scheduling pattern that the employee is occasionally asked to work.
2. **Accrual:** Accrual rates are based on scheduled hours, not including overtime hours. Below is the rate for full-time employees working 40 hours a week. The new accrual rate begins with the next full pay period. Schedules less than 40 hours will be prorated.

|  |  |  |
| --- | --- | --- |
| **Length of Service** | **Accrual Rate Per Pay Period** | **Maximum Accrual** |
| Hire date to 48 months (4 years) | 3.34 hours | Four weeks (160 hours) |
| 48 months (4 years) + 1 day to 108 months (9 years) | 5.0 hours | Six weeks (240 hours) |
| 108 months (9 years) + 1 day and greater | 6.67 hours | Eight weeks (320 hours) |

1. **Cap** **on** **Benefits:** Employees are encouraged to use all earned vacation pay each year. Vacation benefits can accrue up to a maximum of two times the employee's current accrual rate. Once this cap is reached, no further vacation will accrue until some vacation is used. When some vacation is used, vacation benefits will begin to accrue again. There is no retroactive grant of vacation benefits for the period of time the accrued vacation benefit was at the cap. **Employees can verify their balances online through the self-service portion of the payroll system and are responsible for keeping an eye on balances reaching the maximum accrual.**
2. **Using** **Vacation** **Pay:** An employee should submit his/her vacation requests to their supervisor within two weeks if not sooner. Requests will be approved as work schedules permit. Exempt staff and administrators working any part of a workday will be paid for the day. If an exempt staff or administrator would like to schedule more than a half of day off, the manager has the authority to approve the partial time off request, which would not require wage replacement or the manager could request the employee to take a full day off. In no circumstances will the exempt staff or administrator be required to use wage replacement for a partial day absence. Partial day off requests will not be documented in the payroll system. Employees may not receive pay in lieu of taking vacation, except on termination of employment.
3. **Vacation** **Advances:** There is no provision for vacation advances. Employees wishing to take time off without pay, after they have exhausted all vacation and PTO time, must discuss their request with their supervisor and Human Resources. Any accrued, unused PTO time must be applied before taking approved time off without pay.
4. **Changes** **Due** **to** **Illness:** Changing vacation leave to sick leave is only possible if the VP for HR is (1) notified at the onset of the illness, or (2) if a statement from a physician is provided upon return. For example, if a person becomes ill while on vacation, the time off is counted as vacation time unless one or the other condition is met.
5. **Disability Related Lump Sum Distribution:** Employees who are eligible for and have filed a Long Term Disability claim may request a lump sum distribution of the balance in their vacation account as long as the request is made prior to the 90th day of the disability.
6. **Payment** **Upon** **Separation:** Accrued vacation pay that has not been used will be paid upon termination or within 72 hours of a resignation, subject to the recovery of any outstanding salary advances, if applicable.
7. **Effect** **on** **Holidays** **within** **Vacation:** Holidays that fall within a scheduled period of vacation will be counted as a holiday and not charged against vacation.
8. **Effects** **on** **Leave** **of** **Absence** **and** **Break** **in** **Service:** See Leaves of Absence and the Effects on Benefits in section F.
9. **Required Use of Vacation Before Unpaid Leave:** An employee is required to take accrued and unused vacation before taking unpaid leave, or having unpaid absences. If the absence is covered by job-protection leave, accrued and unused vacation, upon an agreement between the University and the employee, may be used to supplement state disability benefits, and/or receiving wage replacement through an employer-provided benefit.

## Vision Care Benefits

Regularly scheduled full-time and part-time employees and their immediate family members are entitled to 100% fee waiver for all diagnostic service charges and may purchase dispensing materials at cost, excluding contact lens materials.  This benefit goes into effect upon the first day of hire.  All fee waivers must be obtained 48 hours in advance, from the Patient Relations Supervisor in the University Eye Center at Fullerton.

## Voluntary Term Life Insurance

Supplemental Term Life Insurance is available to employees who work a minimum of 20 hours per week. The premiums are at group rates; the policy can be converted as a term policy at termination; dependent coverage is available; the insured can receive up to fifty percent of their principal sum, not to exceed $100,000, if diagnosed as terminally ill.

## Worker’s Compensation

The University carries Workers’ Compensation Insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical and hospital treatment in addition to potentially partial payment for loss of earnings that result from work-related injuries. As a general rule, partial payment is two-thirds of the employee’s normal weekly earnings to a maximum benefit. Any accrued, unused sick leave benefits are to be applied to supplement earnings to a maximum of 100% of straight-time compensation prior to the workers’ compensation leave. If accrued paid sick leave is not available, an employee may choose to substitute vacation or PTO benefits. Workers’ Compensation payments begin from the first day of an employee’s hospitalization or after the third day following the injury if an employee is not hospitalized, but unable to return to work. The University may request completion of a Leave of Absence form. The cost of this coverage is paid completely by the University.

If an employee is injured while working, he or she must report it immediately to his or her supervisor or an HR representative regardless of how minor the injury may be. The law requires both the employee and the employer to complete a workers’ compensation claim form (DWC-1) and report the injury within 24 hours of an accident. The form can be found on the Portal: Form DWC-1 for Employee. When an employee is on leave due to a work related injury, the University will look for opportunities to help return an employee with work restrictions when feasible.

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### Disclaimer

The University and/or its insurance carrier may not be liable for the payment of worker's compensation benefits for any injury which arises out of an employee's voluntary participation in the University's Fitness Center or any off-duty recreational, social, or athletic activity which is not a part of the employee's work-related duties.

# Section F - Leaves of Absence

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## Alcohol and Drug Rehabilitation Leave

The University strictly enforces a policy that relates to drug and alcohol use on campus. The complete text of this policy is contained in the policy section of this handbook.

The University, if necessary, is also willing to assist any employee who recognizes that they have a problem with alcohol or drugs. An employee who elects to enroll in a rehabilitation program will be granted time off to participate in the program with prior administrative approval. If an employee requests time off to participate in such a program, the University will also make every reasonable effort to keep this matter confidential.

The employee may use any accrued sick leave, paid time off or vacation benefits while on leave. However, additional benefits will not be earned during the leave of absence. The leave will be subject to the same provisions and rules as personal leaves.

## Bereavement

**Please see Faculty Handbook regarding bereavement leave eligibility for faculty.** In the event of the death of an employee’s current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son- or daughter-in-law, he or she may take up to three scheduled work days off with pay with the approval of his or her supervisor and VP for HR. Documentation of the event may be required.

## Family and Medical Leave (FMLA)/California Family Rights Act (CFRA) (unpaid leave)

State and federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

1. The employee has more than 12 months of service. If the leave is for FMLA only, the 12 months of service must have accumulated within the previous seven years. There is no such cap under CFRA;
2. The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
3. The employee is employed at a work site where there are 50 or more employees within a 75-mile radius.

Leave may be taken for one or more of the following reasons:

1. The birth of the employee’s child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
2. To care for the employee’s spouse, child, or parent who has a serious health condition (FMLA/CFRA);
3. To care for the employee’s registered domestic partner (CFRA only);
4. For a serious health condition that makes the employee unable to perform his or her job (FMLA/CFRA);
5. For any “qualifying exigency” (defined by federal regulation) because the employee is the spouse, son, daughter, or parent of an individual on covered active duty (or has been notified of an impending call or order to active duty) in the Armed Forces (FMLA only); or
6. An employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member (FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA only if leave is not CFRA covered leave); or
7. To care for his or her child whose school or place of care is closed (or child care provider is unavailable) due to a pandemic/COVID-19 related reasons.

**Calculating the 12-month Period**

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, the University measures forward from the date an employee's first FMLA leave begins.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

For a qualifying exigency or leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

**Pregnancy, Childbirth or Related Conditions**

Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. However, leave because of the employee’s disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act). Time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act). Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum increments of two weeks. However, the Company will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks’ duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

**Leave for Employee’s Own Health Condition**

The following procedures shall apply when an employee requests family leave:

Employees should provide written notice to an HR representative as soon as they realize the need for family/medical leave.

If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the University at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the University. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee’s child, parent, or spouse.

If the employee cannot provide 30 days’ notice, the University must be informed as soon as is practical.

If the Family and Medical Leave Act/California Family Rights Act request is made because of the employee’s own serious health condition, the University may require at its expense, a second opinion from a health care provider that the University chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the University.

If the second opinion differs from the first opinion, the University may require at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the University and the employee.

The University requires the employee to provide certification within 15 days of any request for family and medical leave under State and Federal law, unless it is not practicable to do so. The University may require recertification from the health care provider if additional leave is required. (For example, if employee needs two weeks of family and medical leave, but following the two weeks needs intermittent leave, a new medical certification will be requested and required.) If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the University may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered FMLA.

**Leave to Care for a Family Member**

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

1. Date of commencement of the serious health condition;
2. Probable duration of the condition;
3. Estimated amount of time for care by the health care provider; and
4. Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by the University, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the University will not grant more than a total of 12 workweeks family/medical leave for this reason.

If an employee cites his or her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

1. Date of commencement of the serious health condition;
2. Probable duration of the condition; and
3. Inability of the employee to work at all or perform any one or more of the essential functions of his or her position because of the serious health condition.

The University will require certification by the employee’s health care provider that the employee is fit to return to his or her job.

Failure to provide certification by the health care provider of the employee’s fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

**Leave Related to Military Service**

A leave taken due to a “qualifying exigency” related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member’s health care provider.

**Health and Benefit Plans**

An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he or she was enrolled before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The University will continue to make the same premium contribution as if the employee had continued working. Employees are to make arrangements with the Human Resources office to continue payment of any employee-paid portion of benefit premiums before the leave begins. The continued participation in health benefits begins on the date leave first begins under Family and Medical Leave Act (e.g., for pregnancy disability leaves, qualifying exigency leave, or to care for a covered service member) or under the Family and Medical Leave Act/California Family Rights Act (e.g., for one’s own serious health condition or that of one’s spouse, parent or child; or baby bonding) or under the California Family Rights Act (caring for one’s registered domestic partner). In some instances, the University may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the University in conjunction with the federal COBRA guidelines. Employees should contact the Human Resources office for further information.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for the length of the PDL, up to a maximum of four months (if such insurance was provided before the leave was taken) on the same terms as if they had continued to work.

**Substitution of Paid Leave**

Generally, FMLA/CFRA leave is unpaid. An employee will be required to substitute paid leave which will run concurrently with the unpaid FMLA/CFRA leave in the following circumstances:

* Accrued sick leave (if for a medical reason) must be used for absences that are otherwise unpaid. Vacation and PTO are not required to be used during a pregnancy disability leave. Upon an agreement between the University and the employee, vacation and PTO may be used to supplement state disability insurance benefits, workers’ compensation benefits or any other disability benefits.
* Accrued vacation, PTO or sick leave that is available as “Kin Care” may be used when leave is to care for a family member. Paid time off benefits may be used to supplement any benefits granted from California's Paid Family Leave program.

**Leave Due to COVID 19**

Leave will be unpaid for the first ten (10) days of leave; however, employees may use accrued vacation or PTO during this time. After the first ten (10) days, leave will be paid at two-thirds of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed $200 per day and $10,000 in total. Any unused portion of this pay will not carry over to the next year.

**Reinstatement**

Except where the law authorizes a different result, an employee who complies with the provisions of this policy will be guaranteed re-employment upon expiration of an approved leave, provided that the total period of the leave does not exceed 12 weeks. Undermost circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee’s job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. The University will require certification by the employee's health care provider that the employee is fit to return to his or her job. If the employee fails to return for work immediately after the period of the approved leave expires, the employee will be considered to have voluntarily separated from the University's employ.

For additional information about eligibility for family/medical leave, employees should contact an HR representative.

**Carryover**

Leave granted under any of the reasons provided by State and Federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a service member) in a 12-month period. The 12-month period is measured forward from the date any employee’s first Family and Medical Leave Act leave begins. Successive 12-month periods commence on the date of an employee’s first use of such leave after the preceding 12-month period has ended. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

**Intermittent Leave**

Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee’s child, parent, or spouse, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition.

## Jury Duty

It is the University's policy to enable its employees to fulfill their civic obligations. If an employee is called to serve on jury duty, the employee is requested to notify his or her supervisor and an HR representative immediately. All full-time faculty, staff and administrators and part-time staff and administrators working at least a minimum of 20 hours a week, after completing 60 days of employment, will be paid regular wages while on jury duty up to a maximum of five working days each calendar year. If the employee serves a half day or less, they will be expected to return to their job or call in to see if they are needed. A copy of the initial jury duty summons and subsequent court certification must be submitted to an HR representative for the entire period of jury duty. The employee is not required to turn over any monies earned while serving on jury duty.

## Leave Donation Policy

The University understands that under certain circumstances employees may need more paid time than they have available to attend to a serious health condition of their own or of a family member. To assist eligible employees in such a time, any category of employee is allowed to donate vacation or personal time off (PTO) hours to a fellow employee in need.

To be eligible to receive donated time the Receiving Employee must: (1) be employed for at least 12 months and have worked at least 1,250 hours in the past 12 months and (2) must have depleted their accrued benefits. The Donating Employee must maintain a balance of at least one week of vacation and three days of PTO after the donation. All time donated, whether vacation or PTO, is added to the sick leave account of the Receiving Employee. The combined maximum donation an employee can receive from their fellow employees is eighty (80) hours.

A Leave Donation request form is available on the Portal under Employee Forms and must be approved by the appropriate management. Once a leave donation is approved it cannot be revoked. No employee should feel obligated or coerced into donating time, it is strictly voluntary.

## Leaves of Absence and the Effects on Benefits

Health and life insurance benefits ordinarily provided by the University, and for which the employee is otherwise eligible and enrolled, will be continued for the remainder of the month in which the employee last worked. The University will pay its portion of the premium contribution and the employee is responsible to pay their portion of any employee-paid premiums. If the employee qualifies under the provisions of the Family and Medical Leave, California Family Rights Leave or Workers’ Compensation Leave, benefits will be continued for up to 12 weeks in a twelve-month period. If the employee is not eligible under these leaves or if paid coverage ceases after 12 workweeks, they may continue their group health insurance coverage through Federal COBRA guidelines by making monthly payments to the University’s third-party COBRA administrator for the amount of the relevant premium. Employees wishing to continue medical and dental benefits under COBRA must make the request known to an HR representative in writing, prior to the onset of the leave. All other benefits will be discontinued for the duration of the leave. There will be no benefit accrual (sick, vacation and PTO) during a leave of absence. Employees participating in the Flexible Spending Accounts may be required to make personal contributions to keep their FSA accounts active.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for the length of the PDL, up to a maximum of four months (if such insurance was provided before the leave was taken) on the same terms as if they had continued to work.

## Medical Leave for Occupational Disabilities

A leave of absence shall be granted upon written request by any employee who sustains a work-related disability and in most cases, shall be extended to the employee for the duration of the work related disability. The employee will need to provide the University with a certification form from his or her health care provider (which in most cases will be the medical clinic) regarding the need for workers’ compensation disability leave, as well as his or her eventual ability to return to work from the leave.

If the workers’ compensation leave is expected to last beyond thirty (30) calendar days, eligible employees will be covered by the University’s self-funded Short Term Disability (STD) benefit from calendar day 31 through calendar day 90. This STD benefit will coordinate with other income benefits the employee may qualify to receive to the extent necessary to provide benefits equal to the employee’s straight-time compensation immediately before the beginning of the illness / disability. An employee must have completed at least 12 months of service and be classified as a full-time employee to be eligible for the University’s Short-Term Disability benefit. An employee on workers’ compensation leave may also be eligible to apply for Long Term Disability benefits which, if approved, will coordinate with benefits received under workers’ compensation. If the claim is approved, LTD benefits begin following an elimination period of 90 days.

