

# Elizabethtown College



## **Employee Handbook** July 2017 edition

This Employee Handbook is for all Elizabethtown College employees and supersedes all previous editions thereof. It is furnished for purposes of information only and its contents are not to be interpreted as a contract between the College and its employees. The College is committed to fair and equitable treatment of its employees in accordance with established policies. It reserves the right to alter these policies at any time where changes in law or other circumstances render such alteration in policy necessary.

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*\*Facilities Management and Dining Service have their own departmental policies and procedures that employees must follow.*

# I. HISTORY AND MISSION OF THE COLLEGE

## **History and Development**

Founded in 1899, Elizabethtown College is a centennial college, one of dozens founded in the 19th century by churches or church members for the educational advancement of their denominations. Elizabethtown's heritage lies with the Church of the Brethren, one of three historic peace churches, along with the Quakers and Mennonites.

During its first two decades, the College functioned both as a college and an academy for high-school-age students to bolster its program in teacher training. By the end of the 1920s, Elizabethtown enrolled 180 full-time students and 300 part-time students in 11 major programs: history, English, modern languages, business, mathematics, education, sociology, biology, chemistry, music, and Bible studies.

Student life outside the classroom soon blossomed: a literary society was formed in 1920; the Alma Mater was composed by Jennie Via for a quartet of her music students; the Etownian yearbook was first published in 1922; the men's and women's intercollegiate debating society began in 1925; a small student orchestra appeared in 1927; men's and women's basketball and men's baseball teams began competing toward the end of the decade; and the Sock & Buskin drama club's first performance was produced in 1930.

By 1948, the College's advancement was recognized by accreditation in the Middle States Association and, in the following year, by acceptance in the American Council of Education. In 1950, Elizabethtown embarked on an ambitious fund-raising program to increase the endowment and build much-needed facilities to accommodate a rapidly expanding student body, which by 1958, had grown to almost 800. The library was moved from the first floor of Rider Hall to Zug Memorial Library, which was completed in 1950. In the following two decades, the College dedicated 10 new buildings, including several residence halls, Baugher Student Center, Nicarry Hall, and Thompson Gymnasium.

In the past five decades, Elizabethtown College has continued its spectacular growth. Today, the College offers not only 53 major programs of study, but also more than 60 minors. The student body stands at 1,950 with a full-time faculty of 131 men and women.

The appearance of the campus is vastly changing. In 1989, the Rufus P. Bucher Meetinghouse and Young Center for Anabaptist and Pietist Groups, an internationally renowned center for scholarly research, was opened on the shores of Lake Placida. The High Library opened in 1990, allowing Zug Memorial Hall to be transformed into a performing and fine arts teaching center. The Schreiber Quadrangle, built in 1992, provides opportunities for 120 seniors to experience independent living. A two-building, garden-style apartment complex for students, named after the late professor and Dean of Women, Vera Hackman '25, was completed in July 2002. Leffler Chapel and Performance Center, built for concerts, lectures, religious services, conferences, and dramatic presentations, was completed in 1995. The Brossman Commons, a \$12-million expansion of student-centered facilities, conjoining the Baugher Student Center and the Annenberg Center, was completed and dedicated in 2002.

A master land use and facilities plan calls for continued dramatic campus enhancements for the better part of the next decade. The James B. Hoover Center for Business, which houses the Department of Business, S. Dale High Center for Family Business and Edward R. Murphy Center for Continuing Education and Distance Learning, opened its doors in fall 2006. The Masters Center for Science, Mathematics and Engineering will be completed in fall 2008. The Masters project renovated more than 95,000 square feet in Esbenshade and Musser halls and provides an additional 33,000 square feet of science classroom and laboratory space in the new Lyet Wing for Biological Sciences.

The Kevin Scott Boyd '98 Baseball Stadium opened for the 2004 season and an expansion of the Thompson Gymnasium facility currently underway will provide space for classes, varsity and intramural sports activities, coaches' offices, a commons area (The Jaywalk) for students and a Hall of Fame.

## **Mission**

Molded by a commitment to "Educate for Service," Elizabethtown College is a community of learners dedicated to educating students intellectually, socially, and ethically for lives of service and leadership as citizens of the world.

As a comprehensive institution, the College offers an array of academic programs integrating the liberal arts and sciences with professional studies. Through these programs, students embrace independent thought, personal integrity and social responsibility as the foundations for a life of learning.

Founded by members of the Church of the Brethren, the College believes that learning is most noble when used to benefit others and affirms the values of peace, non-violence, human dignity and social justice

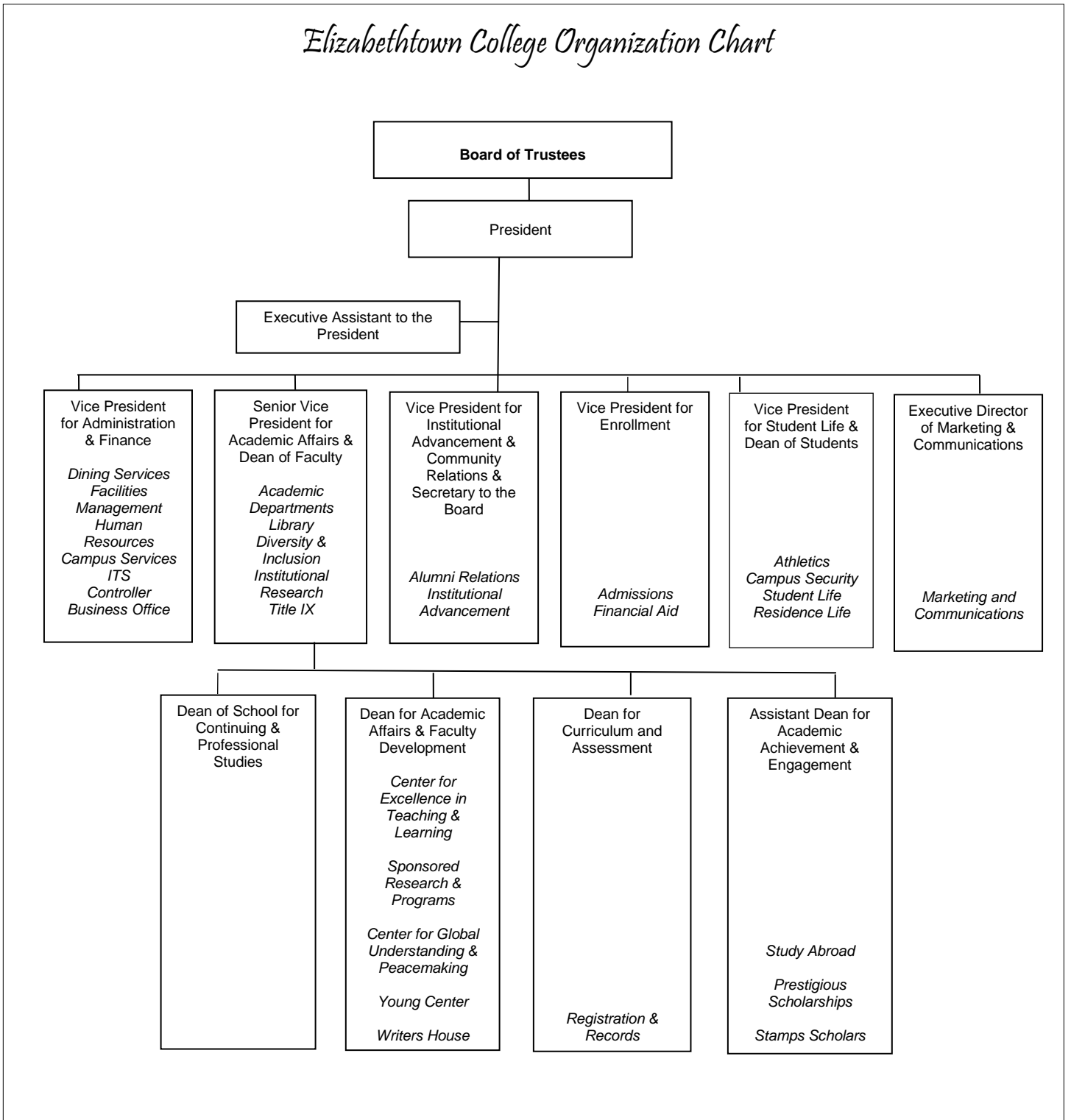
**College Structure**  
**Board of Trustees**

Elizabethtown College is a non-profit corporation chartered by the Commonwealth of Pennsylvania. Founded by members of the Church of the Brethren in 1899, the College is now governed by an independent Board of Trustees while affirming its heritage and covenantal relationship to the Church. The board has final legislative authority in all matters pertaining to purpose of the College and the policies for fulfilling the statement of purpose.

Among the board's primary functions are selecting the president of the College, developing and sustaining the philosophy and policies of the College, setting the costs of tuition and fees, adopting the annual budget, and approving plans for developing and maintaining the physical plant.

The Board of Trustees may consist of as many as forty-two (42) voting members but not less than thirty (30). At least eight (8) members of the Board shall be members of the Church of the Brethren, and at least ten (10) members shall be graduates of Elizabethtown College. The eight (8) members from the Church of the Brethren shall include at least two (2) from the Northeast District of Pennsylvania, Church of the Brethren, and at least two (2) from the Southern District of Pennsylvania, Church of the Brethren. The President of Elizabethtown College, the General Secretary of the Church of the Brethren, and the District Executives of the Atlantic Northeast and Southern District of Pennsylvania, Church of the Brethren, shall be *ex officio* members of the Board of Trustees with voice but not vote. The term of a Trustee shall be three (3) years.

# *Elizabethtown College Organization Chart*



## Employee Status

Your employment status is determined by the number of hours you are scheduled to work and the duration of your position. The principal categories are:

**Introductory Period:** All newly hired staff and administrative employees will undergo an introductory period. Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position or with Elizabethtown College is appropriate. Based on an individual's full-time or part-time benefit eligibility, individuals in the introductory period will be eligible for benefits, but will not be considered for regular employment until successful completion of the introductory period. Individuals will not receive an annual increase until after completing their introductory period. At all times, before and after the introductory period, employees remain at-will (*see Disciplinary Action and Termination Policy*).

The introductory period for all new staff and administrative employees will be six months. A three month introductory period will apply for all employees transferring to another position within the College. Employees must complete their introductory period before they can apply for another job on campus unless they are transferring within their current department.

**Full-time Employee:** An employee placed in a regular full-time position, working 9 - 12 months, who is assigned at least 37.5 hours per week during a calendar or academic year will be eligible for benefits relative to his/her hourly or salary status and subject to plan documents.

**Part-time Employee:** An employee placed in a regular part-time position, working less than 37.5 hours per week during a calendar year will be eligible for most benefits relative to his/her hourly or salary status and subject to plan documents. An employee working less than 20 hours a week year round (or less than the equivalent of 1040 hours a year) will not be eligible for benefits.

**Temporary/On-Call Employee:** An employee placed in a temporary or on-call position to temporarily replace a full-time or part-time employee **will not** be eligible for benefits. However, full-time, temporary employees hired on a one-year basis or longer are eligible for medical insurance, dental insurance, vision discount plan, vacation and sick time (which will not accrue beyond one-year allotments), and holiday pay.

Total Hours Worked per Year	Status	Yearly Hours	Benefit Eligibility
	F/T, 12-mo (40 hrs/wk)	2080	All
	F/T, 12-mo (37.5 hrs/wk)	1950	All
	F/T, 12-mo (30 hrs/wk)	1560	All
	F/T, 11-mo (37.5 hrs/wk)	1787	All
	F/T 10-mo (37.5 hrs/wk)	1625	All
	F/T, 9-mo (37.5 hrs/wk)	1462.5	All

## Employee Classifications

**EXEMPT (Administrative):**

Salaries employees are exempt from the requirements of the Fair Labor Standards Act and are not eligible for overtime pay.

**NONEXEMPT (Staff):**

Hourly employees are not exempt from the requirements of the Fair Labor Standards Act and must be paid time and one-half for any hours physically worked over 40 hours in a workweek.

## II. EMPLOYMENT POLICIES

### Standards of Conduct Policy

This policy establishes general standards of conduct that protect the interests and safety of all students, employees, and guests of the College. At all times, employees are to exemplify personal integrity, honesty, respect, and self-control with their actions. The conduct of employees has a direct bearing on their immediate work environment, the College Community and the general public opinion of the College. Therefore it is imperative that employees conduct themselves in a manner that will withstand the sharpest scrutiny. This will require employees to exercise a high degree of personal responsibility and sound judgment. Employees are expected to respect the rights of others and conduct themselves in a professional and businesslike manner at all times.

While the final decision concerning an individual's personal conduct is made by the individual, acts of willful unethical or illegal actions by an employee will not be tolerated. Instances of unacceptable conduct or unsatisfactory performance including, but not limited to, fraudulent or egregious acts, neglect of duty, illegal or immoral conduct on or off the College premises which would bring unfavorable attention to the College, or personal conduct that negatively affects the work environment, serious violations of any College policy or procedure, are grounds for termination.

In accepting employment at Elizabethtown College all employees will be held by these standards.

Examples of behavior that would violate Elizabethtown College's Standards of Conduct Policy include, but are not limited to, the following:

1. Threatening or committing acts of violence or intimidation.
2. Concealing, falsifying, altering, misusing or removing records, including electronic records.
3. Theft of property.
4. Willful damage, abuse, or destruction of College property or the property of others.
5. Direct or indirect use or misuse of College resources for unofficial or illegal purposes. Such resources include, but are not limited to, College funds and facilities, mail services, supplies, equipment, as well as College computers, networks, email, voice mail and all or other communication resources, credit cards and purchasing authority.
6. Unauthorized possession, sale, or use of intoxicating beverages or drugs on College property, and/or reporting for work under the influence of intoxicating beverages or drugs, or other violations of the College's Drug-free Workplace Policy.

Individuals wishing to report violations or suspected violations may do so in writing by sending a sealed envelope marked "Open By Addressee Only" to the Director of Human Resources. Any individual who in good faith reports a violation or suspected violation will not be subjected to retaliation, adverse employment or academic or educational consequence.

The Director of Human Resources will inform and consult with the President and/or Provost as necessary concerning the reported violation or suspected violation so that an internal investigation can be conducted. The President and/or Provost will determine the investigation process. A confidential



notification will be sent to the reporting individual that the matter is being investigated, unless the report was submitted anonymously. Upon completion of the investigation, the Director of Human Resources will promptly render a report concerning the violation and what remedial action should be taken to rectify the situation.

An employee found in violation of the Standards of Conduct policy may file a written appeal to the President within 10 working days from the date of the decision letter. Within 5 working days from the receipt of the appeal, the President will convene an ad hoc appellate committee of three individuals from the campus community to review the appeal. The appellate committee will review the appeal and render a final decision to the President and the employee within 5 working days.

At all times the confidentiality of names of individuals involved in the reporting, investigation, or appeal process will be adhered to by all parties.

The Director of Human Resources will maintain a file for the purposes of documenting the resolution to reported violations or suspected violations.

### **ECTipline Policy**

The ECTipline is accessible 24/7 and is an easy and secure method of reporting. It is not a general complaint tipline. The ECTipline is a confidential toll-free and web-assisted reporting method for students and employees to report known or suspected misconduct or violations outside of current normal reporting procedures. More information about this policy can be found on the Human Resources website.

### **Policies Addressing Commitment to Inclusive Excellence, Equal Employment Opportunity/Affirmative Action, Title IX and Americans With Disabilities Act (ADA)**

#### **Commitment to Inclusive Excellence**

Elizabethtown College is committed to valuing and fostering the diversity reflected in our life together and in the world beyond our campus. We strive to ensure that the members of the community—students, faculty, staff, and administrators—are diverse in race, ethnicity, sexual orientation, socioeconomic status, religion, ability, gender, gender identity and expression, age and national origin. We also seek to provide our community members, especially our students, with educational opportunities, programs, and services that are multicultural in content and expressive of a diverse life of experiences and worldviews that underrepresented groups bring to the learning environment.

The College's commitment to maintaining and growing a diverse community of education is an integral part of principled efforts to achieve academic excellence and to educate our students for service to humanity and the world.

The College's commitment to Inclusive Excellence affirms the following three principles:

- Inclusive Excellence in our educational life promotes learning and academic excellence. One of the most significant practices required for achieving academic excellence is direct engagement with multiple sources of knowledge, worldviews, experiences, and skills. A truly liberal—and excellent—education is neither parochial in content nor singular in perspective but comprehensive in its attention to the rich facts, insights, and attributes of our diverse social world.
- Inclusive Excellence in our social life prepares us to participate in a global community. Familiarity with the diverse identities, beliefs, and practices found in our global community provides a strong foundation for undertaking effective and constructive work in the world beyond our campus. We serve our community

members well not by creating a campus marked by uniformity and unanimity but by offering them the social diversity that is characteristic of our increasingly interdependent world.

- Inclusive Excellence in our campus life models our institutional commitment to social justice, human dignity, and peace. By becoming a diverse community, we provide access and equal opportunities for individuals and communities who have long been excluded from mainstream society. And this allows us to create the understanding of difference that is required for building a just and peaceful world.

### **Policy on Equal Opportunity/ Affirmative Action**

The College is committed to ensuring equal opportunity in all employment decisions, policies, and practices, and in educational programs and activities. In keeping with the historical values of Elizabethtown College, the College endeavors to treat all employees with dignity, justice, and fairness. The College strives to provide equal opportunity and an atmosphere free of discrimination.

Elizabethtown College does not discriminate on the basis of gender, race, color, religion, age, disability, marital status, pregnancy, veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression, genetic information, possession of a general education development certificate as compared to a high school diploma, or any other legally protected status. This commitment applies but is not limited, to decisions made with respect to hiring and promotion, in the administration of its educational policies, scholarship and loan programs, and athletic or other College administered programs. Discriminatory acts of any kind are strictly forbidden.

This policy reaffirms Elizabethtown College's commitment to equal employment opportunity and will administer its personnel policies and conduct its employment practices in a manner which treats each employee and applicant for employment on the basis of qualification, experience, ability and other work-related criteria without regard to the above underlined class categories or any other legally protected status under relevant federal, state or local laws.

Elizabethtown College is committed to making a good faith effort to meet its goals in practicing equal employment opportunity and affirmative action according to the law. These goals are to ensure that commitment is manifested in all aspects of employment including advertisement, recruitment, hiring, promotion, demotion, transfer, tenure, compensation, and training. In addition, the College is committed to making a good faith effort to ensure all students are assured access to educational opportunities, financial assistance, and social and recreational programs.

The College will actively identify and recruit qualified minorities, women, individuals with disabilities, and veteran candidates, and acquaint them with available positions, and encourage them to apply for employment. The College will include among their recruiting sources of advertising for open positions those sources specializing in affirmative action for placement. The College's Affirmative Action/Equal Opportunity statement will be placed on all employment advertisements. Human Resources will serve in an advisory capacity for hiring purposes and will assist selection committees to identify these sources and ensure affirmative action objectives are met.

The Director of Human Resources serves as the College's Affirmative Action Officer (AAO) and has the responsibility to develop and monitor affirmative action and other equal employment opportunity programs. Management personnel at every level including vice presidents, deans, directors, chairs, and supervisors must share in the responsibility for promoting affirmative action and equal employment opportunity to ensure that compliance is achieved.

Anyone desiring information regarding the Elizabethtown College's Affirmative Action Program may contact the Human Resources Office at One Alpha Drive, Elizabethtown College, 717-361-1406 or [HR@etown.edu](mailto:HR@etown.edu).

## **Title IX**

In compliance with Title IX of the Education Amendments Act of 1972, Elizabethtown College works to ensure that "no person shall...on the basis of sex, be excluded from participation in, denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The College's policy on Title IX can be found in Appendix C.

## **Americans with Disabilities Act**

Elizabethtown College will endeavor to make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified individual (as those terms defined in the American with Disabilities Act) unless undue hardship will result. It is the College's policy not to assume that an individual has a disability or needs an accommodation. If an individual with a disability believes he/she requires an accommodation, he/she is encouraged to request a reasonable accommodation. The College can work with him/her in an effort to enable the individual to perform the essential functions of the job effectively. Reasonable accommodation forms can be located in the Human Resources Office or on the HR Intranet ([www.etown.edu/humanresources](http://www.etown.edu/humanresources)). Employees and the College will undertake an interactive process to determine whether a reasonable accommodation may exist.

## **Resources**

### **Campus Diversity Advocates**

The Campus Diversity Advocates (CDA) is a volunteer group of faculty, students, and staff that offers support to individuals or groups concerning discrimination, harassment, bullying or bias incidents. The Campus Diversity Advocates do not have an official role in the investigation or resolution of such incidents. Rather, the CDAs are knowledgeable and approachable peers and professional colleagues who are committed to (1) affirming the human dignity of all members of the Elizabethtown College community and (2) affirming the member's concern, (3) offering support in a non-judgmental environment, and (4) directing campus members to resources for reporting incidents or complaints. To contact a Campus Diversity Advocate go to <http://www.etown.edu/offices/diversity/advocates.aspx>.

## **Policy Against Discrimination, Harassment, and Bullying**

In keeping with the historical values of Elizabethtown College, the College endeavors to treat all employees with dignity, justice, and fairness. Elizabethtown College does not tolerate discrimination or harassment of any kind, or bullying against any member of the Elizabethtown College community. The College is committed to the existence of a respectful, safe, and healthy work and learning environment and will ensure that federal and state laws, as well as College regulations prohibiting violence and discrimination, are fully enforced.

This policy is to be implemented throughout the College and is the responsibility of all departments and personnel, supervisory and nonsupervisory. Failure to abide by this policy shall result in disciplinary action, up to and including immediate termination of employment. Further, threatening, violent, discriminatory, or harassing conduct is subject to expulsion from the College or possible civil or criminal prosecution.

Any employee or student of the College who believes he/she is being subjected to conduct that violates this policy, including any discrimination, harassment (sexual or other discriminatory harassment) or bullying is encouraged to report the situation in accordance with the reporting procedures set forth below.

## **Discrimination**

Elizabethtown College does not discriminate on the basis of gender, race, color, religion, creed, age, marital status, disability, military membership or veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression, possession of a general education development certificate as compared to a high school diploma, political ideology, genetic information, pregnancy, citizenship or any other trait or characteristic protected by any applicable federal, state and local law or ordinance. Discrimination or harassment of any kind is strictly forbidden.

## **Harassment**

The College defines harassment as any behavior, verbal or physical, which creates an intimidating, hostile or offensive work, learning, or living environment, particularly if questionable behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior, and which is based on individual characteristics including gender, race, color, religion, age, disability, veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression or any other legally protected status.