An employee on a workers’ compensation leave will be allowed to continue participating in any health and welfare benefit plans in which he or she was enrolled before the first day of the leave (for a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The University will continue to pay its portion of the premium contribution as if the employee had continued working. Employees are to make arrangements with the Human Resources office to continue payments of any employee-paid portion of benefit premiums before the leave begins.

The University will retain employees on a leave of absence for work-related disabilities until one of the following situations occur:

1. The employee is released for full or partial employment,
2. The University receives medical evidence / statement satisfactory to it that the employee will be permanently unable to return to work,
3. The employee directly or indirectly informs the University (i.e., by accepting other employment, moving out of the state, etc.) that he does not intend to return to the University.

Upon submission of a medical certification that an employee is able to return to work after a workers’ compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers’ compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers’ compensation leave would have been laid-off had he or she not gone on leave, or if the employee’s position has been eliminated or filled in order to avoid undermining the Company’s ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement. Employees returning from a leave will be given credit for service completed prior to the commencement of the leave of absence. There will be no accrual of benefits during this or any other leave of absence.

An employee’s return depends on his or her qualifications for any existing openings. If, after returning from a workers’ compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Company’s obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

* **Workers’ Compensation and FMLA/CFRA**

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period.

* **Paid Sick Leave and Workers' Compensation Benefits**

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, he or she will be sent for medical treatment, if treatment is necessary. The employee will be paid his or her regular wages for the time spent seeking the initial medical treatment (for example, the day the accident/injury occurred if he or she missed any part of the workday).

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If they have accrued and unused sick leave, the additional absences from work will be paid with the use of sick leave.

If an employee does not have accrued, paid sick leave, or if they have used all of their sick leave, he or she may choose to substitute vacation / paid time off for further absences from work related to their illness or injury.

## Military Leaves

Employees who leave their employment to perform military duties will be protected by The Uniformed Services Employment and Re-employment Rights Act (USERRA). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. Other aspects of the leave, including benefits, are also subject to USERRA.

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## Paid Family Leave

Employees may be eligible for Paid Family Leave (PFL) wage replacement benefits, which is a California State Program funded through payroll deductions and coordinated through the Employment Development Department (EDD). PFL provides limited compensation for up to eight weeks after an unpaid, seven-day waiting period when an employee needs to take leave from work to care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner who is seriously ill, or for a working parent who wants time to bond with his or her newborn, foster child or newly adopted child. If an employee is taking a leave for the birth, adoption, or foster care placement of a child, the minimum duration of the leave is two weeks, and the employee must conclude the leave within one year of the birth or placement for adoption or foster care. The PFL program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.

## Pregnancy Disability Leave

**(Unpaid Leave)**

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take Pregnancy Disability Leave (PDL) should advise the HR Department as early as possible. The individual should make an appointment with an HR representative to discuss the following conditions:

* Employees who wish to take pregnancy disability must inform the University when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with Human Resources regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the University. Any such scheduling is subject to the approval of the employee’s health care provider;
* If 30 days’ advance notice is not possible, notice must be given as soon as practical;
* Upon the request of an employee and recommendation of the employee’s physician, the employee’s work assignment may be changed if necessary to protect the health and safety of the employee and her child;
* Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
* Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
* Pregnancy leave usually begins when ordered by the employee’s physician. The employee must provide the University with a certification from a health care provider. The certification indicating disability should contain:
* The date on which the employee became disabled due to pregnancy;
* The probable duration of the period or periods of disability; and
* A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
* Leave returns will be allowed only when the employee’s physician sends a release;
* An employee will be allowed to use accrued sick time during any period of pregnancy disability leave that is paid by state disability insurance or any other disability leave plan. An employee will be allowed to use accrued vacation or PTO (if otherwise eligible to take the time) during a pregnancy disability leave; and
* Duration of the leave will be determined by the advice of the employee’s physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro-rata basis. The four months of leave includes any period of time for actual disability caused by the employee’s pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Once the pregnant employee is no longer disabled, she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

**Health and Benefit Plans**

An employee taking Pregnancy Disability leave will be allowed to continue participating in any health and welfare benefit plans in which he or she was enrolled before the first day of the leave (for a maximum of 17 1/3 work weeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The University will continue to pay its portion of the premium contribution as if the employee had continued working. Employees are to make arrangements with the HR Department to continue payments of any employee-paid portion of benefit premiums before the leave begins. The continued participation in health benefits begins on the date leave first begins under Family and Medical Leave Act and/or PDL (for pregnancy disability leaves). In some instances, the Company may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

**Mothers’ Room**

MBKU provides a private room, as per CA state law, for returning mothers for the purpose of expressing milk.

## Time Off for School Activities

Parents or guardians of children attending school are entitled to time off to attend the child’s school for parent-teacher conferences or other school activities. The time off for school activity participation may not exceed eight (8) hours in any calendar month, or a total of forty (40) hours each school year. If a child is suspended from school, the University will provide a reasonable amount of time off to care for the child during the suspension. The employee should alert his or her supervisor of the need for such time off as soon as possible so that the employee’s absence may be covered. If requested, the employee must provide the supervisor with documentation from the school verifying that the employee participated in a school activity.

If both parents of a child are employed by the University, only one parent may take time off at a time under this policy. The parent who first gives appropriate notice of the need for time off under this policy will have preference for the time off. In some cases, the VP for HR may agree to provide both parents the opportunity to take time off at the same time with advance approval.

Any exempt employee who takes a full day off or a non-exempt employee who takes a full or partial day off under this policy must utilize any accrued PTO or vacation for the absence. If the employee does not have any PTO or vacation available, the time off will be taken without pay. The salary of an exempt administrator or staff will not be affected if he or she misses a portion of a day of work under this policy.

## Time Off to Vote

The University offers employees a flexible work schedule on these occasions. If one’s schedule still does not offer sufficient time outside of working hours to vote at a statewide election, the employee may request additional paid time off to be added to the beginning or end of their shift, whichever requires the least time off from work. The request must be made to the supervisor at least two working days prior to the election and the maximum time available for this leave is two hours.

## Unpaid Time Off During Medical Leave

Employees are required to take accrued and unused paid sick leave before having unpaid absences. Once sick leave is exhausted, accrued and unused PTO and vacation will be used. In the case of a leave granted due to a pregnancy-related condition and covered by job-protection leave, the employee may use any accrued sick leave benefits, vested vacation and PTO benefits during the leave to supplement state disability insurance benefits, workers’ compensation benefits, or employer-sponsored disability benefits.

Employees wishing to take time off without pay once their accrued benefits are exhausted must obtain pre-approval by discussing their request as follows:

* With their supervisor if the request is for less than a day,
* With their supervisor and Human Resources if the request is for a day or longer. Once again, any accrued unused paid time must be applied before taking approved time off without pay.

## Witness Duty

Release time will be approved for an employee who is required by law to appear in court as a witness. The University will pay the time off if the appearance is on behalf of the University. If it is not, the employee may utilize either PTO or vacation benefits. If neither is available, the time off will be without pay.

# Section G - Standards of Performance, Duties and Discipline

## Community Activities

While the University encourages its employees to participate in community activities, employees should identify their affiliation with the University only when they are officially representing the University. When the possibility of confusion arises, the employee should identify themselves as an individual and not as a representative of the University.

## Confidentiality

The University is dedicated to protecting the privacy of all its employees as well as students and patients. It is each employee’s responsibility to understand that while employed by the University, they will receive or become aware of information regarding fellow employees, patients, projects, practices, etc., which are sensitive and confidential in nature and should be treated as such. Each employee is responsible for keeping any and all such information strictly confidential. It is also understood that an employee will not communicate, disclose, divulge or otherwise use, directly or indirectly, such confidential and/or sensitive information while employed as well as after separation from the University. Inappropriate communication of such information will lead to disciplinary action up to and including termination (if employed) and potential legal action if after separation.

## Conflict of Interest

The pursuit of knowledge and its open and timely communication and dissemination are the essential and core elements of the University. The University will encourage and facilitate its members of the Board of Trustees/faculty/administrators/staff efforts to obtain and share their knowledge and expertise broadly through sponsored research, consultation, and other activities that are beneficial to the employee, the University, and the public at large. It is also recognized that faculty active in research and scholarship can and will generate proprietary forms of knowledge that, while bringing added value to the Institution, are also encumbered with potential conflicts of interest. This policy lays a framework to facilitate the responsible involvement of members of the Board of Trustees/faculty/administrators/staff in a broad range of activities, while simultaneously protecting the scholarly activities of MBKU. The aim of the policy is to increase the awareness of the members of the Board of Trustees/faculty/administrators/staff of the potential for Conflicts of Interest and to establish procedures whereby such conflicts may be avoided or properly disclosed and managed.

*What is Conflict of Interest?* Conflicts of Interest arise naturally from an individual’s engagement with the world outside the University. A Conflict of Interest exists when an individual has an outside interest (influential position or a financial interest through ownership or remuneration) that affects or appears to affect the individual’s professional judgment in carrying out University responsibilities. The outside interest may be directly for the employee or indirectly through others, such as immediate family, or those with whom the individual has significant business or other ties. An outside interest is a conflict if:

* The outside interest may influence the individual’s decisions regarding University business or research.
* The outside interest may or may not appear to influence the individual’s activities or decisions in teaching, research, and services.

*What is Financial Interest?*

Financial Interest means anything of monetary value to the individual or immediate family member, including but not limited to:

* salary or other payments or services by an outside organization (e.g., recurring consulting fees or honorarium);
* payments received from the University for goods or services not included in W-2 wages
* direct equity interests greater than 5% or $10,000 (e.g., stocks, stock options, warrants or other ownership interests);
* intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does not include:

* salary or stipends paid to an individual by the University;
* income from casual, non-recurring seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
* mutual fund holdings
* direct equity interest in a business enterprise or entity that when aggregated for the individual and the individual’s spouse and all dependent children meets both of the following criteria: does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than 5% ownership interest for any single enterprise or entity;

***MBKU Policy on Conflict of Interest***

The existence of a conflict of interest does not imply wrongdoing. When Conflicts of Interest arise, they must be recognized, disclosed, reviewed, and managed.

*Why Does the University Need a Conflict of Interest Policy?* It is most important that we know where the boundaries of conflict of interest lie, so that MBKU can protect the integrity and academic mission of the University. Furthermore, Federal government regulations require that conflicts be 1) disclosed in writing annually and as circumstances change, 2) reviewed by designated officials, and 3) properly managed, reduced, or eliminated. It is imperative that every individual knows, understands, and complies with the Conflict of Interest Policy, because non-compliance threatens the institution’s integrity, access to its tax-exempt status, and availability of federally-sponsored funds.

*What are the Benefits to All of a Conflict of Interest Procedure?* Conflicts of Interest usually arise from a well-intentioned person having two worthy objectives that conflict with one another. The University fulfills its legal obligations and the employee is protected when the individual reports the conflict and receives appropriate administrative approval before proceeding with a potentially conflicted situation. The Conflict of Interest reporting and management procedures are intended to keep the Board of Trustees and employees aware of their Conflicts of Interest and then to help them to manage, reduce, or eliminate those conflicts.

*What Happens If There is a Conflict?* Conflicts of Interest are common and are bound to arise. They are not inherently bad and can exist as long as they can be managed. In fact, the disclosure and review process seldom requires elimination of the conflict – many conflicts are properly managed by the simple act of disclosure. Others can be managed with assistance from the appropriate individual or committee.

**Conflicts in Externally Sponsored Research**

As a recipient of externally sponsored activities, MBKU has an obligation to assure that the principles of objectivity in research are upheld to ensure that there is no reasonable risk that the design, conduct, or reporting of research will be biased by any conflicting financial interest of an investigator.

Researchers engaged in externally sponsored activity must, in accordance with Federal and University policy, disclose all significant financial interest, royalties, equity, consulting or salary payments (including those of their spouse and dependent children) that would reasonably appear to affect or be affected by the sponsored activity. Researchers may choose to disclose any other financial or related interest that could present an actual or perceived Conflict of Interest. Any such disclosure should provide sufficient detail to permit an accurate and objective evaluation. Such disclosures must be reviewed to determine whether further action is required before the University expends any awarded funds or issues a purchase order or subcontracts for the acquisition of goods and services related to that project. The Dean will review the researcher’s annual disclosure form prior to approving the internal grant application form.

As with all other Conflicts of Interest, disclosures pertaining to research are required at least annually or more frequently, if new reportable information is obtained during the period of an award.

Collaborators/sub-recipients/subcontractors from other institutions involved in externally sponsored research of the University must either comply with this policy or provide a certification from their institutions that they are in compliance with Federal policies (i.e. National Institute of Health, Department of Health and Human Services, Internal Revenue Service) regarding disclosure of Conflicts of Interests and that their portion of the project is in compliance with their institutional policies. This procedure is posted on the Portal.

**Appeals and Non-Compliance**

An individual may appeal a University decision to the President and the VP for Human Resources who will review it. The findings and recommendations of the President will be the final decision.

## Disciplinary Action

It is important that all employees perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy, or commit an act that is inappropriate. As previously noted, the employee or the employer may terminate employment at will at any time with or without cause and without following any system of discipline or warnings. Nevertheless, the University may in certain cases, choose to exercise its discretion to utilize forms of discipline that are less severe than termination.

An employee may, of course, resign at any time. The University may also terminate the employment relationship without following any particular series of steps whenever it determines, in its own discretion, that such action should occur.

## Ethical Practices for MBKU Employees

Each employee of the University is expected to abide by the following policy statement as it relates to their position on campus.

* Create, foster, and maintain an atmosphere of academic freedom conducive to the pursuit of knowledge and the open exchange of ideas on campus.
* Conduct all personal and public affairs mindful that the primary objective is to serve the best interests of the Institution and the profession.
* Place loyalty to the Institution above self-interest and above loyalty to special interests or particular constituent bodies.
* Formulate institutional decisions and Human Resources actions according to the best objective information and in compliance with the highest of professional standards.
* Provide for the establishment of institutional standards, policies and practices that promote the highest possible level of institutional effectiveness, academic quality, student character development, and ethical practices.
* Ensure that institutional policies and practices uphold the dignity of each member of the campus community and do not discriminate on the such things as race, sex, age, national origin, physical disabilities (as outlined under the equal employment opportunity section of the handbook) or personal beliefs and preferences.
* Ensure that procedures are established to thoroughly review, in accordance with accepted standards of equity and due process, any allegations of unethical behavior or incompetence against any member of the campus community.
* Exercise appropriate integrity and caution in using financial resources that may be available through campus foundations or other organizations.
* Ensure that the Institution's business and public affairs are conducted in an ethically responsible manner.
* Encourage on campus recognition that we live in a world community, and inspire within students and faculty an appreciation of cultural pluralism and intellectual diversity.
* Seek to develop and provide an environment for implementation of programs that will foster both the social and character development of students.
* Faithfully and accurately report the Institution's financial condition, status of physical facilities, quality and character of programs, and role and capacities to the public at large.
* Faithfully administer budget responsibility by following the approved policies and procedure in the Accounting Policies Manual.
* Create an atmosphere of collegiality and fairness in relationships with other institutions to ensure healthy competition, rather than destructive rivalry.
* Encourage a clear definition of the governance roles and responsibilities of the governing board and an atmosphere of open communication ensuring that everyone has a full understanding of the institutional mission and programs in order to discharge their governance responsibilities effectively.
* Demonstrate the highest degree of honesty, integrity and ethics at all times.

Failure to abide by this policy statement as it relates to their position on campus will result in the disciplinary action up to and including termination.