### Definitions:

Examples of the most common types of harassment include but are not limited to:

- **Verbal harassment**, such as jokes, epithets, slurs, negative stereotyping, and unwelcome or patronizing remarks about an individual's body, color, physical characteristics, or appearance.
- **Physical harassment**, such as physical interference with normal work, impeding or blocking movements, assault, unwelcome physical contact, staring at a person's body, or threatening, intimidating, or hostile acts that relate to a protected characteristic.
- **Visual harassment**, such as offensive or obscene photographs, calendars, posters, e-mails, cards, cartoons, drawings and gestures, display of lewd objects, unwelcome notes or letters, or any written, electronic, or graphic material that denigrates or shows hostility or aversion toward an individual.
- **Sexual harassment**, which is specifically defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or conduct directed toward another person because of his/her gender where:
  - Submission to such conduct is made -- either implicitly or explicitly -- a term or condition of a person's academic or employment status;
  - Such behavior has the purpose or effect of substantially interfering with the individual's academic or work performance or creating an intimidating, hostile or offensive classroom or working or academic environment; or
  - Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual.
- **Sexual violence**, including physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.
- **Gender-based harassment**, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if these acts do not involve conduct of a sexual nature.

## **Bullying**

The College is committed to the elimination of all forms of bullying and will ensure that procedures exist to allow complaints of bullying to be dealt with and resolved without limiting any person's entitlement to pursue resolution of their complaint within the relevant statutory authority.

### Definitions:

Bullying is unwelcome or unreasonable behavior that demeans, intimidates, or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly banter exchanged by colleagues and comments that are meant to be, or are taken as, demeaning.

Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment, or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

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.

### **Reporting Procedures for Discrimination, Harassment, and Bullying**

Any employee who believes he/she is being subjected to discrimination, harassment (sexual or other discriminatory harassment) or bullying shall report the situation to his/her supervisor or the Director of Human Resources. A complaint should be made in writing whenever possible, including as much information as possible, such as details of the alleged incident, dates, names of those involved in the harassment, any physical evidence that may exist, and the names of any individuals who may have observed or witnessed the conduct.

Any employee who witnesses, receives a complaint, or otherwise learns of conduct that is in violation of the policies related to discrimination, harassment, or bullying is required to refer the matter to his/her supervisor or the Director of Human Resources. Any incident or complaint involving a student should be reported to the Dean of Students.

The College will act promptly and appropriately upon any information that it obtains which indicates that any violation of this policy has taken place. Prompt and appropriate action will be taken pending an investigation to ensure that any prohibited conduct that might exist does not continue.

### **Informal Resolution**

It may be possible and appropriate to resolve the reported offense informally. The supervisor, in consultation with the Director of Human Resources will document the complaint and informal steps taken to resolve the concern. Documentation falling under the Informal Resolution process will remain in a separate file in the Director of Human Resources office and not placed in the respondent's personnel file. This information will be used to monitor repeated complaints within the same department or involving the same individual. Should additional complaints be received, the Director of Human Resources will move the complaint and documentation to the Formal Resolution process.

### **Formal Resolution**

If, for any reason, the matter cannot be resolved as described above, or a complainant chooses the formal resolution, the complainant will state the specific allegations in writing so that an investigation can be initiated by the Director of Human Resources or assigned neutral designee. The Director of Human Resources or assigned neutral designee will then promptly coordinate a complete investigation into the complaint.

The Director of Human Resources or assigned neutral designee will decide whether the complaint warrants:

- a. Further investigation by the College or, if criminal behavior has been discovered, by law enforcement.
- b. Dismissal of the charges if unsubstantiated with communication of the outcome to the accused and the complainant as well as a letter in the accused's file regarding the outcome of the investigation.
- c. Affirmation of the allegations with recommendations for appropriate disciplinary action. Notification verbally and in writing to the employee as to the findings of the investigation and applicable sanctions as determined by the Senior Staff officer for that area in consultation with the Director of Human Resources. A letter outlining the offenses and actions taken will be placed in the employee's personnel file.

Recommended disciplinary action will be determined on a case-by-case basis and will be determined by the frequency and severity of the violation.

Should either the complainant or the employee disagree with the outcome of the investigation, an *ad hoc* Peer Relations Review Committee of three employees chosen by the Dean of Faculty (concerning faculty complaints) or the Provost/Senior Vice President and Vice President for Administration (concerning staff and administration complaints) will be established. The Peer Relations Review Committee will conduct an independent investigation and make a recommendation as to the results of the Committee's investigation. The Dean of Faculty, Provost/Senior Vice President, and the Vice President for Administration, as appropriate to the case, will then make a final determination and action.

An employee found to have violated the College's policies against discrimination, harassment, and bullying may be subject to disciplinary action up to and including termination or release.

### **Retaliation**

The College will not retaliate, nor will it tolerate retaliation, against any employee or student who, in good faith, reports or makes a complaint of discrimination, harassment, or bullying in the workplace or classroom, or who participates in an investigation into the same. Following the resolution of any complaint, the employee or student should continue to keep the College informed if the harassment persists.

No individual will be subject to disciplinary action for submitting a good faith report of a policy violation. However, any claims of prohibited conduct that are found to be deliberately false will be investigated and the complainant may be subject to disciplinary action. Anyone who believes that she/he has been the subject of a false allegation may meet with his/her supervisor or the Director of Human Resources to discuss the allegations.

### **Confidentiality**

The College shall maintain confidentiality to the extent possible within the requirements of conducting reasonable and complete investigations. To the extent possible, only those who have a need to know will be told the identity of the parties to a complaint. In certain circumstances, however, the investigation may disclose the identity of those individuals who claim to have been harassed and/or others involved.

In some instances, a reporting party may ask to take no action or to defer action until a later date in order to maintain anonymity. In these instances, the College reserves the right to limited disclosure and to take appropriate action in order to complete its investigation and to ensure the safety and well-being of other members of the College community.

### **The College as Complainant**

The College reserves the right to investigate allegations of prohibited conduct in appropriate circumstances even in the absence of a complaint from a member of the College community. Results of any investigation involving prohibited conduct will be documented and coordinated through Human Resources and in cases involving students the Office of Student Rights and Responsibilities.

### **Workplace Violence Policy**

Elizabethtown College is concerned and committed to the safety, security, and general well-being of its employees, students, and visitors to the campus. The College will not tolerate any type of violence in the workplace and will make every effort to prevent violent incidents from taking place. Threats, verbal or physical, threatening behavior, acts of violence, or any related conduct while on the College's premises or while conducting official business for the College are strictly prohibited.

The College will respond promptly and decisively to violence, threatening behavior, and harassment on campus. Any act of misconduct will be investigated and appropriate action taken, which may include disciplinary action, termination of employment, arrest, and prosecution. Violence in the workplace may appear in different forms and can include direct or indirect threatening, verbal and physical assaults, domestic disputes, sabotage or behavior that disrupts and creates a hostile work environment. Unauthorized possession or use of firearms, or other dangerous weapons is prohibited. Dangerous weapons are any item used or could be used with the intent to cause harm, threaten, or intimidate.

### **Reporting Procedures**

- a. Employees who either experience or observe an act of violence or threat of violence must immediately report the incident to Campus Security by calling Extension 1111. Do not place yourself in peril.
- b. Campus Security will notify the police department when appropriate for incidents of workplace violence involving firearms, bodily harm, and domestic disputes.
- c. Investigation of reported incidents of workplace violence shall be conducted by Campus Security in conjunction with the Director of Human Resources. The investigation shall be conducted on an immediate, priority basis, following emergency medical care if needed. Each incident will be evaluated and an appropriate remedy will be provided based on the nature of the offense, duration, totality of circumstance and past offenses.

### **Whistleblower Policy**

Elizabethtown College is committed to the highest standards of all business practices. This policy is created to enable all employees of the College to report concerns about possible business or financial misconduct, with the reassurance they will be protected from any retaliation for acting in good faith. For the purpose of this policy, misconduct may include, but is not limited to:

- Theft of cash or College property
- Misappropriation of College funds
- Falsification of accounting or financial records, including accounting omissions
- Misappropriation of grant funds
- Inappropriate authorization, allocation or spending of College funds
- Falsification of reported work hours (including student employees)
- Kickbacks

When making a good faith report, the reporter will not be subject to retaliation by the College. To file a report under this policy, an employee may do so via telephone or in person during regular operating hours or by mail to the Director of

Human Resources or the College President. By telephone one could report anonymously through the ECTipline, 855-696-1899. If reporting in house the employee will need to submit in writing a report relative to the business or financial misconduct. A good faith report should contain factual information, dates, names, locations, and any other information to warrant an investigation. Contact information of the individual submitting the report should also be included. Confidentiality of the reporter will be maintained to the extent practicable by law and the legitimate needs of the investigation.

Upon receipt of the report explaining the business or financial misconduct, an investigation will ensue promptly. Any employee found to have engaged in business or financial misconduct will be subject to disciplinary action up to and including immediate termination of employment and prosecution by the appropriate law enforcement authorities.

If the reporter experiences any retaliation from the individual wrongdoer(s), it should be immediately reported to the Director of Human Resources.

Employees found to have made knowingly false or misleading reports will be subject to disciplinary action including possible termination of employment.

Reports of business or financial misconduct by a student will be turned over to the Dean of Students.

### **Conflict of Interest Policy**

Employees are charged to act on behalf of the College and in support of its mission and should avoid any actual or perceived conflict of interest. In their capacity as employees, they are expected to hold the interests of the College paramount. An apparent conflict of interest arises when an employee is in a position to influence the College's decisions in ways that could lead to personal financial gain or other advantage for the employee or the employee's immediate family or associates.

Employees are expected to disclose potential conflicts of interest. They should identify in writing any such conflicts to the Director of Human Resources prior to engaging in the activity that poses the potential conflict. If a conflict of interest is found to exist involving an employee, the employee involved should avoid the potential conflict and/or excuse him/herself from participation in decisions on behalf of the College that affect the employee's personal interests.

### **Policy Prohibiting Consensual Relationships with Students**

Dating, romantic, or sexual relations between College employees (faculty, staff, and administrators) and students, even if consensual, can negatively affect the educational environment for students, and are therefore not permitted. Members of the faculty and staff are expected to maintain professional relations with all students, act in accordance with standards of professional conduct and avoid conflicts of interest, favoritism, bias, or creation of a hostile environment for students.

A consensual romantic and/or sexual relationship between an employee and a student enrolled at the College can compromise professional standards and expose both the employees and the College to claims of harassment or unlawful discrimination – for example, from the student involved or from other students who allege they are disadvantaged because of the employee's unprofessional relationship with one of their peers.

Accordingly, the College prohibits consensual romantic and/or sexual relationships between employees (faculty, staff, or administrators) and students. An employee found to be engaged in a romantic and/or sexual relationship with a



student will be subject to disciplinary action up to and including dismissal or release.

An employee may eliminate exposure to possible disciplinary action and potential legal liability by not entering into a romantic and/or sexual relationship with a student, by terminating the relationship, or by exploring other remedies with the appropriate Dean or College official. If necessary, the College may take action to terminate any supervisory or educational relationship between an employee and a student who are in a romantic and/or sexual relationship, pending resolution of any violation of this policy.

Entering into a romantic and/or sexual relationship with any student is outside the bounds of an employee's assigned duties, and he/she may not be eligible for the College's liability insurance protection should he/she incur civil or criminal liability as a result of his/her actions.