## Introductory Period

The first 90 days of employment at the University are considered an introductory period. During this time, a new employee will be exposed to the duties and responsibilities of the job, have an opportunity to become acquainted with co-workers, and determine whether this is the right job for him/her. The supervisor will be using this time to evaluate the employee’s compatibility and interest in the job, along with closely monitoring performance, so feedback can be provided to ensure a better understanding of the position and its responsibilities. Anytime during or after this introductory period, either the employer or the employee can terminate the employment relationship with or without cause and without any advance notice.

## Job Descriptions

Job descriptions are kept on file in the HR Department and should provide an accurate representation of the duties performed for each position. As duties and responsibilities change, the job description should be updated to reflect the changes. It is the combined responsibility of the employee and the supervisor to see that the job description is kept up to date. Since an employee's performance is measured by how well he performs the duties described on the job description, it is imperative that it is kept current.

## Performance Reviews

Regular performance reviews are an important part of the University’s Human Resources policies. They provide an objective, consistent, and fair way to document employee’s on-the-job effectiveness. The review process should provide an opportunity to discuss past performance and communicate expected standards and goals for the new review period.

Each employee will receive periodic performance reviews conducted by his or her supervisor. An employee’s first performance review will take place on or about the completion of their Introductory Period. Subsequent performance reviews will be conducted as part of MBKU’s common review cycle, held annually in the March – June time period. The frequency of performance reviews may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

An employee’s performance review may review factors such as the quality and quantity of the work he or she performs, knowledge of the job, initiative, work attitude, and attitude toward others. The performance reviews are intended to make him/her aware of their progress, areas for improvement and objectives or goals for future work performance. Favorable performance reviews do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of MBKU and depend upon many factors in addition to performance. After the review, an employee will be given a chance to comment on the review process and be required to sign the performance review document simply to acknowledge that it has been presented to him/her, that they have discussed it with their supervisor, and that they are aware of its contents.

## Professional Standards of Dress

The University’s professional atmosphere is maintained in part, by the image that employees present to patients, students, other employees and visitors. Employees are expected to dress neatly and in business attire (except for Fridays in which casual attire is permissible) that is consistent with the nature of the work performed and is appropriate for a professional health care environment. Acceptable clothing for employees includes suits, sport coats, or dress shirts and slacks, blouses and sweaters with skirts or dress slacks or dresses. Casual sportswear, e.g. jeans (except for Fridays), shorts, along with tight fitting leather, tight fitting knits and mini-length skirts or dresses, T-shirts, tank, halter or low-cut tops, and tennis shoes (except for Fridays), casual sandals (except for Fridays) and flip flops are not considered appropriate and should not be worn to work. All clothing should be clean and without rips or holes. This list is an example of inappropriate dress and should not be considered a complete list. Employees who report to work inappropriately dressed may be asked to clock out and return back to work in acceptable attire. Department Directors may issue more specific guidelines beyond these. Please see the portal under Human Resources for Casual Friday Attire Guidelines.

Hair must be clean and demonstrate evidence of good grooming and styling. Beards and moustaches, when neat and groomed, are permissible. Jewelry should be conservative. Body piercing that goes beyond normal, conservative ear piercing, does not promote the health conscious image that the University wants to depict to its patients and therefore should be avoided.

Because of the presence of patients, employees working in the Clinic are held to a higher standard. The Clinic Dress Code is addressed in the Clinic Manual.

Employees who are provided with a uniform should keep them in a neat and clean condition. Employees provided with uniforms must wear them at all times while on duty. Employees are required to return their uniforms in a timely manner upon termination of their employment. If there are any questions as to what constitutes proper attire within a given department, the supervisor or department head should be consulted in advance.

## Punctuality and Attendance

Everyone who works at the University is expected to be punctual and regular in attendance. If an individual is unable to report for work on any particular day, or expects to be late for any reason, he or she must provide notice as follows: If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. A text message is not an acceptable form of communication. Employees should also inform their supervisors of the expected duration of any absence, and should call in each day of the absence unless the duration has been specified or extenuating circumstances exist. If unable to personally talk with the supervisor, the next in charge should be notified. Employees who were unable to reach their supervisor or the next in charge, should call the HR Department to insure his or her message will be received by someone of authority. Messages left on voicemail or a text message will not take the place of talking directly to a supervisor.

Absenteeism and/or tardiness typically cause hardship on co-workers who have to absorb the work that is not getting done. Thus, excessive absences and/or tardiness – excused or not – may be grounds for disciplinary action up to and including termination of employment. Each situation of excessive absenteeism or tardiness will be evaluated on a case-by-case basis. However, depending on circumstances, just one unexcused absence may be considered excessive.

If an individual fails to report for work without any notification to his or her supervisor and the absence continues for a period of three consecutively scheduled days or work shifts, the University will consider that the employee has abandoned his or her employment and voluntarily terminated his or her employment.

## Standards of Conduct

Like all other organizations, the University requires order and discipline to succeed and to promote efficiency, productivity, and cooperation among employees. For this reason, it may be helpful to identify some examples of types of conduct that may lead to disciplinary action, up to and including immediate discharge. Although it is not possible to provide an exhaustive list of all types of inappropriate conduct and performance, the following are some examples.

1. Falsification or making a material omission on an employment application or making erroneous entries or material omissions on records that are the property of the University.
2. Insubordination, including improper conduct toward a supervisor, refusal to perform tasks appropriately assigned by a supervisor, refusal to obey the normal or emergency instructions of security officials or other proper authorities.
3. Failure to follow approved accounting policies and procedures as outlined in the Accounting Policies Manual, e.g., inappropriate handling of cash and deposits, failure to complete Material Requisition Forms (MRFs) appropriately.
4. Personal use of University postage, copy machines, FAX machines, e-mail, internet, supplies or phones.
5. Theft, unauthorized removal or destruction of property belonging to the University, fellow employees or students.
6. Altering or falsifying any timekeeping record, intentionally completing another employee's time record or allowing someone to complete their time record.
7. Actual or perceived threat of violence towards another employee or against the property of the University.
8. Derogatory statements which undermine the Institution and/or any member(s) of the University community.
9. Disclosing information considered confidential by the University (i.e. payroll, personnel or patient records).
10. Possession, distribution, sale, use or being under the influence of illegal drugs or alcohol or bringing firearms, weapons or explosives on or to University-owned property and/or any affiliated clinic.
11. Using the University’s internet capability to access inappropriate or objectionable material as spelled out in the University’s Electronic Communications Policy in Chapter H.
12. Discourtesy toward others (e.g., failure to work harmoniously with fellow staff or serve the public with courtesy). Bullying of any kind to other employees, students or patients.
13. Sleeping on duty.
14. Sexual harassment or other unlawful harassment against an employee, student or third party.

Note: Alleged Sexual Harassment conduct will be evaluated by the Title IX Coordinator to determine whether it will be investigated under the Student Code of Conduct or Employee Code of Conduct under the Title IX Sexual Harassment and Non-Discrimination Policy if it is determined prior to a Formal Complaint or after the dismissal of a Formal Complaint under the MBKU Title IX Policy, that the Respondent is a student or employee of MBKU and the alleged conduct meets one or more of the following:

1) The alleged conduct does not fall within the definition of Sexual Harassment as defined in the Title IX Policy (see Appendix for complete policy including definitions),

2) The alleged conduct, if proved, would constitute a violation of Sexual Harassment as defined in the Title IX Policy and did not occur in the Education Program or Activity of MBKU but would have a substantial impact on MBKU,

3) The alleged conduct if proved, would violate the definition of Sexual Harassment as defined in the Title IX Policy and did not occur in the U.S.,

4) The Complainant is not participating in or attempting to participate in MBKU’s Education Program or Activity,

5) The alleged conduct, if proved would constitute any of the following:

**a. Non-Title IX Sexual Harassment:** Unwelcome verbal or physical behavior which is directed at an individual based on sex, when these behaviors are sufficiently severe or pervasive to have the effect of unreasonably interfering with an employees’ working conditions by creating an intimidating, hostile, or offensive environment.

**b. Sexual Exploitation:** Any act whereby one individual violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent. It should be remembered that employment is at the mutual consent of the employee and the University. Accordingly, either the employee or the University can terminate the employment relationship at will, at any time, with or without cause or advance notice.

# Section H - Policies, Procedures and Safety Issues

This section covers the policies, procedures and safety issues that help set the ground rules for working at the University. It is important to remember that failure to follow the policies set forth in this section could result in disciplinary action up to, and including termination.

## Alternatives to Illegal File Sharing

The MBKU network is intended for the business operation of the University, research and educational needs. The University maintains an internet connection adequate for these needs, but does not have adequate resources to allow non-essential high bandwidth applications. While casual web browsing is allowed, higher bandwidth personal applications such as Hulu, iTunes, etc. are not considered essential to the University’s mission and students and employees are requested to not use these applications.

The MBKU Library provides licensed electronic access to books and journals through several publishers and databases. Access is provided through the library website on campus and through EZ-Proxy. Authorized users are the full-time and part-time students, faculty, staff, researchers, and individuals using computer terminals within the library facilities. By signed license agreement, each authorized user may: access, search, browse, view, print and store electronic copies for the exclusive use of each authorized user, one article per journal issue, or one chapter or 10% of each book. The University has an Academic license through the Copyright Clearance Center (CCC). Journal titles should be checked through CCC before any distribution of copyrighted material takes place. If a journal title is not covered by our license, then, by signed license agreement, authorized users absolutely may not redistribute or retransmit journal articles or book chapters downloaded from any of the electronic resources provided by the library.

“Fair Use” allows one to copy limited amounts of copyrighted material without requiring him/her to ask permission from the copyright owner first. Before copies of copyrighted material are made, the employee should use the four factors below to evaluate if his or her use of the material is “fair” or not:

* The purpose and character of the use (most importantly whether it is for commercial gain or for nonprofit educational purposes)
* The nature of the copyrighted work (how creative or non-creative is the work)
* The amount and substantiality of the portion used in relation to the work as a whole
* The effect of the use upon the potential market for or value of the copyrighted work.

For more in depth information on copyright laws and policies, please see the MBKU library website.

## Annual Disclosures

A good rule to follow: “If you are downloading something for free that you would normally pay for, there is a good chance that it is illegal.”

All MBKU users must respect the copyrights in works that are accessible through computers connected to the MBKU network. Federal copyright law prohibits the reproduction, distribution, public display or public performances of copyrighted materials without permission of the copyright owner, unless fair use or another exemption under the copyright law applies. It is the policy of MBKU to respect the intellectual property rights of others. If it comes to the attention of the University that an individual is using MBKU computer equipment and-or network access to violate copyright law, the university will take action to stop such activities.

* The University has the right to determine appropriate use of the MBKU name, shield, Program name and associated logos and images. Any unauthorized use is a violation of copyright laws.
* Any copyright violation traced to students will be referred to the relevant Program Conduct Officer for adjudication. Copyright violation penalties may include the loss of network connectivity and disciplinary action.
* Any copyright violations traced to faculty or staff will be referred to the University’s Legal Counsel. Copyright violations for faculty and staff are treated as a breach of ethical and professional conduct and will be handled following established disciplinary procedures including verbal and written warnings, suspension and possible termination.
* In addition, violations of copyright law can lead to criminal charges and civil penalties. Under current copyright law, criminal cases of copyright violation carry a penalty of up to five years in prison and a $250,000 fine. Civil penalties of copyright infringement include a minimum fine of $750 for each work. While criminal prosecution for illegal downloading is rare, civil law suits are quite common.

If an employee is in doubt regarding an issue or questionable use he or she should contact the Director of Information Technology Services or the Director of Library Services to resolve the issue before pursuing any questionable use of MBKU resources.

## Anonymous Material

No anonymous material, except approved course or employee reviews, shall be kept by the administration, faculty, or students concerning any University employee or student. Anonymous material received concerning any individual, except for approved course or employee reviews, shall not be kept in an individual’s file. All anonymous material, except such approved reviews, shall be brought to the attention of the targeted individual and placed in a secure file in the President’s Office.

Anonymous material that threatens the safety of any persons or property at the University will be brought to the immediate attention of the appropriate law enforcement agencies.

## Business Travel, Entertainment and Miscellaneous Expense Policy

The purpose of the Business Travel, Entertainment and Miscellaneous Expense Policy is to provide broad guidelines for official business travel and entertainment reimbursement to employees. Employees are expected to spend University funds prudently when traveling on University business or entertaining for University purposes.

The University will reimburse employee travel and entertainment related expenses only when they are reasonable, appropriately documented, properly authorized and within the guidelines of the policy. Allocated travel, entertainment, and miscellaneous funds are a part of the annual University budget recommended by the administration and adopted by the Board of Trustees. Each department is responsible to operate within the approved budget for each fiscal year.

For more detailed information, please refer to the Accounting Policy & Procedure Manual, kept on the MBKU Portal.

## Campus Hours

The campus hours are 6:00 am – 1:00 am. Employees on campus after 11:00 pm should contact the safety/security department so they know their whereabouts for safety purposes.

## Cell Phones and Electronic Devices

The personal use of cell phones and other electronic devices in the classrooms, laboratories and clinical patient care facilities is disruptive and interferes with the integrity and decorum of the academic and patient care programs. All cell phones and other electronic devices for personal use need to be turned off while in these areas. Individuals wishing to use their cell phones should use private offices when making such calls.

Writing, sending or reading text-based communications – including text messaging, instant messaging, email, web-browsing and use of smart phone applications – on a wireless device or cell phone while driving is also prohibited under this policy.

In the interest of the safety of our employees and other drivers, MBKU’s employees are prohibited from using cell phones while driving on University business and/or University time.  If his or her job requires that he or she keep their cell phone turned on while they are driving, he or she must use a hands-free device and safely pull off the road before conducting University business.  Under no circumstances should employees place phone calls while operating a motor vehicle while driving on University business and/or University time. Violating this policy is a violation of California state law and a violation of University rules.

Understanding the benefits in increased productivity by way of personal smart phones and other mobile computer devices, the following required guidelines are intended to protect university data that are transacted or stored on personal computer devices.

* Password protection to access the mobile compute device is required using strong passwords or complex patterns (i.e. Android devices).
* Security patches announced by the manufacturer must be installed at your earliest convenience
* Supervisor approval is required for usage of personal compute devices for clinic communications

For more detailed information, please refer to the MBKU Cyber Security Policy, kept on the MBKU portal (my.ketchum.edu).

## ****Children in the Workplace****

The University values family life and has worked to develop employment policies and benefits that are supportive of families. While the University seeks to focus on providing an environment open to work and family issues, it also believes that the workplace should not be used in lieu of a childcare provider. Further, the University believes that it is inappropriate for minor children of employees to be in work areas during work hours for several reasons:

* risk of harm to the children
* decreased employee productivity due to distractions and disruptions
* the potential liability to the University

It is therefore the policy of the University that minor children of employees not be present at an employee's workplace (e.g., office or classroom), in lieu of other childcare arrangements, during the employee's working hours. This policy is not intended, however, to prohibit children from the campus when the purpose of their visit is to obtain professional eye care or to attend a campus social function.

## Cloud Service Providers

While Cloud Service Providers can enable functions within the University that would otherwise not have been economically possible, the University recognizes that guidelines are required to ensure compliance is met and security risks are kept to a minimum. The following types of data are strictly prohibited from being stored or processed within a Non-University approved cloud provider: PII (personal identifiable information), PHI (protected health information), SSN (Full Social Security Numbers), Credit card numbers (Full Account numbers), Student Records (Grades, DOB, Photo). All other data require University consideration to ensure efficiency with vendor centralization and that security and contract standards are met.

For more detailed information, please refer to the MBKU Cyber Security Policy, kept on the MBKU portal (my.ketchum.edu).

## Computer Software

Software that resides on MBKU's computer systems (personal computers, minicomputers, etc.) is acquired through a license agreement with the manufacturer. Copying of this software and/or documentation is strictly prohibited. Computer software not licensed by MBKU should not be installed or downloaded onto any computer on campus. This could result in introducing a virus into the system or violating licensing laws. Any inquiries regarding the terms and conditions of the licenses should be directed to the Director of Information Technology.

## Copy Machine Usage

Copy machines are located throughout the campus and in the mailroom. Because of the higher per copy cost charged on department copiers, these machines should be used for small jobs only. All large jobs consisting of an output of 50 copy pages or more must be sent to the mailroom to be reproduced.

Employees have an ID number programmed into the copier that will be encoded with a beginning balance along with the department the copies will be charged.

Employees are responsible for contacting their supervisor prior to their balance being exhausted. The supervisor, with the budgetary responsibility for the department, must notify purchasing in writing or via e-mail authorizing the re-encoding for additional usage.

## Drug and Alcohol Abuse

The University is operating in conformity with the Drug-Free Workplace Act of 1988 and as such is concerned about the use of alcohol, illegal drugs or controlled substances as it affects the workplace. Use of these substances whether on or off the job can adversely affect an employee's work performance, efficiency, safety and health and therefore, seriously impair the employee's value to the University. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the University to the risks of property loss or damage, or injury to other persons.

The following rules and standards of conduct apply to all employees either on University property or during the workday (including meals and rest periods).

The University strictly prohibits the following:

1. Possession or use of alcohol, or being under the influence of alcohol while on the job.

2. Driving a University vehicle while under the influence of alcohol.

3. Distribution, sale or purchase of an illegal or controlled substance while on the job.

4. Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job.

Violation of the above rules and standards of conduct will not be tolerated and are subject to disciplinary action up to and including termination. The University also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, the University reserves the right to conduct searches of University property or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off University property will not be tolerated because such conduct, even though off duty, reflects adversely on the University. In addition, the University must keep people who sell or possess controlled substances off the University’s premises in order to keep the controlled substances themselves off the premises.

All employees must notify the University within five (5) calendar days if convicted of any criminal drug statute for a violation occurring in the workplace. A conviction for purposes of this reporting requirement includes: a finding of guilt, a no-contest plea, or imposition of a sentence by a judicial body charged with determining violations of federal or state criminal drug statutes prohibiting manufacture, distribution, dispensation, use or possession of any controlled substance.

The University is required by the Drug-Free Workplace Act to notify the appropriate government contracting or granting agency of any convictions of its employees within ten (10) days after the University learns of the conviction; and, the University must take appropriate personnel action against the employee, which may include drug assistance, rehabilitation or discharge.

The use of prescription drugs and/or over-the-counter drugs may affect an employee's job performance. Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

The University will encourage and reasonably accommodate employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation. To this end, employees desiring such assistance should request a treatment or rehabilitation leave by contacting the VP for Human Resources. The University, however, is not obligated to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the University obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the University's treatment of employees who violate the regulations described above. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

Note: Effective January 1, 2018 the State of California has removed certain criminal penalties for marijuana, in particular legalized medical/recreational use under certain circumstances. California now allows the private recreational use and possession of small amounts of marijuana for people 21 years of age and older. Marijuana is still illegal under federal law and is prohibited under the Drug Free Schools and Communities Act. The Controlled Substances Act states that the growing and use of marijuana is a crime. Federal enforcement agencies can prosecute on this basis regardless of state law. In addition, the Drug Free Schools and Communities Act requires the prohibition of marijuana at any University receiving federal funding. MBKU is one such University.

As a result of these federal regulations, MBKU prohibits, employees, students and members of the general public from possessing, using, or distributing marijuana in any form in any University-owned or operated facility and during any University activity

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## Electronic Communications Policy

The University recognizes the importance of voicemail, e-mail, internet and other emerging forms of electronic communications as valuable tools that greatly assist in the timely and efficient flow of communications by employees at all levels. In order to protect the University’s interests and prevent exposure to unnecessary liabilities, all electronic communications including the Internet, must be used in a prudent and lawful manner for University business. Individuals who fail to abide by stipulations set forth in this policy will be subject to immediate termination.

**Use of Electronic Communications**

The University encourages access of the Internet and other forms of electronic communication for direct work-related benefit. Incidental and occasional personal use of these resources is permitted provided access occurs outside of regular working hours (i.e., before and after work or during breaks), and does not conflict with the primary business purpose for which they have been provided, the University’s policies, or with applicable laws and regulations. An Administrator must approve any information concerning any aspect of the University or its Clinics before the information is placed on an electronic information source.

Recognizing the cyber threats that exists via e-mail, internet, and other electronic communications (Instant Messaging), the University reserves the right to audit an individual’s usage of such technologies if there are indications of misuse or irresponsible behavior. Repeated violations of The Acceptable Use Policy below may result in disciplinary action, up to and including termination of employment. Some examples of repeated misuse or irresponsible behavior includes repeatedly clicking on phishing emails, opening suspicious files/attachments, or visiting suspicious websites.

**Acceptable Use Policy**

Employees are provided access to University systems and data based on their role and responsibility within the University. Each employee is responsible for protecting the credentials used to access systems as well as being responsible for the confidentiality, integrity, and availability of their individual files and information. Personal laptops should be kept physically secure and proper care must be taken to minimize exposure to harmful elements such as dust, water, and excessive heat/cold.

The individual workstations and software provided to each employee is meant to support University functions and promote improvements in productivity and functionality. Misuse of information systems may introduce risk to the University. The following types of systems use are prohibited:

* Attempting to negate or disable security controls such as virus protection.
* Unauthorized use, destruction, modification, distribution of University information.
* Sabotaging or unauthorized repairs on University information systems. All repairs must be authorized by the IT department.
* Use of tools that test or compromise security, such as password sniffers or network scanners.
* Intentional interference with normal operations of University wired and wireless network, such as jamming devices or personal network hubs/switches.

## Electronic Communications - Prohibited Use

The University’s systems may not be used to create, view, transmit or download material that is derogatory, defamatory, sexually explicit or offensive. This includes, but is not limited to, slurs, epithets or anything that may be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, disability or religious and political beliefs.

The University’s systems may not be used to post personal announcements, opinions, and personal views or solicit support for non-University related activities. Every time an employee accesses a site on the Internet or communicates via e-mail, his or her e-mail address, which identifies the University’s, is recorded. Using any computer system in any way to discredit the University or compromise University confidential or proprietary information is prohibited.

The University’s systems may not be used for profit or gain unrelated to authorized University business. Gambling or any other unlawful activity including violation of copyright, trademark, or other material protections laws, including copying of software in a manner inconsistent with vendor’s license agreements is prohibited.

Employees may not install personal software on University equipment without prior approval from the IT department. All electronic information created by an employee using any means of electronic communication is the property of the University and remains the property of the University. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the University’s ownership of the electronic information.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by University administration.

**No Expectation of Privacy:** The University reserves the right to access and review computer files, electronic files, messages, mail, etc. and to monitor the use of electronic communications as is necessary to ensure that there is no misuse or violation of University policy or any law. No one should have any expectation of privacy for messages or other data recorded or transmitted on the University’s systems. These include documents or messages marked “private” and which are accessible only with a password, or those believed to have been deleted. The University reserves the right to override all personal passwords, as necessary, to ensure that there is no misuse or violation of University policy or any law to do so for any reason. Violations of this policy will lead to disciplinary actions up to and including discharge.

## Emergency Alert System

The University has established an Emergency Alert System to be able to communicate with students and employees should there be an emergency situation. On an annual basis, and as changes occur, students and employees are asked to supply their contact information so that in the event of an emergency, we can reach everyone on and off campus via an ‘instant mass communication’ that is distributed via email, cell phone, home phone and as an option at a work number or by text messaging. We may need to advise employees not to come to the campus, give instructions on when to return or we may need employees to come to the campus to assist in helping get the campus operational. We can also use this communication system to send out instant messages to specific groups of students or employees about information that pertains to them.

## Employment Verification

All requests for employment verifications must be directed promptly to the HR Department. Supervisors, employees, and faculty members should not attempt to provide any such information. HR will only verify title, dates of employment and if authorized by the employee, the salary. There is a separate policy for letters of reference/recommendation.

## Harassment Prevention Policy

The University is firmly committed to being a community in which students, faculty, administrators and staff are provided a work environment free of any form of harassment. University policy prohibits sexual harassment and harassment because of pregnancy, childbirth or related medical conditions, race, religious creed, color, gender (including gender identify and gender expression), national origin, ancestry, physical or mental disability, medical condition, marital status, registered domestic partner status, sexual orientation, age or any other basis protected by Federal, State or local law or ordinance or regulation. All such harassment is unlawful. MBKU’s harassment prevention policy applies to all persons involved in the operations of MBKU and prohibits unlawful harassment by any employee of the University, including supervisors and co-workers, as well as by or of any person doing business with or for the University including subcontractors, suppliers and volunteers.

Prohibited unlawful harassment because of sex, race, ancestry, physical handicap, mental condition, marital status, age, religion, or any other protected basis includes, but is not limited to, the following behavior:

a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

b. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, e-mail and faxes or gestures;

c. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;

d. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and

e. Retaliation for having reported or threatened to report harassment.

**For all Title IX Sexual Harassment complaints** (see complete policy including definitions in the Appendix)**, employees should contact the VP for Student Affairs (VPSA) who is the Title IX Coordinator for the University and will determine if the complaint meets the threshold of Title IX Sexual Harassment. If it does not, the VPSA will refer the employee to the VP for Human Resources (VPHR) for further investigation of the complaint. For other non-title IX harassment complaints** - If an employee believes he or she has been unlawfully harassed and it doesn’t fall within the definition outlined in the Title IX Sexual Harassment and Non-Discrimination policy he or she should file a complaint to the VPHR as soon as possible after the incident, by completing the Witness Statement Form, which can be found on the Portal under Human Resources. The VPHR will then conduct a good-faith investigation by interviewing any witnesses and gathering all pertinent information to determine if any consequences need to occur to remedy the situation. The President of the University, a designated officer for receiving complaints, may also be a resource. Alternatively, he or she may also direct his or her complaint to a supervisor. Supervisors have an obligation to immediately refer all sexual harassment complaints to the VPSA and non-sexual harassment complaints to the VPHR. If the complaint is coming from a student it should be directed to the VPSA, The Title IX Sexual Harassment and Non-Discrimination Policy can be found on page 22 of section H.

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## Identification/Access Cards

Identification/Access Cards are issued to all employees for identification and security purposes and must be worn in a visible location while on campus. Campus Security has the authority to verify the existence of the identification card at any time an employee is on campus. The card also functions as an access card which is programmed to allow entrance into certain buildings, offices and parking structure as needed. If an employee does not have his or her card, access to these rooms may be denied.  To gain access to the parking structure, the access card should be used at all times. In the event the employee does not have the access card, he or she can press the button at the gate and advise campus security.  If an employee repeatedly does not have his or her access card when obtaining access to the parking structure, the employee’s supervisor will be notified and the employee may be subject to disciplinary action up to an including termination.

The card is non-transferable to anyone, at any time, for any purpose. Disciplinary action up to including termination may result if it is discovered that the card was fraudulently used to gain access to any card-accessible area on campus. If a card is lost, an employee should immediately notify the Security Office and obtain a new one. There is a $25 charge to replace a lost card.

## Illegal Sharing of Copyrighted Works

The Higher Education Opportunity Act of 2008 (HEOA) includes provisions that are designed to address illegal peer-to-peer sharing of copyrighted works by those using campus networks. Although the MBKU network infrastructure is a vital asset that enables academic and research activities by faculty, staff and students, it is important that this shared resource is used in compliance with copyright and information security laws.

The HEOA final regulations published on October 29, 2009 contains three general requirements that MBKU must implement to control against illegal file sharing or risk losing Federal financial aid funding for students.

* An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
* Certify in the Department of Education Program Participation Agreement that MBKU has a plan to effectively combat copyright abuse on the campus network using a variety of technology-based deterrents.
* An agreement to offer alternatives to illegal file sharing or downloading

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**IT Incident Reporting**

Employees are required to report any incident that may result in the compromise of University Information assets, within 24 hours, to the Information Technology Department by phone or email ([ITsupport@ketchum.edu](mailto:ITsupport@ketchum.edu)). Typical incidents include virus/malware infection on a compute device where University data is stored, as well as lost or stolen laptops/DVD/USB or any storage device that contains University data. The general rule for an employee is to report an incident to IT if he/she is not sure.

For more detailed information, please refer to the MBKU Cyber Security Policy, kept on the MBKU portal (my.ketchum.edu).

## Infection Control Policy

It is the desire of the University to provide a safe working environment for our employees. In order to do so, the risk of exposure to pathogens from blood and other potentially infectious materials must be minimized or eliminated. The Department of Labor (DOL), Occupational Safety and Health Administration (OSHA) has provided employers with guidelines to ensure that descriptions in the Infection Control Policy Manual are in line with those set forth by OSHA in the Federal Register, 29 CFR Part 1910.1030 Occupational Exposure to Blood-Borne Pathogens; Final Rule.

In order to minimize infections with HIV, Hepatitis B, Tuberculosis or other infectious diseases, it is necessary and essential that any employee whose duties involve any reasonably anticipated contact with blood or any other potentially infectious material do the following:

1. Read, understand and follow the procedures and protocol described by the University’s Exposure Control Plan, that is part of the “Clinical Policies and Procedure Manual” found on the MBKU Portal.
2. Clarify any questions an employee might have concerning the Exposure Control Plan with the Infection Control Officer.
3. Sign an agreement provided to employee by the Infection Control Officer that states he or she has read and understands the Exposure Control Policy implemented by the University and he or she will abide by these procedures and protocols while they are present in a particular worksite of the University.

## Injury on the Job

If an employee is injured while at work, he or she must report it immediately to his or her supervisor, regardless of how minor the injury may be. The law requires a workers’ compensation claim form (DWC-1) to be completed and filed within 24 hours of an accident.

The University’s industrial injury provider will provide treatment unless the employee has made a written request, prior to the injury, to be treated by his or her personal physician for work-related injuries or illnesses. Forms to make this request are available in the HR Department.

If an employee has any questions regarding the workers' compensation insurance program, he or she should contact the HR Department.

## Letters of Reference/recommendation

Letters of reference/recommendation requested by former and current employees may be provided, at the University's sole discretion. A letter of reference/recommendation can be prepared by any of the employees’ previous supervisors, current supervisor or any supervisor within the chain of command for that employee, while employed at the University. Any letter of recommendation for a current employee should first be reviewed by the VP for Human Resources. A copy of any letter of reference/recommendation provided to an employee must be maintained in his or her personnel file. The preparation or provision of any unauthorized reference or recommendation, including the provision of any verbal, personal, professional or "off-the-record" reference in violation of this policy may result in disciplinary action. There is a separate policy for employment verifications.

## Lost and Found

Money, purses, electronic devices and all other valuables should not be left out in the open or in areas where theft might occur. Lockers will be provided, upon request, for employees wishing to use them. The University maintains a Lost and Found located at the Campus Security Office so that lost items may be returned to their rightful owner. The University is not responsible for lost or stolen property. Thefts should immediately be reported to the Campus Safety and Security Office. To assist in the investigation, an incident report, available in Campus Safety and Security, must be completed.

## MBKU CARE Team

As MBKU grows in numbers and locations, it continues to remain vigilant regarding campus safety.  The University has established a Campus Assessment, Response, and Evaluation (CARE) Team that meets on a regular and as-needed basis to review and advise on disruptive, problematic, or concerning student behavior.  The CARE Team responds to non-emergency concerns and uses a proactive approach to discuss potential problems, intervene early and develop appropriate courses of action for referred students.  The goal is to support students who may be in distress or whose behavior is of concern to others before they rise to crisis levels.

Core members of the team include representatives from Title IX, Disability Services, Student Affairs, Student Counseling Services, and Campus Safety.  Employees from other departments, administration, and/or legal counsel will be consulted on a needs-basis.  The CARE Team does not handle classroom management, disciplinary processes/student conduct and/or public safety responses to incidents.