Employees who are married to or are a domestic partner of a student (as defined under the Domestic Partnership Benefits) are exempt from this policy. In situations where such a pre-existing relationship exists, the individual with the supervisory, teaching, advisory or evaluative position over the student must inform his/her supervisor, Chair, Dean, or the Director of Human Resources of the conflict of interest immediately. Necessary steps will be taken to resolve the conflict and eliminate any appearance of favoritism or advantage and/or inconsistencies with any other College policies.

## **Recruitment Policy**

This policy is designed to assist departments in hiring the most qualified and effective candidates. In filling vacancies, the College seeks to strike a balance between attracting new talent from outside the organization, supporting current employees in their attempts to progress in their careers at Elizabethtown and increasing diversity in the work force. Recruitment and selection of candidates for all position on campus shall be in compliance with the Colleges policy on Non-Discrimination and Affirmative Action.

When a position becomes vacant, the following policies will be observed:

Examination by the Hiring and Compensation Review Committee (HCRC) to ensure that the position's continuation is warranted.

Hiring activity will be coordinated through Human Resources (HR) and must be approved by HCRC. The position must be funded in the year it will be filled.

Competition may be limited to internal candidates if Human Resources (HR) certifies that there are a minimum of two qualified in house employees.

Selecting officials or Search Committees must interview a minimum of two candidates.

Temporary employees may apply for campus vacancies but they will be considered external candidates.

A position requisition form must be completed for all open positions. The form must be accompanied by an updated job description.

All open positions must be advertised on the Human Resources bulletin board and web site for a minimum of 5 business days before the position is filled. HR may extend the advertising period or use additional advertising venues to ensure adequate competition and an appropriate pool of candidates.

All candidates for positions are to be treated equally and fairly in searches. Interviews for any position are to be offered to candidates only on the basis of qualifications and merit. This policy will be communicated to and observed by all search committees and any manager or supervisor carrying out a search.

### **Background Checks**

Effective July 1, 2007, it is the policy of Elizabethtown College to conduct a background check on all individuals beginning their employment with the College. The background search may include criminal history, education credentials, driving records, and credit history. All background checks will be coordinated through Human Resources.

New employees will be asked to sign a release form allowing the College to conduct the background check. Results will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy or pursuant to appropriate legal action. Continued employment with the College is contingent upon acceptable results as determined by the College.

### **Motor Vehicle Record Checks**

Employees who are required to drive College vehicles as part of their job must have their Motor Vehicle Record (MVR) checked by Human Resources. The employee will be required to complete an MVR Release Form authorizing the College to run their MVR. The MVR must pass the College's MVR Rating System in order to be approved to drive College vehicles. MVRs will be re-run every two years. To view the policy in its entirety, please visit [www.etown.edu/safety](http://www.etown.edu/safety) and click on "Mobile Equipment Policy."

### **Performance Appraisals**

Performance appraisals can be found on the HR website and completed appraisals are maintained in the employee's personnel file. Supervisors will be asked to complete an introductory evaluation on a new employee's performance during the employee's introductory period.

All staff and administrative employees will undergo a formal performance appraisal and self-appraisal (if required) at least once a year. The performance appraisal process is tied to the College's compensation program. At a conference between the employee and the supervisor, the supervisor will evaluate the employee on job expectations and identify areas where the employee is or is not meeting those expectations. Goals are formulated with the employee to guide his or her job performance.

Special Situations: The supervisor should immediately schedule a conference with the employee concerning any unsatisfactory work performance. A written performance improvement plan outlining the areas for improvement and a defined timeline will be given to the employee.

### **Resignation Policy**

Administrative employees are expected to give three weeks' notice prior to leaving the College's employment. Staff employees are expected to give two weeks' notice. However, whenever possible, more advance notice is preferable, particularly if an employee is retiring. **All resignations must be submitted in writing** to the employee's immediate supervisor and to Human Resources. Supervisors must notify Human Resources whenever an employee ends their employment with the College.

Employees resigning from the College shall receive their accrued unused vacation within their last pay, pending no outstanding charges. The College does not pay unused sick leave to employees terminating employment. Employees will be required to return all keys, uniforms, ID card, laptop, cell phone, or other items belonging to the College, and employee handbooks prior to their departure

from the College. If these items are not returned, the employee will be charged for the unreturned College property.

### **Exit Interviews**

Upon an employee's departure from the College, Human Resources will contact the employee to schedule an exit interview. At this interview a Human Resources Representative will discuss with the employee benefit options, outstanding College charges, and other matters relevant to his/her departure. Employees will also have an opportunity to discuss any matters of concern while they were employed with the College. An exit form will be provided to each departing employee for additional comments,

### **Disciplinary Action and Termination Policy**

According to the Pennsylvania Employment At Will Doctrine, administrative and staff employees are employed on an "At Will" basis (unless the employee is working under a defined contract). This means that the employee or the College can terminate the employment relationship at any time, for any or no reason, with or without notice (this includes during probationary periods).

Disciplinary action may take place in one or more of the following forms: verbal or written warning, letter of reprimand (with or without probation), withholding salary increases, demotion, suspension, or termination.

Discipline matters include, but are not limited to, violation(s) of any Department or College policy or procedure, excessive absenteeism, inappropriate behavior, unsatisfactory work performance.

For matters of unsatisfactory work performance, the supervisor and the employee shall meet to discuss the problem(s) and develop a written plan for performance improvement. The supervisor may decide to place the employee on probation for a period of time. Within an agreed upon period of time, the supervisor and the employee shall meet again to discuss the employee's progress. The supervisor may consider it necessary to monitor the employee's performance over a period of several months. If no improvement in performance can be identified, the supervisor may decide to release the employee from employment or provide the employee with a letter of reprimand or final warning.

The College reserves the right to bypass one or more steps of the discipline process for unsatisfactory work performance at its sole discretion.

### **Immediate Termination**

An employee may be immediately terminated from employment without prior warnings for serious offenses such as insubordination, assault or fighting, theft, willful destruction of College property, and including, but not limited to, deliberate or serious violation of a College rule, policy, or procedure.

Appeal Process for Immediate Terminations. The appeal should be in writing and submitted within two weeks from the employee's termination date to his/her respective Vice President or Dean. This process is applicable only to situations of immediate termination.

### **Nepotism**

Elizabethtown College seeks to employ faculty, staff, and administrators who can best achieve its mission and so does not prohibit members of the same family from being employed at the College. At the same time, we recognize the sensitive nature of having family members employed by the same employer. Careful measures are taken to avoid situations where the possibility of favoritism or conflicts of interest might exist. Individuals will not be employed in a situation where a relative can directly influence another relative's career, pay, or employment status.

## Confidentiality

The College often gathers information relative to applicants, students and employees during the course of business. Employees are prohibited from sharing confidential information to other employees or students except for those employees who would otherwise have a *legitimate need-to-know* such information. Students and employees may be asked to sign a confidentiality statement pertaining to their work area and the disclosure of confidential information.

## FERPA

All employees may have access to student records which contain individually identifiable information, the disclosure of which is prohibited by FERPA. The willful or intentional disclosure of this information to any unauthorized person could subject employees to criminal and civil penalties imposed by the law; it also violates the College's policy and will result in disciplinary action, up to and including termination. A copy of the guidelines for compliance with FERPA is available in the Registration & Records office.

## Intellectual Property Policy and Procedures

Intellectual Property Policy. College Works are created by an employee either patentable or copyrightable (except those created outside of regular work hours and not using college resources) and are owned by the College.

Ownership of Sponsored Works (sponsored by external grants/contracts or by the College) will be determined by the applicable terms of the funding agreement.

Procedures for Patents. Once an employee has developed what they believe to be patentable subject matter, employee must prepare an invention disclosure and arrange to meet with the Executive Director of the Office of Sponsored Research and Programs to discuss the invention.

For a period of 90 (ninety) days following the meeting, the College shall have the right, but not duty, to determine if the College will collaborate with the employee in securing intellectual property protection. If the College fails to exercise this right within the 90 day period, all rights are retained by the employee and any right the College may have had are extinguished.

If the employee and College determine that they wish to protect the patentable intellectual property, the College will pay the fees and expenses associated with such patenting and the inventors will be required to assign the invention to the College.

Any payments to the College received from assignment or licensing of the invention will be handled as follows:

- Any revenue derived from the property will be used to reimburse the College's expenses used to obtain (and maintain) the protection.
- Once these expenses have been paid in full then any remaining money from the initial payment and later received payments will be divided evenly (50/50) between the College and the employee (unless other terms have been agreed upon in advance).
- Unless other terms have been agreed upon in advance, of the 50% of the net revenue that will be retained by the College, 75% of that money would go directly to the College (unrestricted annual fund) and the remaining 25% would go to the employee's academic or administrative department(s) to support research, teaching and/or programmatic budgets.

## **Alcohol and Drug-Free Workplace**

As required by the Federal Drug-Free Workplace Act, Elizabethtown College is obligated to provide a drug-free, safe, healthful, and secure workplace for employees. In turn, our employees are expected to arrive for work in proper mental and physical condition. The College has a zero tolerance policy for disruptive behavior, unsafe conditions, or unsatisfactory work performance resulting from alcohol or drug use. Violations of this policy will result in disciplinary action, up to and including termination of employment, or referral for prosecution or other legal consequences.

The College prohibits the unlawful sale, manufacture, distribution, use, dispensation, or possession of a controlled substance on college property or while conducting college business off of the premises.

### **FEDERAL & STATE PENALTIES**

Under the Federal Controlled Substance Act and Pennsylvania state laws, individuals face penalties for unlawful sale, manufacturing, distribution, use and possession of controlled substances. The penalties vary based on the type of drug involved, possession and intent to distribute. Federal law sets penalties for the first offense ranging from one year to life imprisonment and/or \$100,000 to \$4 million in fines. Penalties may include forfeiture of property, including vehicles used to possess, transport or conceal a controlled substance or denial of federal benefits such as student loans and professional licenses. Convictions under state law may be misdemeanor or felony crimes, with sanctions ranging from six months to life imprisonment and/or \$250 to a \$100,000 in fines.

Federal law holds that any person, who distributes, possesses with intent to distribute, or manufactures a controlled substance in, or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. A similar state law carries sanctions of up to five years imprisonment and up to a \$100,000 fine for similar violations.

### **HEALTH RISKS**

**Alcohol** consumption can result in serious health problems and significant changes in behavior. Low to moderate consumption of alcohol impairs speech, coordination, decision making and judgment and to drive a car safely. Moderate to high doses of alcohol significantly severely impair a person's higher mental functioning, coordination, driving ability, and a person's ability to learn and remember. Very high doses of alcohol can cause respiratory depression and death. Low doses of alcohol when combined with other depressants of the central nervous system will also produce these effects. Prolonged heavy alcohol use may lead to abuse and dependency, which often causes permanent damage to the vital organs.

### **OTHER DRUGS**

**Cannabis (such as marijuana, hashish):** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, reduce coordination and energy level, and cause paranoia. Users often have lowered immune system functioning and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

**Depressants (such as barbiturates, methaqualone):** Use of depressants can cause slurred speech and disorientation. Overdose may result in shallow breathing, clammy skin, dilated pupils, rapid pulse, coma, and possibly death.

**Hallucinogens (such as LSD, mescaline, PCP):** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps

instincts in check. Because the drug blocks pain receptors, PCP episodes may result in self-inflicted injuries. Overdose can lead to psychosis and possibly death.

**Narcotics (such as heroin, opium, morphine, codeine, methadone):** Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate. Use of narcotics may cause drowsiness, respiratory depression, and nausea. Overdose may lead to shallow breathing, convulsions, coma, and possibly death.