The purpose of the MBKU CARE Team is to:

* Promote student success by providing caring support and resources to students experiencing difficulty;
* Promote campus community health and safety by gathering information to identify early warning signs of disruptive behavior and executing proactive intervention plans;
* Provide structure for an effective method of addressing student behaviors that impact the University;
* Develop and review policies that address disruptive or threatening behavior;
* Assess, evaluate and evolve team function and protocol over time as best practices are identified and redefined;
* Provide support for College and University departments dealing with difficult and/or abnormal student behavior situations; and
* Empower the MBKU community through education regarding social responsibility for contributing to a safe campus culture.

Please refer to the Faculty and Staff Guide for Assisting Students in Distress (located on the Faculty and Staff Compliance page on Moodle) and report all concerning behavior to the CARE Team via the Report a Concern from located on the Home page of the portal or contact the Vice President for Student Affairs.

## MBKU Plan to Combat the Unauthorized Distribution of Copyrighted Material

MBKU currently blocks ports commonly used for illegal peer-to-peer use and monitor remaining network traffic for possible illegal use. Weekly reports are checked for possible illegal activity. When high bandwidth consumers are observed, MBKU representatives will contact such users to ensure that their bandwidth consumption is the result of legal purposes only.

Warning signs are posted by each copy machine on campus stating that the person using this equipment is liable for any infringement.

The University will also apply traffic monitoring and aggressively respond to Digital Millennium Copyright Act notices.

## Minors on campus policy

MBKU is committed to the safety of the entire campus community and our guests, including minors. Furthermore, the California Child Abuse and Neglect Reporting Act requires certain professionals (“mandated reporters”), specifically administrators and educators at postsecondary institutions, as well as health care providers, to report to child protection services or law enforcement when they know or reasonably suspect child abuse or neglect.

The Minors on Campus Policy serves three purposes. First, it reviews typical situations in which children and other minors may interact with MBKU students, employees, volunteers, and other community members. Second, it describes the requirements of these groups who interact with minors. Finally, it serves to advise the MBKU community of their obligation to report any cases of known or suspected child abuse or neglect.

The Offices of Human Resources (HR) and Title IX are responsible for administering this policy. These offices have developed and published the guidelines for the implementation of the policy. The full policy can be found on the Portal under Human Resources.

## Non-Service Animals on Campus

Animals are welcome additions to many people’s lives. However, animal owners must be cognizant of how bringing their pets to campus could negatively affect others. Members of the MBKU community may have allergies or be fearful of the animals. In addition, animals may cause unwanted distractions and disruptions in some cases.

Unless a registered service animal, animals belonging to employees are not allowed in campus buildings or clinics. This policy applies to everyone at MBKU unless a specific exception has been granted.

Any questions regarding this policy should be directed to Human Resources. Violations to this policy may result in disciplinary action, up to and including termination.

## Off-duty Use of Facilities

Employees are prohibited from being on campus or making use of University facilities while not on duty. The exceptions would be the use of the library and fitness center. The fitness center is open during campus hours (see handbook policy on the Fitness Center under section E). Employees are also prohibited from using university facilities, property or equipment for personal use. There is also a separate policy on Use of University Facilities for Extra Curricular Activities under section H. Violations to this policy may result

## Parking on Campus

Unreserved parking fees are $10.83 per pay period for automobiles and $6.50 for motorcycles. Part-time employees with weekly schedule of 20 hours or less (FTE 0.50 or less) will be charged half of the unreserved parking fees. Reserved parking fees are $27.08 per pay period regardless of schedule. Parking permits are arranged through the Human Resources Office with the fee deducted from each paycheck.

Upon paying the basic fee, a permit will be issued which entitles the holder to park in any non-reserved space in the designated parking areas for employees. Handicap spots are available with proper documentation. The permit should be displayed in the front window of the vehicle. A numbered reserved parking space is available to anyone in the campus community who chooses to pay an extra fee for the privilege of having a designated parking space. All reserved parking spaces will be identified with a “reserved” marking.

All clinic patients and visitors are to park in the designated visitor spots. All employees choosing to park at a MBKU facility will be required to pay a fee.

## ****Personal**** Telephone Calls

Employees are requested to keep all personal phone calls to a minimum. Friends and relatives should be discouraged from calling during working hours unless there is an emergency. Under no circumstances should an employee make or charge a long distance call to the University unless it is work-related.

Employees who disregard this policy and continually use the telephone system for personal calls that are not, in the University's opinion, urgent in nature or absolutely necessary, may be subject to disciplinary action.

## Problem Resolution Process

The University would like to learn of any situation or condition that may be causing problems for employees on the job. Such conditions cannot be corrected unless he or she makes them known to the University. If something is bothering an employee, they should feel free to discuss it frankly, in confidence and without fear of reprisal or discrimination with the people who can resolve it.

The University recommends that an employee should first discuss the problem with his or her immediate supervisor. In most instances, a friendly talk with his or her supervisor can solve the problem to one’s satisfaction.

Attempts to resolve the issue within his or her chain of command is highly encouraged. If the problem is not resolved at this first step or an employee feels uncomfortable about discussing the problem with his or her supervisor, he or she should meet with the next level supervisor. If this person is one in the same or if the issue isn’t resolved at this level, the employee can arrange to meet with the VP for Human Resources. The VP for Human Resources will make every effort to investigate and settle the problem in a fair and equitable manner.

If this step should prove to be unsuccessful and an employee feels that his or her issue/problem has still not been properly addressed, he or she may file a written complaint with the University President. This should be done no later than three days after receiving the decision from the VP for Human Resources. The complaint will receive immediate attention from the President or his or her designated representative, who will provide the employee with a timely written response. Any decision rendered by the President or his or her designated representative must be regarded as final and binding on all parties.

## Release of University Records

Any request for review or release of any University record by an agency or individual should be directed to the employee’s supervisor. Release or review of University records must have prior approval of the President, Vice President for Human Resources, Dean, Vice President for Student Affairs, Vice President for Administration &Financial Affairs, CFO, Vice President for University Advancement or Senior Vice President & Chief of Staff. This policy includes, but is not limited to, patient, student and alumni records, financial, operation and human resources records of the University. At no time may employees disclose confidential University information. To do so will result in disciplinary action, up to and including, discharge.

## Returning to Work During a Pandemic

The *Returning to Work During a Pandemic* policy ensures that all employees know what is expected of them upon returning back to campus during a pandemic. The number one priority is safety for all employees and students, as well volunteers, independent contractors and vendors. Employees working with/or who are responsible for volunteers, independent contractors or vendors must ensure they follow all campus safety protocols as well. The complete procedure can be found on the Portal under Human Resources. Employees that do not follow safety protocols will be subject to disciplinary action up to and including termination of employment.

## Safety and Security

To achieve the goal of providing a safe workplace, everyone must be safety conscious. Any unsafe or hazardous condition must be reported immediately to the Director of Safety and Security. If an employee is unable to reach the Director of Safety and Security, he or she should contact another member of the Safety and Security team or the VP for Human Resources.  Every effort will be made to remedy problems as quickly as possible.

In order to provide a safe and secure environment, Emergency Buttons are located throughout the campus in strategic locations including some hallways, offices and in the parking structure. When activated, the alarms will alert the Campus Safety Office to the exact location of the emergency for a quick response. Employees should refer to Evacuation Plans posted in each building for the location of these buttons. Surveillance cameras have also been installed throughout the campus and parking structure for employees’ protection.

## Short-term telecommuting policy

In the event of an emergency such as a natural disaster or pandemic, MBKU may allow or require employees to temporarily work from home to ensure business continuity. Telecommuting allows employees to work at home for all or part of their workweek when both the employee and the job are suited to such an arrangement. The full procedure can be found on the Portal under Human Resources and outlines qualifications and requirements for short-term telecommuting arrangements.

## Smoke Free Campus

The Administration, in its continuing effort to promote a healthy lifestyle, has declared that MBKU be a “Smoke Free” campus in its entirety; this includes all buildings and grounds.

## Social Media Policy

**Introduction**

Social media has become increasingly important to how Marshall B. Ketchum University communicates with its students, alumni, friends, donors, patients and other campus community members. Social media gives MBKU a unique opportunity to engage constituencies. By taking advantage of popular social media sites, MBKU can support the University’s mission, represent its values and help carry out the goals and strategies of both MBKU and Ketchum Health.

Employees and representatives are expected to adhere to the same standards of conduct online as they would in the workplace. Laws, policies and guidelines for interacting with students, parents, alumni, donors, media and all other University constituents apply to online interactions and in a social media context just as they do in personal interactions. Employees are fully responsible for what they post to social media sites.

Administrators and users of official MBKU social media accounts and sites may at any time contact The Office of Marketing & Communications for guidance and consultation.

**Guidelines**

The following applies to the use of MBKU resources used for social media on social networking sites that include, but are not limited to, Facebook, Instagram, YouTube, Vimeo, Twitter, LinkedIn, Snapchat, websites and blogs. The same principles and guidelines found in other University policies apply to employees activities online. Ultimately, an employee is solely responsible for what he or she posts online. Before creating online content, an employee should consider some of the risks and rewards that are involved. Keep in mind that any employee conduct that adversely affects his or her job performance, the performance of fellow employees or otherwise adversely affects students, patients, suppliers, people who work on behalf of MBKU or MBKU’s legitimate business interests may result in disciplinary action up to and including termination. While we attempt to provide reasonable guidelines, as new opportunities and challenges emerge, these guidelines will evolve.

***Official Sites***

This policy addresses social media accounts created for the official business purposes of the University.

Employees who would like their social media account to be recognized and endorsed by the University for official business purposes should contact the Office of Marketing & Communications for review to ensure the University’s branding and message standards are upheld. All officially recognized social media accounts will be publicly listed by the University on MBKU’s website.

*Exemptions*

Employees acting in an individual capacity should exercise caution to communicate clearly that they are not acting in a representative capacity, or expressing the views of the University. Employees are not allowed to create social media sites that claim, imply or pretend to be official representative sites of the University unless authorized to administer a site. Employees should contact the Office of Marketing & Communications to set up an official MBKU affiliated social media site.

Employees should be aware of their MBKU association in online social networks. If an employee identifies him/herself as an employee of MBKU or his/her MBKU association is known to the general public, they should ensure their profile and related content (even if it is of a personal and not an official nature) is consistent with how they wish to present themselves as a MBKU professional and conforms to ethical standards or codes of conduct.

**Guidelines for Content**  
As with all University communications, the message being conveyed needs to be consistent, accurate and professional. MBKU’s social media accounts should promote interaction and conversation with and between their followers. Employees should ensure that they have all the facts before they post. It is better to verify information than to post something erroneous and have to post a correction or retraction later. Whenever possible, employees should cite and provide links to their sources. Employees are fully responsible for what they post to social media sites, so if they are unsure, they should contact the Office of Marketing & Communications at [marketing@ketchum.edu](mailto:marketing@ketchum.edu).

*Know the Rules*

Comply with FERPA, HIPAA and MBKU policies including the Policy on Ethical Practices, the Electronics Communication Policy, Harassment Prevention Policy as well as all other applicable policies. Review and comply with all communications standards found in the MBKU Brand Guidelines and Style Guide. Become familiar with the terms of service and policies of sites and networks in which you participate. Pay attention to updates.

*Deleting Content*  
The University may occasionally review content posted to official MBKU social media sites and may remove or cause the removal of any content for any lawful reason.

MBKU affirms and encourages community and respect for differences by fostering an inclusive environment characterized by cultural understanding, ethical behavior and social justice. Social media users sometimes do not share those values and post inappropriate comments on MBKU accounts. MBKU’s social media account owners reserve the right to delete off-topic, harmful, threatening, abusive, vulgar, obscene, defamatory, hateful or harassing material.

Some things to consider when handling negative feedback:

* First priority: Protect our students. Personal attacks on our students should be deleted.
* Can you answer their question or comment with a simple, accurate response? If so, do it.
* Do not engage in lengthy back-and-forth exchanges with critics.
* Keep it friendly and professional. Emotional responses are not appropriate.

*Be Respectful*  
Employees at MBKU should always be fair and courteous to fellow employees, patients, students, suppliers and people who work on behalf of MBKU. Employees should also keep in mind that they are more likely to resolve work-related complaints by speaking directly with their co-workers or supervisors or by contacting the VP of Human Resources than by posting complaints to a social media outlet. Nevertheless, if an employee decides to post complaints or criticism, he or she should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparages or could potentially disparage MBKU employees, students, patients or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

*Be Honest and Accurate*  
Employees should make sure they are always honest and accurate when posting information or news, and if they make a mistake, they should correct it quickly. Employees should also be open about any previous posts they have altered. One must remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that one knows to be false about the University, fellow employees, students, patients, suppliers and people working on behalf of the University or competitors.

*Post Only Appropriate and Respectful Content*

1. Maintain the confidentiality of the University’s trade secrets, private and confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology. No employee should post internal reports, policies, procedures or other internal business-related confidential communication without the consent of the President of the University.
2. Do not create a link from one’s own blog, website or other social networking site to a MBKU website without identifying oneself as a MBKU employee.
3. Express only one’s personal opinions. Never represent oneself as a spokesperson for MBKU (unless designated as such by the President). If the University is a subject of the content one is creating, one must be clear and open about the fact that he or she is an employee and should make it clear that his or her views do not represent those of the University, fellow employees, students, patients, suppliers or people working on behalf of the University. If an employee does publish a blog or post online related to the work he or she does or subjects associated with MBKU, he or she should make it clear that he or she is not speaking on behalf of the University. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of MBKU.”

*Industry or Product Promotions*  
Content that promotes an industry or product must fall under the guidelines outlined in a corporate contract, and/or be approved by PEC and/or the Associate Dean of Clinics. Industry or product content that is added to MBKU’s social media channels by an outside user will be removed if no corporate contract is in place.

**Using Social Media at Work**  
Employee work time, as well as University computers and other electronic equipment, are to be used for University-related business. It is appropriate to post, like, comment and share on social media at work if your comments, posts, likes, comments and shares are related to University-related activities or take place on officially recognized accounts. Use of social media tools should never interfere with your primary duties, with the exception of where it is a primary duty to use these tools to do your job.

**Retaliation is Prohibited**  
MBKU prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.  
  
Failure to abide by this policy statement as it relates to their position on campus will result in the disciplinary action up to and including termination.

## Solicitation and Gratuities

**Soliciting Gifts and Sponsorships on Behalf of the University**: Administrators or Faculty desirous of soliciting gifts and grants from individuals, foundations and corporations for University purposes must receive prior approval from the Vice President for University Advancement. The exception to this policy is research grants that have been coordinated and approved by the Associate Dean for Research. It is not appropriate for University staff, administration, students or faculty to solicit or receive personal gifts or favors from corporations or individuals involved with the University.

**Acknowledgement of Gifts and Grants**: All gifts and grants received should be acknowledged and notification should be forwarded to the Vice President for University Advancement.

**Acceptance of Gifts and Gratuities**

In order to maintain a high standard of integrity, employees are not permitted to personally accept and retain gratuities or gifts received from any outside source especially when they are designed to influence future decisions. In circumstances where the acceptance of the gift cannot be avoided, there are two courses of action that should be followed. If the gift is of significant value it should be turned over to the VP for Human Resources who will insure that the gift is properly acknowledged on behalf of the University. Donated gifts will generally be used as door prizes at one of the University’s functions. If the gift represents a token “thank you” gift for past business, it can be shared with others in the office or clinic.

## Solicitation and Distribution of Literature

The University recognizes the importance of worthwhile organizations soliciting support for their causes. At the same time, it also recognizes the need to restrict any activity that could interfere with the efficient operation of the University’s business and/or result in an annoyance to employees and/or students. To this end, the following rules have been established.

* No employee shall solicit or promote support for any cause or organization during his or her working time or during the working or class time of the employees and/or students for whom such activity is directed.

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* No employee shall distribute or circulate any written or printed material including e-mail messages in the workplace, which promotes or supports personal affiliations or causes. Exceptions apply to University approved events (i.e., United Way Campaign and Red Cross Blood Drives).
* Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on University property.
* A page of the University Portal Site has been established to make announcements, place ads, and solicit support for charitable causes and the like. Employees will also be allowed to place sign-up information or items for sale, which support non-profit organizations or causes, in employee lounges. Approval from the VP for Human Resources will need to be obtained in both cases.

Any employee who is in doubt concerning the application of these rules or wishes to request an exemption under this policy should consult with the VP for Human Resources immediately.

## Title IX sexual harassment and non-discrimination

The University is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by MBKU and is grounds for disciplinary action, up to and including, permanent dismissal from MBKU and/or termination of employment. The University takes all reported sexual misconduct and harassment seriously. The University will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct and harassment that does not meet the definitions and jurisdiction of this Policy will be referred for review to the Vice President for Student Affairs if allegedly committed by a student or the Vice President for Human Resources if allegedly committed by an employee under the respective Code of Conduct in compliance with VAWA and Clery Act.

This Policy applies to students and employees as follows:

To Students: Where the Respondent is a student at MBKU at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in MBKU’s Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in MBKU’s Education Program or Activity.

To Employees: Where the Respondent is an employee at MBKU at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in MBKU’s Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in MBKU’s Education Program or Activity.

Title IX Coordinator and Key Title IX Officials: The Title IX Coordinator is the MBKU administrator who oversees MBKU’s compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain MBKU policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities.

Any member of the MBKU community may contact the Title IX Coordinator with questions. Title IX Coordinator and Deputy Title IX Coordinator contact information is as follows:

Carmen Barnhardt, OD, MS Ed

Title IX Coordinator

Vice President for Student Affairs

2575 Yorba Linda Blvd.

Fullerton, CA 92831

[TitleIX@ketchum.edu](mailto:TitleIX@ketchum.edu) | 714-449-7423

Website: <https://www.ketchum.edu/student-life/title-ix>

Reporting Form (accessible after login): <https://my.ketchum.edu/ICS/>

Karlos Santos-Coy, MBA

Title IX Deputy for Complaints from Students

Director of Student Affairs

2575 Yorba Linda Blvd.

Fullerton, CA 92831

[TitleIX@ketchum.edu](mailto:TitleIX@ketchum.edu) | 714-449-7423

Gail Deutsch, MS, SPHR, SHRM-SCP

Title IX Deputy for Complaints from Employees

Vice President for Human Resources

2575 Yorba Linda Blvd.

Fullerton, CA 92831

[TitleIX@ketchum.edu](mailto:TitleIX@ketchum.edu) | 714-449-7459

In addition to the Title IX Coordinator, MBKU appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections six (6) through nine (9) of this policy which can be found in its entirety in the Appendix. The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on MBKU’s website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

MBKU will use University electronic mail (email) for purposes of communication and notification under this Policy. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.

This Policy is made available to all MBKU administrators, faculty, staff, and students online ([www.ketchum.edu](http://www.ketchum.edu)), in the MBKU Student Handbook as well as in this MBKU Employee Handbook.

The effective date of this Policy is August 14, 2020.

## Use of University Facilities for Extra Curricular Activities

Organizations or individuals wishing to hold events on campus should contact the Coordinator of Special Events and University Calendar.

## Violence in the Workplace

It is the goal of the University to provide a safe workplace free of violence. To this end, the following guidelines have been established along with examples of actions that would be considered incidences of threats or violence.

Any person experiencing or observing imminent violence in the workplace should call Campus Security at ext. 7892. Any employee, who is the subject of, or witness to, a suspected violation of this policy should report the violation to the Director of Campus Safety and Security or the VP for Human Resources immediately. Employees must notify their supervisors and VP for Human Resources of any restraining orders against individuals (employees or non-employees). Any supervisor, administrator, or individual in authority who receives a report of a suspected violation of this policy shall document and report the suspected violation to the VP for Human Resources. Employees found to be in violation of this policy or any employee who intentionally brings false charges will be subject to disciplinary action up to and including termination. The following are examples that would be considered incidences or threats of violence:

* Any act of intimidation toward another person(s) that results in reasonable fear for his or her safety and/or the safety of others in the workplace;
* Any act of menacing or harassing behavior;
* Any behavior that, by its very nature, could be interpreted by a reasonable person as an intent to cause physical harm to another person or damage to the property of another;
* An intentional act which results in bodily harm, however slight, to another person and/or damage to the property of another in the workplace.

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## Visitor Policy

All campus visitors (with the exception of patients) or contracted workers will be required to wear a visitor’s badge while on the campus. Badges will be issued by the Security Office. It is the employee’s responsibility to make sure that visitors are aware of this policy and where they can pick up their visitor’s badge.

## Weapons

The MBKU policy prohibits the possession, use, or storage of weapons on the University campus or any University-Owned and Operated facilities. However, effective March 21, 2016, MBKU Safety Officers have been allowed to carry firearms on MBKU campuses to increase our ability to respond to unsafe situations caused by potential threats of violence. No other exception with regard to firearm licensure will be allowed. Weapons covered by this policy include, but are not limited to: firearms, firearm ammunition, air pistols, air rifles, fireworks, incendiary devices, lock blade or fixed blade knives with a blade length of four inches or greater, blackjacks, metal knuckles, or any other such offensive weapons of any description. An employee may possess self-defense spray, but may not use it for purposes other than self-defense.

This policy applies to employees, students and the public at large. Violation of this policy may be punishable by disciplinary action, up to and including immediate dismissal or expulsion from the University.

## Whistleblower Protection Policy

MBKU prides itself on its adherence to Federal, State, local laws and/or regulations, including business ethics policies. As such, MBKU has adopted a Whistleblower Protection Policy. Pursuant to this Policy, any employee who becomes aware of any violation of Federal, State or local law or regulation, including suspected financial wrongdoing, should immediately report the violation to the President of the University to allow the institution to investigate and, if applicable, correct the situation or condition. The institution will not retaliate or permit any form of retaliation against any individual who reports in accordance with this Whistleblower Protection Policy, even if the concerns of the employee are mistaken or are determined to be unfounded.

If employees observe possible unethical or illegal conduct, including suspected financial wrongdoing or violation of MBKU policy (including acts of retaliation) they are encouraged to report their concerns, without regard to the identity or position of the suspected offender. All submissions under this Policy may be made anonymously, but employees are encouraged to include contact information. Concerns should be submitted in writing, either via email or hard copy in a sealed envelope labeled, “Contents regarding Whistleblower Policy” and submitted to the President of MBKU.

If the President is involved or is believed to be involved in the matter being reported, employees may, in the alternative, make a report to the VP for Human Resources or the Chair of the Board of Trustees.

The institution will treat all communications under this Policy in a confidential manner, except to the extent necessary to conduct a complete and fair investigation.

Financial wrongdoing may include, but is not limited to:

* Questionable accounting practices
* Fraud or deliberate error in financial statements or recordkeeping
* Deficiencies of internal accounting controls
* Misrepresentations to company officers or the accounting department

If any employee reports in good faith what the employee believes to be a violation of the law and/or financial wrongdoing in accordance with this Whistleblower Policy, or assists in an investigation related to the Whistleblower Policy, it is the MBKU’s policy that there will be no retaliation taken against the employee.

For purposes of this policy, "retaliation" means discharging, demoting, suspending, threatening, harassing, or in any other manner discriminating against an employee in the terms and conditions of his or her employment. Employees are reminded that the “Accounting Policies & Procedures Manual” may be found on the Portal.

## Workplace Anti-bullying Policy

**Purpose**

This policy reaffirms MBKU’s commitment to provide a work environment that is safe and healthy and reflects the highest level of ethical and respectful conduct. To that end, this policy prohibits conduct often referred to as bullying that is intimidating, hostile, verbally or physically abusive.

**Scope**

This policy applies to all University managers, supervisors, employees, patients, students, vendors, applicants and independent contractors. This policy applies at all MBKU locations, sponsored social or other events; as well as activities at which one represents MBKU.

**Policy**

MBKU defines bullying as repeated, deliberate abusive behavior, either direct or indirect, whether verbal, physical or psychological, conducted by one or more persons against another (or others) that impacts the person or person’s ability to do their job.

The following examples, while not exhaustive, may constitute or contribute to evidence of bullying in the workplace:

**Verbal:**

* Slandering, ridiculing or maligning a person or his or her family
* Persistent name calling which is hurtful, insulting or humiliating
* Using a person as butt of jokes
* Abusive and offensive remarks or language
* Insults
* Teasing
* Spreading rumors
* Unreasonable criticism or trivializing work or achievements
* Sabotaging efforts

**Physical:**

* Pushing, shoving, poking, tripping
* Assault, or threat of physical assault
* Damage or deliberately interfering or tampering with a worker’s personal effects or work equipment including phone, computer, email, internet, software

**Psychological:**

* Isolating people from normal work interaction
* Excessive demands
* Setting unrealistic goals and deadlines
* Deliberately setting someone up for failure
* Excessive supervision
* Practical jokes or horseplay
* Public ridicule and ostracism
* Belittling or disregarding opinions or suggestions
* Persistent singling out of one person
* Shouting, raising voice at an individual in public and/or in private
* Public humiliation or reprimands in any form
* Constant criticism on matters unrelated or minimally related to the person’s job performance or description
* Ignoring/interrupting an individual at meetings
* Repeatedly accusing someone of errors that cannot be documented
* Encouraging others to disregard a supervisor’s instructions
* Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions or supplying incorrect information)
* Assigning menial tasks not in keeping with the normal responsibilities of the job
* Consistently taking credit for another person’s ideas
* Refusing reasonable requests for leave without legitimate work- related justification

**Non-Verbal:**

* Non-verbal threatening gestures
* Glances which can convey threatening messages

Context is important when considering whether conduct rises to the level of bullying. Bullying may be intentional or unintentional and has the effect of demeaning, intimidating or humiliating individuals or as a group. Demeaning conduct is quite different than friendly banter or playful teasing. Bullying behavior is often part of a pattern, but can also occur as a single incident. The key consideration is how the conduct is received and perceived by the recipient.

**Mobbing**

Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. All of the same types of conduct noted above and below can constitute mobbing behavior. Although mobbing tends to be group behavior, specific incidents such as sabotaging a colleague’s work may be carried out by an individual as part of mobbing behavior.

**Complaint Procedure**

The University administration encourages any employee, manager or executive who believes that he or she has been or is being subjected to bullying to immediately report the incident promptly to his or her manager and/or the Vice President for Human Resources. Where appropriate, an investigation will be conducted. All employees, managers and executives have an obligation to cooperate with any investigation.

**Consequences**

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

Any employee, manager or executive found to violate this policy will be subject to disciplinary action, up to and including, termination of employment. Any manager or supervisor who is aware of any possible violation of this policy and fails to take corrective action or notify the VP for Human Resources will be subject to disciplinary action, up to and including discharge.

**No Retaliation**

The Company will not tolerate any retaliation against any employee who reports known or suspected violations of this policy or who participates in any investigation of the complaint. The Company recognizes that false accusations can have serious effects on innocent individuals. The University trusts that all of its employees will act responsibly to establish and maintain a pleasant and productive working environment.

## Workplace Surveillance and Searches

The University uses reasonable surveillance and search measures that ensure a proper work environment. Although lockers, cabinets and desks are made available for the convenience of employees while at work, employees should remember that these remain the sole property of the University. Moreover, the University reserves the right to open, inspect and search all work areas, desks, file cabinets, lockers, containers leaving University premises, and personal vehicles on the University premises. Such an inspection can occur at any time, with or without advance notice or consent. Such an inspection may be conducted during, before or after working hours by any supervisor, manager or security personnel designated by the University.

Prohibited materials, including, but not limited to, weapons, explosives, alcohol and non-prescribed drugs or medications, may not be placed in any storage area including lockers or desks. Employees who, if requested, fail to cooperate in any inspection will be subject to disciplinary action, up to and including suspension or discharge. The University is not responsible for any articles that are placed or left in a locker, cabinet or desk that are lost, damaged, stolen or destroyed. Prior authorization must be obtained before any Company property may be removed from the premises.

## Work Station Evaluation for Injury Prevention

As part of the University’s Injury Prevention Program, employees experiencing any form of discomfort while working at their workstations and/or video display terminals (VDT’s) are encouraged to contact the HR Department to request a workstation evaluation. The employee may be asked to complete a questionnaire to help determine the origin of the discomfort. Following the completion of this form, a workstation evaluation and/or eye examination will be conducted by a qualified faculty member. If it is found that the design of the workstation is contributing to or aggravating the discomfort, steps will be recommended to correct the problem.

# Section I - Discontinuation of Employment

This section will attempt to answer those questions that might come up when an employee’s relationship with the University terminates.

## Continuation of Group Coverage (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) makes it possible for employees and their dependents to continue medical and dental insurance coverage along with flexible spending accounts for a period of time when loss of group eligibility occurs because of layoff, termination of employment, a leave of absence extending beyond twelve (12) weeks, death of the staff member, or divorce; or when a dependent child reaches the age limit for family coverage. An employee who elects to continue medical and/or dental insurance under COBRA is required to pay 102% of the cost of this coverage. Information is available in the HR Department.

## Exit Interviews and Return of Property

The HR Department will schedule an exit interview with each employee who leaves the University. This interview allows employees an opportunity to communicate their views on their work with the University and the job requirements, operations, and training needs. It also provides the employee an opportunity to discuss issues concerning benefits and insurance. At the exit interview, employees are expected to return all company-furnished uniforms, University clinic jackets, tools and equipment, access cards, keys, copy cards, parking decals, manuals, caps and gowns, University furnished credit cards, emergency response team equipment, library books and journals, etc. At this time, arrangements are to be made for clearing any outstanding debts and for determining disposition of how flexible spending accounts should be resolved. Final pay will be distributed as well.

## Final Paycheck

Employees will receive their final paycheck within the time required by law. Those who provide at least 72 hours advance notice or who are terminated involuntarily will receive their final paycheck on the last day worked.

## Flexible Spending Accounts

Flexible Spending Accounts are covered under COBRA provisions. Employees may wish to explore their rights and obligations under this plan with the Senior Human Resources Generalist as soon as it becomes apparent that they will be leaving the University.

## Notice of Intent to Leave Employment

Although employees may resign at-will, at any time, with or without advanced notice, a two-week notice allowing the University time to locate a replacement before the employee leaves will be viewed favorably by Administration and will be noted in their personnel file. If the two-week notice period occurs at the end of the calendar year and a major portion thereof falls within the paid holiday recess, the employee will only be paid through the last day worked. Not providing a two-week notice could impact the eligibility for rehire.

## Separation From Employment

The relationship between the employee and the University is for an unspecified term and considered employment at-will. No one other than the President of the University has the right or the authority to enter into any written or verbal agreement for different terms of employment. Consequently, the employment relationship with any employee can be terminated at will, either by the employee or the employer, with or without cause or advance notice. The termination date is considered to be the last day an employee works. No benefits are earned beyond this date.

## Severance Pay

The University does not maintain a formal severance pay policy or provide severance pay to employees who separate from its employ for any reason. Severance pay should therefore not be expected. However, the University reserves the right to make exceptions to this policy in its sole and absolute discretion when it determines that an exception is warranted.