**Stimulants (such as cocaine/crack, amphetamines):** Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death. Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts. An overdose of stimulants may cause agitation, hallucinations, convulsions, and possibly death. Members of the faculty and professional staff should contact their health care provider for additional information regarding the health risks associated with alcohol and drug use.

## **CONCLUSION**

The College recognizes drug and alcohol abuse not only as a likely health, safety, and security problem, but as an illness and major health problem. Therefore, any employee having a drug and/or alcohol dependency is encouraged to seek help. Such employees will be required to participate in a rehabilitation program approved for such purposes by a federal, state, or local agency. Any employee seeking such help will not receive any type of reprimand, nor will it be recorded in the employee's personnel record, as long as such employee seeks help before being disciplined for violation of this policy.

All employees, as a condition of employment, must comply with this policy and must also report any criminal drug or alcohol conviction to the College Human Resources Office within 5 days after the conviction. This includes any drug or alcohol violation occurring on or off college premises while conducting college business. An employee violating this policy or convicted of a criminal drug offense occurring in the workplace is subjected to appropriate personnel action, up to and including termination, or satisfactory participation in a drug rehabilitation program.

## **DRUG & ALCOHOL SERVICES**

### **WorkLife Matters**

(College's Employee Assistance Program through Guardian)  
1-800-386-7055

**Services:** Counseling and guidance for alcohol and substance abuse

### **Lancaster County Council on Alcoholism & Drug Abuse**

630 Janet Avenue, Lancaster (717) 299-2831

**Services:** Referral counseling, Training for schools & businesses, Volunteer speakers for adults & children, Underage drinking prevention program, Support/Education groups for children at high risk for developing addictions, Film, Video, and Book Library

### **Lancaster County Drug & Alcohol Commission, Prevention Unit**

150 North Queen Street, Suite 402, Lancaster (717) 299-8023

**Services:** Comprehensive, primary prevention programs for school, Community & family groups, Curriculum, Parent programs, Professional & volunteer training, Community partnerships.

**Human Services Associates**

48 North Queen Street, Lancaster (717) 394-5334

**Services:** Individuals, Couples, Adolescents, Specialized groups, Women's groups, Family intervention, Chronic relapse program, EAP Services.

**Philhaven Outpatient Services**

250 College Avenue, Lancaster (717) 291-6798

**Services:** Psychological counseling & addiction treatment.

**T.W. Ponessa Associates**

2141 Oregon Pike, Lancaster (717) 560-7917

**Services:** Counseling

**Lancaster Freedom Center**

436 North Lime Street, Lancaster (717) 397-9118

**Services:** Intensive (22 week) outpatient programs for alcoholism & substance abuse, 12-week family program, and Drug & alcohol evaluations.

**Guidance Associates of Pennsylvania**

412 Erford Road, Camp Hill (717) 732-2917

20 Briarcrest Square, Hershey (717) 533-4312

**Services:** Range of employee assistance services

**Naaman Center**

4600 East Harrisburg Pike, Elizabethtown (717) 367-9115

**Services:** Programs for alcohol and substance abuse

**The Gate House**

649 East Main Street, Lititz (717) 626-9524

**Services:** Programs for alcohol and substance abuse

**SUPPORT GROUPS**

**Alcoholics Anonymous (AA)**

(717) 394-3238

Meets Daily.

**Narcotics Anonymous (NA)**

(717) 393-4546

Meets Daily.

**Smoke-Free Workplace**

On February 21, 1989, the Pennsylvania Clean Indoor Air Act went into effect. Effective September 1, 1990, Elizabethtown College became a smoke-free workplace.

As of September 11, 2008, the Pennsylvania Clean Indoor Air Act bans smoking in workplaces and public places, defined as an enclosed area which serves as a workplace, commercial establishment, or an area where the public is invited or permitted.

Elizabethtown College is dedicated to providing a healthy, comfortable and productive work environment for employees. The campus is a smoke-free workplace. Smoking and the use of tobacco in any form is prohibited in all

facilities of Elizabethtown College at all locations, including College vehicles. Additionally, the Baugher Student Center terrace areas, all athletic venues and outdoor classrooms are smoke free zones. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted during work breaks only at a reasonable distance (20 feet or more) outside any enclosed area or building entrance so as to ensure that secondhand smoke does not enter the area through entrances, windows, ventilation systems, or any other means. Smokers must dispose of cigarette butts in appropriate receptacles rather than littering.

Those employees who smoke and would like to take this opportunity to quit are encouraged to participate in the cessation programs offered through our Employee Wellness Committee and Capital BlueCross. The success of this policy will depend on the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. Concerns regarding this policy should be directed to Human Resources.

### **Absenteeism**

Upon accepting employment with the College, an employee has the responsibility of being on duty at the proper time every day to perform his/her job. Employees who find it necessary to be absent are required to notify their immediate supervisor prior to the employee's scheduled work time wherever possible. If employees are absent from work for three consecutive days without calling their supervisor, it will be treated as job abandonment and a voluntary resignation.

*\*In addition to the above, some department may have department-specific Absenteeism policies.*

### **Safety and Security**

Employees of Elizabethtown College are required to follow all safety and security policies established by the College. Campus Security has the responsibility for providing protection for all members of the campus community. This is accomplished through the department's law enforcement and security protection programs.

The College's Human Resources Office has the responsibility for instituting all safety policies and procedures on campus. Please visit [www.etown.edu/safety](http://www.etown.edu/safety) for all safety policies.

### **Children on Campus**

This policy applies to all College employees, students, and visitors and addresses the health, safety, and management of children (under the age of 18) on College property.

*Policies for children on campus attending Special Events and Summer Programs (SESP) managed events are contained in a SESP specific policy document.*

#### **Purpose**

To adequately protect the health and well-being of children on Elizabethtown College property

#### **Process**

1. Children who are participating in a college-approved event that requires adult supervision (i.e. summer camps) or who are visiting under their parent or guardian's immediate supervision are permitted on campus.
2. The ultimate responsibility for the health, safety, and management of behavior of the children rests with the parent or guardian who brought the child to campus or the individual who is running the college-approved event (signed release forms may be required depending on the event).



3. Persons under 18 years of age are not permitted in potentially hazardous work areas within Elizabethtown College (e.g. laboratories, shops, and other potentially hazardous work areas or areas with hazardous materials present) except under the following circumstances:

The minor:

- is employed by the College or has been formally accepted as a volunteer worker; and
- has been trained in safety procedures; and
- has adult supervision

The minor is enrolled in a College class with a laboratory component; or

The minor:

- is participating in a College-sponsored program; and
  - has been trained in safety procedures; and
  - has adult supervision
4. If a minor meets the above criteria and will be spending time in potentially hazardous work areas within Elizabethtown College, the necessary personal protective equipment must be worn at all times.
  5. Unsupervised minors not participating in a College-sponsored event will be asked to leave College property.

### **Responsibilities**

1. Managers/Supervisors:

- a. Ensure compliance with this policy within their area of responsibility

2. Employees, students, and visitors

- a. Do not place yourself or any children you are responsible for at risk of injury
- b. Ensure appropriate supervision of children you are responsible for on campus
- c. Report any incident or injury involving a child irrespective of its seriousness to Campus Security immediately

### **Evaluation**

The Safety Committee shall be responsible for evaluating this policy annually.

### **Lactation Policy**

Elizabethtown College understands the importance of a mother's desire to breast-feed her baby after returning to the work environment. Because not all mothers have a private office to use for lactation needs, the College will make arrangements to accommodate mothers at work with a private locked room for these purposes. Refrigeration accommodations will also be made. Mothers are reminded that the storage and safekeeping of their supplies and expressed milk are their responsibility. Please contact Human Resources for arrangements regarding this policy.

### **Review of Personnel Files**

Except where required by law, information contained in an employee's personnel file will not be released to external sources unless clear, written permission to release specific information is obtained by the employee. An employee may be permitted to review certain information contained in his/her personnel file and to take notes on this information. If an employee wishes to review sections of his/her personnel file, please contact Human Resources.

### **Loss Prevention Policy**

Elizabethtown College acknowledges and accepts its responsibility to provide a safe, secure, and healthful working environment for its employees. The College further embraces "zero losses" as the only acceptable performance standard, thereby requiring the proactive effort and support of every person within the organization, constant effort and improvement, effective training and supervision of personnel and continual review of all facilities and processes.

Specifically, it is the policy of Elizabethtown College to:

1. Comply with the requirements of federal, state, and local regulations as they pertain to safe, secure and healthful working conditions.
2. Develop, adopt and enforce adequate safety, security, and health standards or policies for all operations.
3. Incorporate loss prevention into the design of all buildings, equipment and processes.
4. Provide exposed personnel with appropriate personal protective equipment and require its use when hazards cannot be engineered from a process.
5. Develop orientation and training programs to teach employees safe, quality-focused working habits.
6. Maintain in every person a thorough awareness of loss prevention habits and techniques through a comprehensive program approach.
7. Encourage every employee to actively participate in the loss prevention program and to take an active interest in his/her own safety and welfare by developing good habits and reporting unsafe or hazardous working conditions.

### **Compensation Policy**

The College's pay practices are designed to provide a competitive pay structure based on salaries and hourly rates of like positions at comparative institutions and/or the local job market. Annual increases are considered at the beginning of each fiscal year. All salaried employees working less than 12 months will be paid over a 12-month period from July 1 through June 30.

*Merit Pay: Elizabethtown College encourages employee recognition of exceptional performance and achievement through the use of merit pay. Merit is awarded at the beginning of each fiscal year. Please see the Merit Policy located on the HR website.*

*Recognition Awards: Faculty and staff members and faculty teams and/or staff teams, can be nominated for a Recognition Award for significant contributions supporting the College's strategic initiatives or strengthening and improving the College's effectiveness as an institution. Individual awardees and individual members of a team receive \$500 and a Recognition Award Certificate. Recognition Award(s) are paid as a one-time payment in the first pay period of July and are not added to base salary.*

### **Break in Service Policy**

A break in service shall occur when an employee is no longer employed by the College. Employees who are rehired within twelve months of the separation shall retain all vacation, retirement, and sick leave benefits at the level prior to the initial separation.

### **Change in Employment Status and Benefits**

Employees whose status changes from part-time to full-time shall gain the additional benefits associated with full-time employment based on exemption status (exempt or non-exempt).

Employees whose status changes from full-time to part-time shall forfeit the benefits associated with full-time employment and receive benefits associated with part-time employment and annual hours.

### Address/Name Change

If an employee's address or name changes, he/she must complete a new W4 and Certificate of Residence form and submit them to Payroll as soon as possible. For a name change, the employee must show the social security card with the new name to the Payroll office.

### Liability

Employees fall under the College's Commercial/Professional Liability insurance while acting within the scope of their position responsibilities.

### Dress Code

The College relies on the good judgment of its employees to dress in good taste in a manner fitting and proper for the performance of the employee's work duties. The College recognizes that appropriate dress is a function of the type of work performed by the employee. For example, the dress standards for employees working with the public or in view of the public may be more stringent than those standards applied to employees not working with the public. In some departments employees may be required to wear uniforms for identification or sanitation purposes. Employees are to dress consistent with the standards adopted by the department head.

### Computer/IT Usage Policy

All users of Elizabethtown Information Technology (IT)--students, faculty, administrators, and staff--are to understand and acknowledge that they have access to valuable College resources, to sensitive data and to external networks. Consequently, it is important for all Elizabethtown College IT users to behave in a responsible, ethical and legal manner consistent with the spirit of the College's pledge of integrity as well as state and federal laws.

The constitutional right of free speech applies to all members of the Elizabethtown College electronic community. As this notion does not imply an abdication of personal responsibility, members of the community are expected to behave ethically in this community and to respect the diversity and privacy of people within and outside the electronic community. Behavior or acts that violate College IT policies and principles will be addressed and adjudicated by the appropriate College judicial or administrative body.

The College reserves the right to access/disclose information on an employee's computer for any authorized purpose. Electronic mail and other information systems of the College are not to be used in a way that may be disruptive, offensive to others, harmful to morale, or a breach of confidentiality. There is to be no display or transmission of anything that may be construed as harassment or disparagement of others.

The following list, **while not exhaustive**, provides Elizabethtown College IT users with specific policies for responsible and ethical behavior:

- Use only the computers, computer accounts, and computer files for which you have been authorization. Do not use another individual's ID or account, or attempt to capture or guess other IT user's passwords. IT users are individually responsible for all use of resources assigned to them; therefore, sharing of IDs is prohibited. In addition, College-owned computers are only to be used by the employee/faculty member that they are assigned to. They are not to be used by family members.
- Do not download software or games onto College-owned computers. Any requests for new software must be coordinated through the department of Information and Technology Services.
- Do not attempt to access restricted portions of the operating system, security software, servers, or networks unless authorized by the

appropriate College administrator. Breaking into computers and networks is explicitly prohibited.

- Abide by all state and federal laws, including those applicable to copyright and licensing.
- Use appropriate standards of civility when using IT to communicate with other individuals. When sending messages to other IT users or posting messages to news boards identify yourself as the sender. Using Elizabethtown College IT to harass other individuals is explicitly prohibited.
- Be sensitive to the needs of other IT users. For example, use computer labs for only the most essential tasks during periods of peak demand. Also, sending personal or non-College related messages to large numbers of individuals and sending chain letters or sending a crippling number of files across the network, are examples of activities that cause network congestion and interfere with the work of others, and thus are not allowed.
- Do not destroy or damage any IT equipment, networks, or software. The introduction of computer code that compromises the integrity of a system, such as viruses and worms, into the College computing environment or into other computing environments via the Elizabethtown College network is prohibited.

#### Electronic Communications

Electronic communications, including electronic mail, mailboxes, Internet, and contents created or stored on the College's computer/network related equipment, are the sole property of Elizabethtown College. Use of the College's computer/network related equipment is a privilege, not a right, and activities that may be acceptable on your personal home account may not be acceptable when using the College equipment/network. Furthermore, all contents on College's computer/network related equipment and network are subject to the College's policies as well as federal, state, and local laws and regulations.

System administrators may require access to otherwise personal files maintained on the campus network as part of regular system maintenance and back-ups, to periodically verify that software and hardware are working correctly, to look for particular kinds of data or software (such as computer viruses), or to audit the use of university resources. In undertaking these efforts, however, IT staff do not access the contents of the communications.

Additionally, the College, through its authorized Administrators, reserves the right to gain access to a user's network correspondence or files maintained on the campus network, whether relating to Elizabethtown College business or that may otherwise be considered personal in nature, for legitimate business and educational purposes, including but not limited to: investigations into suspected or alleged violations of College policy or federal, state, or local laws, investigations into inappropriate use of college equipment; investigations into claims of wrongdoing; locating information stored in files required for the conduct of business; and/or in response to a subpoena or other valid legal process.

#### **Weapons On The College Campus**

The College prohibits possession or use of explosives, firearms, or any other weapons in or on College-owned property. The exception to this policy will be law enforcement and security personnel in the performance of their duties.

## Pet/Animal Policy

Pets are prohibited from all buildings and events on campus, with the exception of guide dogs and assistance dogs. (The College's Student Handbook outlines the restrictions of pets within residential facilities.)

### III. BENEFITS

*All benefits are subject to the individual plan documents and may be changed at any time by Elizabethtown College.*

## HIPAA Notice of Privacy Practices

This notice is intended to inform you of the privacy practices followed by the Elizabethtown College Group Health Plan. It also explains the federal privacy rights afforded to you and the members of your family as plan participants covered under a group health plan.

As a plan sponsor the College often needs access to health information in order to perform plan administrator functions. We want to assure the plan participants covered under our group health plan that we comply with federal privacy laws and respect your right to privacy. It is the policy of Elizabethtown College to maintain and protect the privacy of the protected information of its employees and students and provide specific rights with respect to this information. (See the Information Privacy Policy contained on the HR website.) We require all members of our workforce and third parties that are provided access to health information comply with the privacy practices outlined below.

#### Uses and Disclosures of Health Information.

**Health Care Operations.** We use and disclose health information about you in order to perform plan administration functions such as quality assurance activities, resolution of internal grievances, and evaluating plan performance. For example, we review claims experience in order to understand participant utilization and to make plan design changes that are intended to control health care costs.

**Payment.** We may also use or disclose identifiable health information about you without your written authorization in order to determine eligibility for benefits, seek reimbursement from a third party, or coordinate benefits with another health plan under which you are covered. For example, a health care provider that provided treatment to you will provide us with your health information. We use that information in order to determine whether those services are eligible for payment under our group health plan.

**Treatment.** Although the law allows use and disclosure of your health information for purposes of treatment, as a plan sponsor we generally do not need to disclose your information for treatment purposes. Your physician or health care provider is required to provide you with an explanation of how they use and share your health information for purposes of treatment, payment, and health care operations.

**As permitted or required by law.** We may also use or disclose your health information without your written authorization for other reasons as *permitted* by law. We are *permitted* by law to share information, subject to certain requirements, in order to communicate information on health-related benefits or services that may be of interest to you, respond to a court order, or provide information to further public health activities (e.g. preventing the spread of disease) without your written authorization. We are also permitted to share health information during a corporate restructuring such as an merger, sale, or acquisition. We will also disclose health information about you when *required* by law, for example, in order to prevent serious harm to you or others.

**Pursuant to your Authorization.** When required by law, we will ask for your written authorization before using or disclosing your identifiable health information. If you choose to sign an authorization to disclose information, you can later revoke that authorization to cease any future uses or disclosures.

**Right to Inspect and Copy.** In most cases, you have a right to inspect and copy the health information we maintain about you. Your request to inspect or review your health information must be submitted to Human Resources.

**Right to an Accounting of Disclosures.** You have a right to receive a list of instances where we have disclosed health information about you for reasons other than treatment, payment, health care operations, or pursuant to your written authorization.

**Right to Amend.** If you believe that information within your records is incorrect or if important information is missing, you have a right to request that we correct the existing information or add the missing information.

**Right to Request Restrictions.** You may request in writing that we not use or disclose information for treatment, payment, or other administrative purposes except when specifically authorized by you, when required by law, or in emergency circumstances. We will consider your request, but are not legally obligated to agree to those restrictions.

**Right to Request Confidential Communications.** You have a right to receive confidential communications containing your health information. We are required to accommodate reasonable requests. For example, you may ask that we contact you at your place of employment or send communications regarding treatment to an alternate address.

**Right to Receive a Paper Copy of this Notice.** If you have agreed to accept this notice electronically, you also have a right to obtain a paper copy of this notice from us upon request. To obtain a paper copy of this notice, please contact Human Resources.

Our Legal Duties. We are required by law to protect the privacy of your information, provide this notice about information practices, and follow the information practices that are described in this notice. We may change our policies at any time. Before we make a significant change in our policies, we will provide you with a revised copy of this notice. You can also request a copy of our notice at any time. For more information about our privacy practices, contact Human Resources.

Complaints. If you are concerned that we have violated your privacy rights, or you disagree with a decision we made about access to your records, you may contact Human Resources. You also may send a written complaint to the U.S. Department of Health and Human Services — Office of Civil Rights. You may visit [www.hhs.gov/ocr](http://www.hhs.gov/ocr) for further information.

## **Employee Retirement Income Security Act of 1974**

On Labor Day, 1974, a new law called the Employee Retirement Income Security Act (ERISA) was enacted to protect the interests of workers in pension and welfare plans. ERISA requires that the employer inform all employees of the most important facts they need to know about their fringe benefits. In addition, the Controller is required to file information about your benefit plans with the Department of Labor. Reports giving detailed financial information must also be filed annually. Summaries of this information will be made available to you at no charge. All plan documents are available for examination in the Human Resources Office.

The College undergoes the required *IRS 304(b)* audit of the prior year's plan each summer.

ERISA established certain minimum requirements for all benefit plans, especially pension plans. You should examine the information supplied to you since it may affect some decisions you must make regarding your retirement benefits.

The new law requires that persons who control employee benefit plans, called fiduciaries, must act solely in the interest of an employee and be prudent in carrying out the plan duties. In order that you may know who is responsible for

the plans described in this section of the manual, the principal officers of the College who have discretionary responsibility in relation to the plans are listed below:

*Elizabethtown College Administrators*  
President  
Vice President for Administration  
Vice President for Finance

If you have any questions regarding ERISA or the information furnished to you, contact Human Resources. The nearest office of the Labor Department also has people who will be able to assist you or provide you with additional information.

### Statement of ERISA Rights

Participants in the College Retirement Plan and the College Tax-Deferred Annuity Plan are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all plan participants shall be entitled to:

Examine, without charge, at the Plan Administrator's Office, all plan documents and copies of all documents filed by the plan with the U.S. Department of Labor and Internal Revenue service, such as detailed annual reports and plan descriptions.

Obtain copies of all plan documents and other plan information upon written request to Plan Administrator. The Administrator may make a reasonable charge for the copies.

Receive a summary of the plan's annual ERISA Report to the internal Revenue Service. The Plan Administrator is required by law to furnish each participant with a copy of this summary annual report.

Obtain a statement advising the participant of the amount of funds accumulated to provide benefits at normal retirement age if participation under the plan stops now. Each year TIAA-CREF sends participants a statement of annuity premiums paid during the previous calendar year and an illustration of the annuity income at retirement under certain stated assumptions.

ERISA sets forth the duties of the people who are responsible for the operation of the College Retirement Plan and the College Tax-Deferred Annuity Plan. The people who operate these plans have a duty to do so prudently and in the interest of the participants and beneficiaries. No one, including the employer, may discharge or otherwise discriminate against participants in any way to prevent them from obtaining benefits to which they are entitled under the plans or exercising their rights under ERISA.

If an application for benefits under either of the plans described in this handbook is denied in whole or in part, the participant or beneficiary must receive a written explanation of the reasons for the denial. Participants have the right to have the Plan Administrator review and reconsider denied claims on eligibility, participation, contributions, or other aspects of the plan and to have TIAA-CREF review and reconsider denied claims under TIAA-CREF Annuity contracts. Under ERISA, participants may take steps to enforce these rights.

If a claim for benefits is denied or ignored, in whole or in part participants may file suit in a state or federal court. If the Plan Administrator's responsibility to compute and remit plan contributions is not discharged according to the terms of this plan or if a participant is discriminated against for asserting ERISA rights, he or she may seek assistance from the U.S. Department of Labor or may file suit in a federal court. The court will decide who should pay court costs and legal fees. If the participant is successful, the court may order the person sued to pay these

costs and fees. If the participant loses, the court may order him or her to pay these costs and fees, for example, if it finds the claim is frivolous.