# Handbook Acknowledgement

**Please sign and date one copy of this notice and return it to Human Resources.**

This is to acknowledge that I have been provided access to an electronic version of the Marshall B. Ketchum University (MBKU) Employee Handbook. I understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities and obligations of my employment with MBKU. I understand and agree that it is my responsibility to read, understand and adhere to the provisions (rules, policies and standards) contained in the handbook. I also understand that updates will be made available via the portal and the version on the portal is considered the most current.

I further understand that except for employment at-will status, any and all policies or practices can be changed at any time by the University. MBKU reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that other than the President of the University, no manager, supervisor, or representative of the University has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the President has the authority to make any such agreement and then only in writing, signed by the President.

I understand and agree that nothing in the handbook creates or is intended to create a promise or representation of continued employment and that employment at MBKU is employment at-will; employment may be terminated at the will of either the University or me. My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between MBKU and me concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with the MBKU.

I acknowledge that I have received a copy of the University’s written policy against unlawful harassment and understand that the University will not tolerate unlawful harassment by any employee. I recognize that the only way an employer can achieve its goal of providing a discrimination-free and harassment-free work environment is with the assistance of its employees. The University and its employees must therefore be partners in the commitment to provide a work environment that is free of unlawful discrimination and harassment.

I agree to comply with all aspects of the policy against unlawful harassment and promise that I will not violate the law or the University’s policy. I also promise to fulfill all of my responsibilities under the policy including the responsibility to report any unlawful harassment immediately to the Human Resources Department and/or a Supervisor in accordance with the procedures of the policy. In this way, I will do all that I can to assist the University to provide and maintain a workplace that is free of unlawful discrimination and harassment.

In the event I am dissatisfied or disagree with any action taken by the University, I agree to submit the matter through the Problem Resolution process.

I am aware that during the course of my employment, confidential information may be made available to me, including but not limited to: confidential employee, student and patient protected health information (PHI) or personally identifiable information (PII), confidential financial insurance and statistical information, accounting and office procedures, proprietary computer programs, training and research and other copyrighted materials, proprietary University databases, and other related information to the operation of the University. I understand and agree that this information is critical to the success of MBKU and must not be given out or used outside of the University premises or with non-employees. In the event of termination of employment, whether voluntary or involuntary, I hereby further agree not to disclose, utilize, sell, and offer to sell, lend, borrow, or exploit this information for any purpose.

If I have questions regarding the content or interpretation of the Handbook, I will bring them to the attention of my Supervisor, Vice President, Dean, Program Director or Human Resources, as appropriate.

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Date Print Name Signature

# Section AA - Appendices

## Administrators and Staff Sick Time Accrual Matrix

|  |  |  |
| --- | --- | --- |
| **Hours Worked Per Week** | **Accrual Hours Per Pay Period** | **Annual Accrual Hours** |
| 8 | 0.20 hours | 4.80 hours |
| 10 | 0.25 hours | 6.00 hours |
| 12 | 0.30 hours | 7.20 hours |
| 14 | 0.35 hours | 8.40 hours |
| 16 | 0.40 hours | 9.60 hours |
| 18 | 0.45 hours | 10.80 hours |
| 20 | 0.50 hours | 12.00 hours |
| 22 | 0.55 hours | 13.20 hours |
| 24 | 0.60 hours | 14.40 hours |
| 26 | 0.65 hours | 15.60 hours |
| 28 | 0.70 hours | 16.80 hours |
| 30 | 0.75 hours | 18.00 hours |
| 32 | 0.80 hours | 19.20 hours |
| 34 | 0.85 hours | 20.40 hours |
| 36 | 0.90 hours | 21.60 hours |
| 38 | 0.95 hours | 22.80 hours |
| 40 | 1.00 hours | 24.00 hours |

## Administrators and Staff Paid Time Off Accrual Matrix

|  |  |  |
| --- | --- | --- |
| **Hours Worked Per Week** | **Accrual Hours Per Pay Period** | **Annual Accrual Hours** |
| 8 | 0.33 hours | 8.02 hours |
| 10 | 0.42 hours | 10.02 hours |
| 12 | 0.50 hours | 12.02 hours |
| 14 | 0.58 hours | 14.03 hours |
| 16 | 0.67 hours | 16.03 hours |
| 18 | 0.75 hours | 18.04 hours |
| 20 | 0.84 hours | 20.04 hours |
| 22 | 0.92 hours | 22.04 hours |
| 24 | 1.00 hours | 24.05 hours |
| 26 | 1.09 hours | 26.05 hours |
| 28 | 1.17 hours | 28.06 hours |
| 30 | 1.25 hours | 30.06 hours |
| 32 | 1.34 hours | 32.06 hours |
| 34 | 1.42 hours | 34.07 hours |
| 36 | 1.50 hours | 36.07 hours |
| 38 | 1.59 hours | 38.08 hours |
| 40 | 1.67 hours | 40.08 hours |

## Administrators and Staff Vacation Time Accrual Matrix

**Years of Service 1 - 4**

|  |  |  |
| --- | --- | --- |
| 20 | 1.67 hours | 40.08 hours |
| 22 | 1.84 hours | 44.09 hours |
| 24 | 2.00 hours | 48.10 hours |
| 26 | 2.17 hours | 52.10 hours |
| 28 | 2.34 hours | 56.11 hours |
| 30 | 2.51 hours | 60.12 hours |
| 32 | 2.67 hours | 64.13 hours |
| 34 | 2.84 hours | 68.14 hours |
| 36 | 3.01 hours | 72.14 hours |
| 38 | 3.17 hours | 76.15 hours |
| 40 | 3.34 hours | 80.16 hours |

**Years of Service 4+ - 9**

|  |  |  |
| --- | --- | --- |
| 20 | 2.50 hours | 60.00 hours |
| 22 | 2.75 hours | 66.00 hours |
| 24 | 3.00 hours | 72.00 hours |
| 26 | 3.25 hours | 78.00 hours |
| 28 | 3.50 hours | 84.00 hours |
| 30 | 3.75 hours | 90.00 hours |
| 32 | 4.00 hours | 96.00 hours |
| 34 | 4.25 hours | 102.00 hours |
| 36 | 4.50 hours | 108.00 hours |
| 38 | 4.75 hours | 114.00 hours |
| 40 | 5.00 hours | 120.00 hours |

**Years of Service 9+**

|  |  |  |
| --- | --- | --- |
| 20 | 3.34 hours | 80.04 hours |
| 22 | 3.67 hours | 88.04 hours |
| 24 | 4.00 hours | 96.05 hours |
| 26 | 4.34 hours | 104.05 hours |
| 28 | 4.67 hours | 112.06 hours |
| 30 | 5.00 hours | 120.06 hours |
| 32 | 5.34 hours | 128.06 hours |
| 34 | 5.67 hours | 136.07 hours |
| 36 | 6.00 hours | 144.07 hours |
| 38 | 6.34 hours | 152.08 hours |
| 40 | 6.67 hours | 160.08 hours |

## Title IX Sexual Harassment and Non-Discrimination Policy

*Excerpt from the University Student Handbook*

### Section 1: Introduction

**1.1 Policy Statement:** Marshall B. Ketchum University (MBKU) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by MBKU and is grounds for disciplinary action, up to and including, permanent dismissal from MBKU and/or termination of employment.

**1.2 Purpose:** MBKU takes all reported sexual misconduct and harassment seriously. MBKU will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct and harassment that does not meet the definitions and jurisdiction of this Policy will be referred for review to the Vice President for Student Affairs if allegedly committed by a student or the Vice President for Human Resources if allegedly committed by an employee under the respective Code of Conduct in compliance with VAWA and Clery Act. (Both Employee Handbook and University Student handbook found at [My.Ketchum.Edu](https://my.ketchum.edu/ICS/).)

**1.3 Applicability:** This Policy applies to students and employees as follows:

* + 1. **To Students:** Where the Respondent is a student at MBKU at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in MBKU’s Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in MBKU’s Education Program or Activity.
    2. **To Employees:** Where the Respondent is an employee at MBKU at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in MBKU’s Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in MBKU’s Education Program or Activity.

**1.4 Title IX Coordinator and Key Title IX Officials:** The Title IX Coordinator is the MBKU administrator who oversees MBKU’s compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain MBKU policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities.

Any member of the MBKU community may contact the Title IX Coordinator with questions. Title IX Coordinator and Deputy Title IX Coordinator contact information is as follows:

Carmen Barnhardt, OD, MS Ed

Title IX Coordinator

Vice President for Student Affairs

2575 Yorba Linda Blvd.

Fullerton, CA 92831

[TitleIX@ketchum.edu](mailto:TitleIX@ketchum.edu) | 714-449-7423

Website: <https://www.ketchum.edu/student-life/title-ix>

Reporting Form (accessible after login): <https://my.ketchum.edu/ICS/>

Karlos Santos-Coy, MBA

Title IX Deputy for Complaints from Students

Director of Student Affairs

2575 Yorba Linda Blvd.

Fullerton, CA 92831

[TitleIX@ketchum.edu](mailto:TitleIX@ketchum.edu) | 714-449-7423

Gail Deutsch, MS, SPHR, SHRM-SCP

Title IX Deputy for Complaints from Employees

Vice President for Human Resources

2575 Yorba Linda Blvd.

Fullerton, CA 92831

[TitleIX@ketchum.edu](mailto:TitleIX@ketchum.edu) | 714-449-7459

In addition to the Title IX Coordinator, MBKU appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections six (6) through nine (9) of this policy.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on MBKU’s website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

**1.5 Notification:** MBKU will use University electronic mail (email) for purposes of communication and notification under this Policy.

**1.6 Free Speech:** Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.

**1.7 Dissemination of Policy:** This Policy is made available to all MBKU administrators, faculty, staff, and students online ([www.ketchum.edu](http://www.ketchum.edu)), in the MBKU Student Handbook and the MBKU Employee Handbook. .

**1.8 Effective Date:** The effective date of this Policy is August 14, 2020.

**1.9 Retaliation and False Statements Prohibited:** Neither MBKU nor anyother person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX 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.

1. Alleged violations of Retaliation will be referred to the Vice President for University Student Affairs or Vice President for Human Resources to be investigated and resolved under the respective [Code of Conduct](https://my.ketchum.edu/ICS/).
2. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.
3. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith during a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

**1.10 Amnesty:** Reporting Sexual Harassment is encouraged at MBKU. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for minor policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. MBKU offers parties and witnesses amnesty from such minor violations but may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions.

**1.11 Other University Policies:** This Policy takes precedence over other University policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

**1.12 Modification and Review of this Policy:** MBKU reserves the right to modify this Policy to consider applicable legal requirements. MBKU will regularly review this Policy to determine whether modifications should be made.

**1.13 Additional Code of Conduct Violations:** Alleged violations of the student or employee Code of Conduct that rise from the same events as alleged Sexual Misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

### Section 2: Definitions

**2.1 Definitions of Prohibited Conduct Under this Policy[[1]](#footnote-2)**

**2.1.1 Sexual Harassment** means conduct based on sex that satisfies one or more of the following:

**(1)** An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct (Quid Pro Quo);

**(2)** 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 recipient’s education program or activity[[2]](#footnote-3); or

**(3)** Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

* + 1. **Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.
    2. **Rape[[3]](#footnote-4)** means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
    3. **Fondling[[4]](#footnote-5)** means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.
    4. **Incest[[5]](#footnote-6)** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    5. **Statutory Rape[[6]](#footnote-7)** means sexual intercourse with a person who is under the statutory age of Consent.
    6. Dating Violence means violence committed by a person –

**(A)** who is or has been in a social relationship of a romantic or intimate nature with the victim; and

**(B)** where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship,

The type of relationship,

The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**2.1.8 Domestic Violence** includes felony or misdemeanor crimes of violence committed by:

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a current or former spouse or intimate partner of the victim,

a person with whom the victim shares a child in common,

a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or

any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of California.

* + 1. **Stalking** means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—

fear for his or her safety or the safety of others; or

suffer Substantial Emotional Distress.

**2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress**

**2.2.1 Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent’s belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent’s belief is not a valid defense where:

**(1)** The Respondent’s belief arose from the Respondent’s own intoxication or recklessness;

**(2)** The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or

**(3)** The Respondent knew, or a reasonable person should have known, that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:

* asleep or unconscious
* unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
* unable to communicate due to a mental or physical condition.

**2.2.2** **Course of Conduct** means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

**2.2.3 Incapacitation** means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

**2.2.4 Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.

* + 1. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

**2.3 Other Defined Terms**

* + 1. **Actual Knowledge** means Notice of Sexual Harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.
    2. **Business Day** means any weekday not designated by MBKU as a holiday or administrative closure day. When calculating a period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.
    3. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.
    4. **Confidential Employee** means an individual who will not report any information about an incident to the Title IX Coordinator without the Complainant’s permission.
    5. **Disciplinary Sanctions** are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.
    6. **Education Program or Activity** includes locations, events, or circumstances over which MBKU exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on MBKU property, during any MBKU activity, or in any building owned or controlled by a student organization that is officially recognized by MBKU.
    7. **Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that MBKU investigate the allegation of Sexual Harassment.
    8. **Official with Authority** means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Title IX Coordinator to initiate MBKU’s response to the Sexual Harassment allegations. Officials with Authority are limited to the following positions at MBKU, Title IX Coordinator and Deputy Title IX Coordinators.
    9. **Remedies** are designed to restore or preserve equal access to MBKU’s Education Program or Activity. Remedies may include, but are not limited to, the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
    10. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.
    11. **Retaliation** means 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 or this Policy.
    12. **Supportive Measures** means 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 MBKU’s Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or MBKU’s educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### Section 3: Reporting Sexual Harassment and Preservation of Evidence

**3.1 Reporting to MBKU**

**3.1.1 Reporting to Title IX Coordinator:** Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, [online form](https://my.ketchum.edu/ICS/) (sign-in required), and/or mail. Reports may be made to the Title IX Coordinator in person at 2575 Yorba Linda Blvd during normal business hours. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

**3.1.2** **Reporting to Officials with Authority**: The following positions are Officials with Authority: Title IX Coordinator and Deputy Title IX Coordinators. If they are notified of Sexual Harassment, they will promptly report such Sexual Harassment to the Title IX Coordinator.

**3.1.3** **Reporting to Confidential Employees:** The Director of University Student Counseling and the Chief Medical Officer at the MBKU Medical Center are Confidential Employees. Reports made to Confidential Employees are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant’s permission and will not constitute actual notice to MBKU.

Alyse Kirschen, PhD

Director of University Student Counseling Services

2575 Yorba Linda Blvd.

Fullerton, CA 92831

Main Campus, F112

[AKirschen@ketchum.edu](mailto:AKirschen@ketchum.edu) | 714-595-9700

Brandon Grove, MD

Director of Ketchum Health Family Medical Center

5460 E. La Palma Ave

Anaheim, CA 92807

Ketchum Health, 2108

[BGrove@ketchum.edu](mailto:BGrove@ketchum.edu) | 714-463-7505

**3.1.4 Notification to all other MBKU Employees:** Employees who are not defined as Officials with Authority or Confidential Employees may, but are not required, to report Sexual Harassment to the Title IX Coordinator.

**3.1.5 Anonymous Reporting:** Anonymous reports may be made by telephone, in writing or [electronically](https://my.ketchum.edu/ICS/) (sign-in required) with Title IX Coordinator. A decision to remain anonymous, however, may greatly limit MBKU’s ability to stop the alleged conduct, collect evidence, or act against parties accused of violating this Policy.

**3.2 Reporting to Law Enforcement:** Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from MBKU investigations.

Fullerton Police Department 714-738-6800

Placentia Police Department 714-993-8164

Anaheim Police Department 714-765-1900

Brea Police Department 714-990-7625

**3.3 Reporting to Outside Agencies:** Students and employees may report to external agencies:

* **Students**

**Office for Civil Rights**

**U.S. Department of Education**

50 United Nations Plaza

San Francisco, CA 94102

Telephone: 415-486-5555

Facsimile: 415-486-5570

Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

**Office for Civil Rights**

**U.S. Department of Health and Human Services**

90 70th Street, Suite 4-100

San Francisco, CA 94103

Telephone: 800-368-1019

Facsimile: 202-619-3818

Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

* **Employees**

**U.S. Equal Employment Opportunity Commission**

California Workforce Commission

Roybal Federal Building

255 East Temple St., 4th Floor

Los Angeles, CA 90012

Telephone: 1-800-669-4000

Facsimile: 213-894-1118

info@eeoc.gov

**3.4 Outside Agency Support and Resources:**

Sexual Assault Victim Services 714-834-4317

Rape Crisis Hotline 714-957-2737

OC Domestic Violence Hotline 714-992-1931 or 800-799-7233

Legal Aid Society of Orange County 714-835-8806

**3.5 Local Emergency Facilities**

**St. Jude Medical Center**

101 E Valencia Mesa Drive

Fullerton, CA 92835

714-871-3280

**Placentia Linda Hospital**

1301 N Rose Drive

Placentia, CA 92870

714-993-2000

**Kaiser Permanente**

3430 E La Palma Avenue

Anaheim, CA 92806

714-644-2000

**3.6** **Time Limits on Reporting.** There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or MBKU. If the Respondent is no longer subject to MBKU’s Education Program or Activity or significant time has passed, MBKU will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

**3.7 MBKU Federal Reporting Obligations:**

Certain MBKU employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, MBKU must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

MBKU will not disclose a Complainant’s name and other identifying information in a timely warning but will provide sufficient information for MBKU community members to make informed safety decisions in response to potential danger.

**3.8 Preservation of Evidence:** MBKU recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or MBKU. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

MBKU encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident

When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one’s teeth, drinking liquids, washing one’s hands or face, or combing one’s hair;

Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);

Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);

Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and

Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

### Section 4: Initial Response to Reported Sexual Harassment

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

* Provide the Complainant with notice of their rights and options
* Explain the process for filing a Formal Complaint;
* Explain the Grievance Process;
* Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
* Consider the Complainant’s wishes with respect to Supportive Measures.

### Section 5: Formal Complaint

MBKU will investigate all allegations of Sexual Harassment in a Formal Complaint.

**5.1. Filing a Formal Complaint:** A Formal Complaint must:

**(1)** Contain an allegation of Sexual Harassment against a Respondent;

**(2)** Request that MBKU investigate the allegation; and

**(3)** Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was an MBKU student or employee;

Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;

Whether the alleged Sexual Harassment was committed by multiple perpetrators;

The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;

The ages and roles of the Complainant and the Respondent;

Whether MBKU can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);

Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

**5.2 Dismissal of a Formal Complaint**

**5.2.1 Required Dismissal:** The Title IX Coordinator will dismiss a Formal Complaint for purposes of Sexual Harassmentif:

**(1)** The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;

**(2)** The conduct alleged did not occur in MBKU’s Education Program or Activity; or

**(3)** The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the MBKU’s policies and procedures. If a Formal Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President for University Student Affairs for review. The Vice President for University Student Affairs will decide whether the matter will be pursued under the MBKU Code of Conduct.

If a Formal Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Vice President for Human Resources for review. The Vice President for Human Resources will decide whether the matter will be pursued under the MBKU Code of Conduct.

* + 1. **Permissive Dismissal:** The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

**(1)** A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,

**(2)** The Respondent is no longer enrolled or employed by MBKU, or

**(3)** Specific circumstances prevent MBKU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

* + 1. **Appeal of Dismissal:** Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

**5.3 Consolidation of Formal Complaints:** The Title IX Coordinator 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 where the allegations arise out of the same facts or circumstances.

### Section 6: Grievance Process

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

**6.1 General Grievance Process Information:**

* + 1. **Burden of Proof and Burden of Gathering Evidence:** All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibly rest on MBKU, not the parties.
    2. **Presumption of Not Responsible:** The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.
    3. **Time Frames for Grievance Process:** MBKU strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as 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.
    4. **Medical Records:** MBKU will not access, consider, disclose, or otherwise use party’s records that are 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 MBKU obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.
    5. **Privileged Information:** MBKU will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
    6. **Range of Disciplinary Sanctions:** Disciplinary action taken against a student may include one or more of the following:

**For Students**

* Written Warning – A notice in writing to the student that the student is violating or has violated University policy and a copy of the warning letter is placed in the student’s conduct file. (notation in their disciplinary record)
* Professional Probation – Places students at a higher risk of more severe disciplinary sanctions if the student is found to violate any University policy during the probationary period. Any MBKU student on Professional Probation may not participate in leadership roles on campus, including federal work-study positions.
* Loss of Privileges – Denial of specified privileges.
* Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, monetary, or material replacement.
* Educational/Developmental Sanctions – Work assignments, essays, service to MBKU, community service or other related discretionary or educational assignments.
* Permanently noted in academic record
* Suspension – Separation of the student from the University for a definite period after which the student shall be eligible to return without reapplying. Conditions for return may be specified. Based on the UCC’s decision, Suspensions may be effective immediately or deferred, pending an appeal process.
* Dismissal – Separation of the student from the University for a definite period after which the student shall be eligible to reapply for admission.
* Expulsion – Separation of the student from the University permanently.

**For Employees**

* + Warning – Verbal or Written
  + Performance Improvement Plan
  + Referral for Counseling
  + Required Training or Education
  + Loss of Potential Merit Pay Increase
  + Loss of Oversight or Supervisory Responsibility
  + Demotion
  + Suspension with Pay
  + Suspension without Pay
  + Termination
  + Other Actions: In addition to or in place of the above sanctions, MBKU may assign any other sanctions as deemed appropriate.

**6.1.7 Notice of Meetings, Interviews, and Hearings:** Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time (approximately three (3) days) to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

**6.2 Notice of Allegations:** Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

**(1)** Notice of the party’s rights and options

**(2)** Notice of MBKU’s grievance process

**(3)** Notice of MBKU’s informal resolution process and options

**(4)** Notice of the allegations of Sexual Harassment including:

The identities of the parties involved in the incident, if known,

The conduct allegedly constituting Sexual Harassment, and

The date and location of the incident, if known.

**(5)** Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of grievance process.

**(6)** Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in section 6.3.2 of this Policy.

**(7)** Notice of the [MBKU Code of Conduct provision](https://my.ketchum.edu/ICS/) that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, MBKU decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

**6.3 Investigation of Formal Complaint.** MBKU will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor’s role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

* + 1. **Opportunity to Provide Information and Present Witnesses:** Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory (evidence that may support a finding or conclusion that Respondent engaged in Sexual Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sexual Harassment). The witnesses can include both fact witnesses and expert witnesses.
    2. **Opportunity to Inspect and Review Evidence:** Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which MBKU does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.
    3. **Investigative Report:** Following the opportunity to inspect and review evidence related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.
    4. **Review of the Investigative Report:** At least ten (10) Business Days prior to a hearing, the investigator will provide each party and the party’s advisor (if any) an electronic copy of the investigative report for their review and written response.
    5. **Investigation Timeframe:** The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.

**6.4 Live Hearing:** After the investigation, MBKU will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Title IX Coordinator, MBKU will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

* + 1. **Information at the Hearing:** The following information/evidence will be available in electronic form at the hearing:

**(1)** Evidence from the investigation, including the evidence related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.

**(2)** The investigation report and any attachments/appendices.

* + 1. **Decision-maker:** The decision-maker will be appointed by MBKU and will not be the Title IX Coordinator or investigator. The decision-maker will be trained, impartial, and without a conflict of interest. The decision-maker will be an MBKU employee or external individual designated by MBKU.
    2. **Challenge to the decision maker:** Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) Business Days prior to the scheduled hearing.
    3. **Advisor’s Role at the Hearing:** Each party must have an advisor present at the hearing. The advisor’s role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, MBKU will appoint the party with an advisor without fee or charge.
    4. **Recording of the Hearing:** MBKU will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.
    5. **Hearing Process Facilitator:** MBKU may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.
    6. **Pre-Hearing Matters:** To streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

**(1)** **Pre-Hearing Submission of Questions:** The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

**(2) Pre-Hearing Conference:** The decision-maker may hold a pre-hearing conference to further streamline the live hearing, especially in complex cases involving multiple Complainants, Respondents and/or a significant number of witnesses. During the pre-hearing conference, parties and their Advisors will be meet with the decision-maker separately to review written questions previously submitted and/or to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to the relevancy of said questions during the live hearing. The decision-maker may discuss any preliminary relevancy determinations regarding submitted questions and/or discuss alternative ways in which to ask questions; however, the decision-maker will make any final relevancy determinations in real-time, orally, during the live hearing. This conference does not preclude the advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or related to the allegations.

**(3)** **Hearing Documents**: The decision-maker or hearing facilitator will provide parties with a copy of all materials provided to the decision-maker about the matter.

**(4)** **Accommodation Requests**: Participants in need of disability related accommodations and/or interpretation services during the hearing must contact the Title IX Coordinator with said requests five (5) days prior to the hearing.

**6.4.8 Participants in the Hearing**. Participants at the hearing include the decision-maker, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, MBKU may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing. The decision-maker will provide the names of all persons participating in the hearing to the parties at least seven (7) days prior to the live hearing.

* + 1. **Hearing Process and Phases:** The live hearing will include the following phases:

**(1) Notice of Hearing:** After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

**(2) Opening Statements:** Each party will have the opportunity to present an opening statement to the decision-maker.

**(3) Questioning of Hearing Participants:** The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

* + 1. **By the Decision-maker**: The decision-maker will ask initial questions of the participants at the hearing.
    2. **By the Advisors**: After the decision-maker asks questions of a participant, each party’s advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:

A question is asked by an advisor

Before participant answers the questions, the decision-maker determines whether the question is relevant

If the question is determined relevant by the decision-maker, the participant answers the question

If the question is determined not to be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.

* + 1. **Evidence and Questions Excluded:**

**Sexual Predisposition or Prior Sexual Behavior of the Complainant:** 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.

**Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.

**Medical Records:** Evidence or 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, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

* + 1. **Party or Witness Does Not Submit to Cross-examination:** If a party or witness does not submit to cross-examination by an advisor at the live hearing, the decision-maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-maker, however, will not 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.

**(4) Closing Statements:** Each party will have the opportunity to present a closing statement to the decision-maker.

**(5) Determination Regarding Responsibility:** After the live hearing, the decision-maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The decision-maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that MBKU 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. The written notice will include:

Identification of the allegations potentially constituting Sexual Harassment;

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;

Findings of fact supporting the determination;

Conclusions regarding the application of this Policy to the facts;

A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that MBKU imposes on the Respondent, and whether remedies designed to restore or preserve equal access to MBKU’s education program or activity will be provided by MBKU to the Complainant[[7]](#footnote-8); and

The procedures and permissible bases for the Complainant and Respondent to appeal.

### Section 7: Appeals

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

**7.1 Bases for Appeal:** Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

Procedural irregularity that affected the outcome of the matter;

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; or

The Title IX Coordinator, investigator, or decision-maker 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.

**7.2 Appeal Procedures: If an appeal is submitted, MBKU will**

**(1)** Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

**(2)** Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.

**(3)** Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.

**(4)** Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:

Affirm the decision-maker’s determination regarding the Respondent’s responsibility and affirm the disciplinary sanctions and remedies, if applicable;

Affirm the decision-maker’s determination regarding the Respondent’s responsibility and amend the disciplinary sanctions and remedies, if applicable;

Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;

Reverse the decision-maker’s determination of the Respondent’s responsibility and amend the disciplinary sanctions and remedies, if applicable; or

Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.

**(5)** Provide the written decision simultaneously to both parties.

**7.3 Appeal Timeframe:** The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

### Section 8: Informal Resolution Process

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by MBKU, that does not involved a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

**8.1 Informal Resolution Notice:** Prior to entering the informal resolution process, MBKU will provide the parties a written notice disclosing:

**(1)** The allegations;

**(2)** The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;

**(3)** Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.

**8.2 Informal Resolution Agreement:** Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

**8.3 Informal Resolution Availability:** The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.

**8.4 Informal Resolution Timeframe:** Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to MBKU that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail and the parties continue with the Grievance Process.

**8.5 Informal Resolution Documentation:** Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

### Section 9: Emergency Removal and Administrative Leave

**9.1 Emergency Removal:** At any time after the Title IX Coordinator is on notice of Sexual Harassment, MBKU may remove a Respondent on an emergency basis. MBKU will only conduct an emergency removal after:

**(1)** Undertaking and individualized safety and risk analysis,

**(2)** Determining that an immediate threat the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and

**(3)** Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.

**9.2 Administrative Leave:** MBKU may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

### Section 10: Recordkeeping

MBKU will maintain all documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee’s official employment record.

### Section 11: Additional Conduct Violations Related to this Policy

Alleged violations of the terms in this section will be sent to the Vice President for University Student Affairs for student Respondents or to the Vice President for Human Resources for employee Respondents for investigation and adjudication under the MBKU Code of Conduct (need to add employee policy name). The following are violations of the Code of Conduct for Students regarding knowingly providing false information or disruption and will be resolved through the Student/Employee Conduct process:

Falsification, distortion, or misrepresentation of information under review by a Program Conduct Officer, the University Conduct Committee, and/or Appellate Officer.

Disruption or interference with the orderly conduct of a conduct meeting/Hearing.

Attempting to discourage an individual’s proper participation in, or use of, the student conduct process.

Attempting to influence the impartiality of a University Conduct Officer prior to and/or during the conduct meeting/Committee Hearing.

Harassment (verbal or physical) and/or intimidation of a University Conduct Officer prior to, during and/or after a conduct meeting/Committee Hearing.

Influencing or attempting to influence another person to commit an abuse of the student conduct process. Retaliation against any person submitting a complaint of any alleged policy violation or against any person cooperating in the fact-finding (including testifying as a witness) of any alleged violation of this Code.

### Appendix 1: Applicable State Laws

This section includes California definitions related to and referenced in the defined prohibited conduct under this Policy.

**Sexual Assault Related Crimes**

**Rape:** Cal.Pen Code § 261:

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused.  As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.  As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.  As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another.  The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted.  The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

**Rape of a Spouse:** Cal. Pen Code § 261:

(a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(4) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in apprising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

**Statutory Rape:** Cal. Pen Code § 261.5

Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

**Sexual Battery:**Cal. Pen Code § 243.4

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.

**Incest:** Cal. Pen Code § 285

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other

**Stalking:** Cal. Pen Code § 246.9

Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

**Domestic Assault/Dating Violence Related Crimes**

**Domestic Battery:** Cal. Pen Code § 243

When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

**Corporal Injury to a Spouse or Cohabitant:** Cal. Pen Code § 273.5

Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim who is one or more of the following:

(1) The offender’s spouse or former spouse.

(2) The offender’s cohabitant or former cohabitant.

(3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship

1. See Appendix 1 for reference to California state law definitions that may apply to the definitions contained within this Policy. [↑](#footnote-ref-2)
2. A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, MBKU will look at the totality of the circumstances, expectations, and relationships. [↑](#footnote-ref-3)
3. Rape as defined in the Uniform Crime Reporting Program (UCR) includes:

   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 temporary or permanent mental or physical incapacity.

   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 youth or because of his/her temporary or permanent mental or physical incapacity.

   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 youth or because of his/her temporary or permanent mental or physical incapacity. [↑](#footnote-ref-4)
4. Fondling is referred to as Forcible Fondling in the UCR. [↑](#footnote-ref-5)
5. Incest is a Nonforcible Offense in the UCR. [↑](#footnote-ref-6)
6. Statutory Rape is a Nonforcible Offense in the UCR. [↑](#footnote-ref-7)
7. The Title IX Coordinator is responsible for the implementation of any remedies. [↑](#footnote-ref-8)