Contact the Plan Administrator if you have any questions about this plan. If a participant has any questions about this statement or about rights under ERISA, he or she should contact the nearest area office of the U. S. Labor-Management Services Administration, Department of Labor.

## Retirement Plan TIAA/CREF

Elizabethtown College participates in the retirement plan for the Teachers Insurance and Annuity Association of New York (TIAA). The Vice President for Finance of Elizabethtown College is defined as the Plan Administrator. Employees who work at least 1,000 hours per year are eligible for this benefit. Employees are 100% vested in the plan immediately. The College undergoes the required IRS 403(b) audit of the prior year's plan each summer.

### Regular Annuity

Unless previously participating in this plan at another institution or in another qualified plan, a new employee is not eligible to participate during his/her first two years. Employees must attain age 21 before being eligible to participate in the retirement plan. After the two-year eligibility period has been met, employees may participate in the regular annuity retirement plan. The employee contributes 5% of his/her base salary into a retirement account. In turn, the College will contribute 10%\* of the employee's base salary into the employee's retirement account. As of January 1, 2000, the College will contribute 3% of the employee's base salary into the employee's retirement account if the employee does not contribute 5%.

\*Employees hired prior to 9/1/04 receive 11.5% from the College when they contribute 5% of their base salary.

TIAA provides a parallel retirement option in the College Retirement Equities Fund (CREF). Contributions made to CREF are invested in units of common stock, money market account, social choice account, bond market account, and/or global equities account.

### Optional Purchase of Additional Annuity-SRA

The Supplemental Retirement Annuity (SRA) is designed for those who want to set aside funds for retirement through a tax-deferred annuity plan over and above amounts being accumulated under the institution's retirement plan. Premiums may be allocated to TIAA, CREF, or between TIAA and CREF. The College does not contribute to this fund. Employees are eligible to participate immediately upon employment, as long as they have attained age 21 and work at least 1,000 hours per year.

### Roth IRA

Effective January 1, 2010, TIAA-CREF offers employees who work at least 1,000 hours per year the option to participate in a Roth 403(b) plan. Employees may designate elective deferrals as after-tax Roth contributions to your plan. Employees must be participating in the regular annuity before enrolling in the Roth plan.

Complete information and literature are available through Human Resources.

## Early Retirement Program Accelerated Plan

Elizabethtown College has in place an early retirement program. The program is operated on an accelerated basis. Eligibility for the program is 55-61 years of age with a minimum of 10 years of College service and retirement to occur at age 62. The plan works by an employee accelerating contributions to TIAA-CREF with the College accelerating contributions as well. Upon the selected time of retirement, the level of contribution to the employee's pension fund will be the



same as if the employee retired at the normal retirement age of 65. Depending upon the age at which the employee elects to enter the accelerated plan, payment by the College and the individual would be accelerated as follows:

\*Within the Maximum Salary Reductions allowed for a 403(b), 415, and 402(g) plan of the IRC

<u>Retirement Election Age</u>	<u>Acceleration Factor</u>
55	10/7
56	9/6
57	8/5
58	7/4
59	6/3
60	5/2
61	4/1

Written requests for admittance to the Accelerated Plan must be received by the appropriate Senior Staff member a minimum of one month prior to the desired effective date for the acceleration to begin. Once the request for the accelerated early retirement plan is accepted by the College, the process is irrevocable.

## Retirement

**The College does not have a mandatory retirement age; however, it has set the following guidelines for determining when an employee who leaves the College is considered retired.**

- Employees leaving the College on good terms with 20+ years of service.
- Employees age 60 and above leaving the College on good terms.

Employees who are considered retired from the College and have served at least ten years will receive a gift from the College, traditionally a captain's chair or a rocker, in recognition of their service. The retirees will also be invited to attend an annual retiree reception. Faculty members who retire from the College are eligible to be nominated for *emeritus* status.

## Domestic Partnership Benefits

The College extends various benefits to qualified domestic partners of benefit eligible employees. A domestic partner is an unmarried person in a committed, exclusive, co-habiting relationship with a partner of the same or opposite sex. Both the employee and the domestic partner must sign a Declaration of Domestic Partnership. This declaration outlines a specific set of criteria, which must be met to qualify for such benefits. It should be noted that some of our supplemental insurance providers may have additional requirements or may deny coverage for domestic partners.

Extended various benefits are defined as medical, prescription, dental, vision, long-term care, and sick leave. The availability of this coverage extends to domestic partners and their children.

Electing this benefit may have tax implications to the employee. As a result, employees are strongly advised to seek guidance from a tax advisor before choosing whether or not to elect this benefit. It should also be noted that any contributions related to such coverage will be made on an after-tax basis.

Employees must notify the Human Resources within 15 days should a domestic partnership be terminated. Should a partner be removed from coverage as a result of the domestic partnership ending, the partner will be offered the opportunity to continue their health insurance under the Consolidated Omnibus Budget Reform Act (COBRA).

For additional information concerning the College's domestic partnership policy, please contact the Human Resources Office.

## Medical Benefits

Employees hired as of 1/1/15 who work at least 1,462.5 hours per year are eligible for medical benefits immediately upon hire. Those hired prior to 1/1/15 are grandfathered under the previous medical policy. Employees may select among several types of medical insurance coverage. The College shares the premium cost for employees, domestic partners, and dependent coverage. The employee's portion of the premium is not taxable for federal income tax and FICA purposes. Employee eligibility for benefits is outlined under "Employee Status" in the **History/Mission/College Structure** section of the Handbook. Employee coverage begins upon signup at the employee's initial orientation or the College's open enrollment period. Complete information and literature are available through Human Resources.

The College will abide by all requirements stipulated under the Affordable Care Act 2010.

Retirement Health Coverage. Effective 9/1/04, upon retirement employees who have attained age 60 and have completed at least 12 years of service to the College may participate in the College's health care plan at a group rate; the employee will be required to pay the full premium. The College will not make any contribution to health care premiums in retirement.

Employees hired prior to 9/1/04 who met the following criteria on 9/1/04 will receive 100% health insurance premium coverage by the College for him/herself only upon retirement: any faculty member who held the rank of Associate Professor or Full Professor, **OR** any employee who attained age 50, **OR** any employee who completed 15 or more years of service. Employees hired prior to 9/1/04 who did not meet the above criteria on 9/1/04 will be required to pay 50% of the health care premium for him/herself upon retirement. All employees must attain age 60 and have completed at least 12 years of service to the College at the time of retirement to be eligible for health coverage.

## Disability

Employees who work at least 1,462.5 hours per year are eligible for long-term disability immediately upon hire. Total Disability coverage is through Guardian.

This plan provides income protection and a waiver of premiums to the TIAA-CREF retirement plan for a qualified totally disabled employee. The College pays the full premium. Employees must be out of work for a medical condition for six-months continuous prior to becoming eligible for long-term disability. Details concerning the plan are outlined in the College's Plan Announcement for Disability Insurance. Extra copies of the plan are located in Human Resources.

Employees will undergo an interactive process to have an employee return to the job. Essential functions of the job must be completed with or without a reasonable accommodation. Employees unable to return to the job may be dismissed from employment.

## COBRA (Continuation of Health Plan Coverage)

On April 7, 1985, a Federal law was enacted requiring most employers sponsoring group health plans to offer employees and their families the opportunity for a temporary extension of health coverage called COBRA (The Consolidated Omnibus Budget Reconciliation Act of 1985). The temporary extension of health coverage is to be at group rates to employees whose coverage under the plan would otherwise end.

All employees of Elizabethtown College who are enrolled in one of the College's group health plans have the right to choose COBRA if they lose their group health coverage because of a reduction in hours of employment or the

termination of employment (for reasons other than gross misconduct on the employee's part.)

A spouse/dependent of an employee covered under one of the College's group health plans also may have the right to choose continuation of coverage if the health coverage was discontinued for similar reasons outlined above.

### **Life Insurance**

Employees who work at least 1,462.5 hours per year are eligible for life insurance immediately upon hire. The College provides eligible employees with \$10,000 of basic group term life insurance coverage through Guardian (at no cost to the employee). In addition to the \$10,000 basic life insurance coverage, optional insurance can be purchased by the employee up to five times his/her annual salary, with a maximum of \$500,000. Employees may keep their life insurance active until age 70 if they leave the College.

### **Dental**

Employees who work at least 1,462.5 hours per year are eligible for dental insurance immediately upon hire. Dental insurance is available through Delta or Guardian. The College shares the premium cost with the employee.

### **Vision Insurance (Davis)**

Employees who work at least 1,462.5 hours per year are eligible for the vision insurance plan immediately upon hire. The College offers to all employees and their immediate family members a voluntary vision insurance plan through The Davis Vision Plan, administered by Guardian. This plan will cover annual eye exams, lenses, frames and contact lenses, as well as additional services like laser correction surgery and cosmetic extras at discounted prices.

### **Vision Discount Plan (NVA)**

Employees who work at least 1,462.5 hours per year are eligible for the vision discount plan immediately upon hire. The College offers to all employees and their immediate family members discount vision services through local eye professionals. The College also offers a voluntary vision discount plan through National Vision Administrators (NVA). The employee is responsible for paying the full premium for NVA.

### **Flexible Spending Accounts**

Employees who work at least 1,462.5 hours per year are eligible to participate in flexible spending accounts immediately upon hire. Flexible Spending Accounts are a tax-saving option allowing employees to pay for eligible expenses with pre-tax dollars. All employees may participate in Health Care and Dependent Care Spending Accounts up to limits determined by law. Complete information and literature are available through Human Resources.

### **Health Savings Account**

Employees are eligible to participate in the Health Savings Account (HSA) only if they are enrolled in the High Deductible Health Plan. Employees must also meet the following requirements to participate: must be a US resident; cannot be enrolled in Medicare, another health plan, or be active military; and cannot be claimed as a dependent on another individual's tax return.

A Health Savings Account enables participants to pay for current health expenses and save for future qualified medical and retiree health expenses on a tax-free basis. The member owns and controls the money in the HSA through a banking institution. Decisions on how to spend the money are made by the member without relying on a third party or a health insurer. The member may also decide what types of investments to make with the money in the account. Accounts are portable; members can keep the HSA even if they change employers. Funds remaining in the account roll over from year to year.

Administration of the HSA account with the banking institution is paid by the member (costs may vary from bank to bank); the member may choose their bank. HSA funds are not available to the member until deposited in the account. Members are responsible for knowing what services are eligible for reimbursement. There is a 10% penalty for using HSA funds on non-eligible services.

## **Sick Leave**

Employees who work at least 1,462.5 hours per year are eligible for sick leave immediately upon hire.

Please refer to **Appendix A** for the **hourly** sick leave schedule.

Please refer to **Appendix B** for the **salaried** sick leave schedule.

Sick leave is calculated on the fiscal year (July 1 through June 30). New employees will have sick leave prorated based on their date of hire. Employees who terminate employment with the College will not be paid for unused sick leave. All unused, accrued sick leave will automatically carry over from year to year up to a maximum of 120 days.

Employees may use sick leave to care for members of their immediate family or those living within their household. Periodically Human Resources may verify living arrangements. Sick leave may also be used for doctor or dental visits for the employee, any member of the employee's immediate family, or those living within their household. Employees who wish to use sick leave for domestic partners and their children must complete a Declaration of Domestic Partnership.

Employees are required to notify their immediate supervisor upon the discovery of any temporary illness, disabling condition or injury which would require an employee to use sick leave. At any time a supervisor may request medical documentation regarding an employee's absence. Should an employee need to be out for more than three (3) consecutive days for a serious illness, disabling condition (including surgery) or injury, the employee should contact his/her supervisor and Human Resources. Such situations may qualify an employee for Family and Medical Leave.

## **Sick Leave Bank**

Effective 4/2/05, the Sick Leave Bank program allows employees to voluntarily donate portions of their accrued sick leave or vacation time to a bank to be used by eligible co-workers who have already exhausted their own paid leave for personal catastrophic medical conditions. The Sick Leave Bank will allow employees in dire medical situations to continue to take paid leave for what would otherwise be unpaid time.

See the HR website for provisions of the Sick Leave Bank program.

## **Vacation**

Employees who work at least 1,462.5 hours per year are eligible for vacation time immediately upon hire.

Please refer to **Appendix A** for the **hourly** vacation schedule.

Please refer to **Appendix B** for the **salaried** vacation schedule.

Vacation must be approved by the employee's supervisor and will be approved on a first come, first serve basis to the extent that employees in the same department request time off that cannot be accommodated together.

The College prefers that employees use all of their vacation time each year. However, if this is not possible, employees may carry over up to five days of vacation into the next year. Effective July 1, 2012, employees do not have to request carry over of five or less days. Earned, unused vacation time (up to the maximum of five days) will automatically carry over from year to year.

Employees are encouraged to discuss their vacation plans with their supervisors in sufficient time to avoid problems with scheduling. Employees who have been specifically requested in writing by their supervisor to not take vacation may be allowed to carry over more than five vacation days to the following year. Additionally, special requests to carry over more than five vacation days may be made by employees affected by circumstances beyond their control, such as, a serious medical condition or an unplanned major life event. Any such requests should be made through the Office of Human Resources. Otherwise, any vacation time in excess of five days at the end of the year will not be carried over.

Vacation time cannot be borrowed from the next fiscal year's allotment unless there is an extenuating circumstance that is requested and approved by the Associate Vice President for Human Resources.

Employees who do not work twelve months may not use vacation time during the months they do not work to get a paycheck.

### **Personal Time**

Employees who work at least 1,040 hours per year are eligible for personal time.

Please refer to **Appendix A** for the **hourly** personal time schedule.

Please refer to **Appendix B** for the **salaried** personal time schedule.

Employees do not have to give advance notice to take personal time but should inform their supervisor as early as possible. Employees will not be allowed to carryover unused personal time. Employees who terminate employment with the College will not be paid for unused personal time.

### **Service Leave**

Effective 9/26/05, administrative and staff employees may request a leave of absence to participate in a short-term off-campus service project while on short-term leave from the College. Members of the faculty are not eligible for leave under this policy.

The opportunity will be available to a limited group of up to five (5) employees during each fiscal year. In cases of unusual national or international need the number of leaves granted may be temporarily increased.

- In order to be eligible to apply for a service leave an employee must have completed a minimum of three (3) years of full-time employment at the College.
- Service leave will only be granted for service projects that are more than five consecutive work days in length. The employee will be required to use vacation time to cover the first five days of the leave period. The remaining time, up to a maximum of five days, will be paid by the College as service leave at the employee's current level of compensation without an encumbrance on accrued vacation time.
- In some cases the leave may extend beyond ten (10) consecutive working days. In this case, all leave time beyond the initial ten day period must be covered by vacation time accrued by the employee or the employee may choose to draw volunteered vacation time from the Service Leave Bank. (Administrative and staff employees may donate vacation time to a Service Leave Bank that can

be used by employees volunteering their services for disaster relief efforts. Employees may donate their accrued vacation time by completing a **Vacation Donation Form**. Forms are available through Human Resources or on the Human Resources website.)

- All expenses for the employee associated with the leave are the responsibility of the employee.
- The service project undertaken during the leave should be sponsored by a recognized (IRS 501 (c) 3) service organization (such as Brethren Disaster relief, Habitat for Humanity, Red Cross, Salvation Army, etc.).
- Employees must have prior approval from their supervisor and department head, and must arrange with the supervisor for the employee's work assignment to be covered while the employee is on leave. While supervisors are encouraged to make reasonable accommodations for the employee to participate in the leave, no more than one employee at a time usually will be eligible for leave within the same department.
- Employees are encouraged to arrange the leave for periods when the work requirements of the respective unit are not in high demand.
- An application for the leave must be submitted to the Human Resources Office, following a form provided by this Office. Applications will be approved on a first-come basis. Generally, applications must be received at least thirty (30) days prior to the start of the proposed service leave. Upon receipt of the application review will take place within ten (10) working days.
- Preference will be given to those opportunities where employees will work side-by-side with students from the College.

*An employee who is granted a service leave is ineligible to re-apply for a period of three (3) years.*

## **Family And Medical Leave**

Employees who have been employed by the College for at least 12 months, who have completed at least 1250 hours of service during the 12-month period immediately preceding the commencement of the leave, are eligible for an unpaid family and/or medical leave pursuant to this policy. All employees are required to use sick leave, then vacation and personal time as part of a family or medical leave of absence. Eligible employees are entitled to a total of up to 12 work weeks during any 12-month period in the following situations:

### Reasons for taking leave:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, dependent, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform his/her job; or
- For any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Employees who are taking FMLA to care for a spouse, child, parent, or next of kin who is recovering from a serious injury or illness sustained in the line of duty on active duty in the Armed Forces are entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. Eligible employees are

entitled to a combined total of 26 weeks of all types of FMLA leave. *EFFECTIVE 1/28/08*

A **dependent** is defined by the IRS as a birth child, stepchild, legally adopted child, or foster child in your care who lives with you and whom you support financially for more than six months out of the year. A dependent must be under the age of 19 or be 26 or younger and enrolled as a full-time student. A dependent can also be over the age of 18, if incapable of self-care because of a mental or physical disability. See the IRS website for specific details.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care and any corresponding period of incapacity or subsequent treatment, or (2) continuing treatment by a health care provider. Continuing treatment may be established under any one of the following sets of circumstances:

1. A period of incapacity that lasts more than three consecutive full calendar days and involves a certain level of treatment (treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing supervised treatment, including a course of prescription medication or therapy requiring special equipment). The treatment must involve an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within 7 days of the first day of incapacity;
2. Any period of incapacity due to pregnancy, or for prenatal care;
3. Any period of incapacity due to a chronic serious health condition (such as asthma, diabetes, or epilepsy);
4. Permanent or long-term incapacity due to a condition for which treatment may be ineffective if there is continuing supervision by a health care provider (such as for Alzheimer's, severe stroke, or the terminal stages of disease); or
5. Any period of absence to receive multiple treatments either for restorative surgery after an accident or other injury or for a condition likely to result in incapacity of more than three full days absent medical intervention (such as radiation or chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

Periods of incapacity due to pregnancy or chronic serious health conditions are not subject to a three-day minimum duration or to any requirement that treatment be received. Generally, treatment that includes taking over-the-counter medications or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regimen of continuing treatment.

Substance abuse may qualify as a serious health condition. Leave is available for the treatment of substance abuse, but absence due to an employee's use of the substance does not qualify for FMLA leave. An employer retains the right to terminate an employee under an established substance abuse policy.

Without complications, the common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease ordinarily are not serious health conditions. Allergies or mental illness resulting from stress may be serious health conditions if all other conditions are met.

Health insurance will be maintained for any eligible employee on a family or medical leave under this policy on the same terms as would apply if the employee were not on FMLA. Employees who fail to return to work upon completion of a family or medical leave will forfeit their right to employment at the College.

In cases where the College employs both spouses, family leave may be limited to a combined total of 12 weeks between them.

Eligible employees are limited to a total of 12 work weeks of leave during a 12-month period, with the exception of the military leave act adopted January 28, 2008, which entitles employees to a total of 26 weeks during a 12-month period to care for a servicemember. The College will calculate this 12-month period by measuring backward from the date an employee uses FMLA leave (i.e. leave is limited to the balance of 12 weeks not used during the past 12 months).

FMLA leave may be taken intermittently whenever **medically necessary** to care for a seriously ill family member or because the employee is seriously ill and unable to work. Employees may take FMLA leave intermittently in five-minute increments. If FMLA is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the College's approval.

The Human Resources department is responsible for designating leave as FMLA once we learn of the absence/issue. An employee who can anticipate the need for a family or medical leave of absence must provide Human Resources with at least 30 days notice if practicable or as early as possible thereafter. Employees requesting leave for treatment of a serious health condition must make reasonable efforts to schedule the treatment so as to not disrupt the College's operations.

Employees who are on leave pursuant to this policy shall be restored to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Highly salaried "key" employees may have limited reinstatement rights. Any "key" employees shall be notified of their specific rights and obligations prior to beginning family or medical leave.

An employee using medical leave for personal or family care under this policy must submit a certification by his or her health care provider regarding the need for such leave. Certification forms will be provided by Human Resources. Employees will have 15 days to return the certification forms. The College reserves the right to require second and third opinions at the College's expense relating to an employee's medical certification. Any employee returning to work from a personal medical leave shall be required to submit a fitness-for-duty certification from his/her health care provider stating that he or she is able to resume work. The College also reserves the right to require an employee on family or medical leave to report periodically on his/her status and intent to return to work. While an employee is on leave, he/she must maintain contact with his/her supervisor and/or Human Resources.

This policy shall be administered in a manner consistent with the terms of the Family and Medical Leave Act of 1993. The College reserves the right to impose any conditions or limitations upon any leave of absence as may be deemed consistent with the provisions of the Act. Any questions concerning this policy may be directed to Human Resources. *This is not a comprehensive discussion on your rights under CFR Title 29, Part 825 (Family & Medical Leave Act).*

## **Leave of Absence**

An employee, who wishes to take a leave of absence, must provide his/her immediate supervisor and Human Resources with adequate notice requesting leave approval. You must have been employed by the College for a minimum of one year in order to be eligible for a leave of absence. All personal leaves of absence are unpaid. Approved leaves of absence will not extend beyond one year. The College has complete discretion regarding whether to grant an employee a leave of absence.



An employee's length of service will continue to accrue during a leave of absence; however, vacation and sick leave are not accumulated during the leave of absence. Benefits for approved leaves will be the responsibility of the employee (e.g. to pay the full premium(s) for health insurance). Tuition Remission is not extended to an employee during the time of leave, with the exception of an employee taking an educational leave. Employees may continue to contribute their share to their retirement by sending a personal check directly to TIAA. The College does not contribute to TIAA-CREF during an employee's leave of absence. Failure to return at the expiration of the leave will be considered as a resignation on behalf of the employee. If an employee fails to return from an educational leave, tuition remission paid by the College during the leave is to be paid back in full prior to the employee's departure.

Requests for leaves of absence should include:

- Date leave is to begin and a return to work date.
- Reason for the leave (if of a personal nature, please indicate "personal" in letter)
- Employee signature and supervisor's signature of approval.

### **Bereavement Leave**

Full-time and part-time employees may take bereavement leave with pay. The amount of time taken depends on the relationship to the deceased.

- Up to 5 consecutive scheduled workdays for an immediate relative (spouse, parent, parent-in-law, child, sibling) or domestic partner
- Up to 5 consecutive scheduled workdays for any other relative who lives in your household
- Up to 2 consecutive scheduled workdays for a relative not living in your household
- Actual time needed to attend services for a friend

Absences that extend beyond those approved by this policy will be assessed to the employee's vacation time.

### **Jury Duty**

If called, the College encourages all employees to serve on jury duty as part of the employee's civic responsibility. All employees are excused for this purpose, and the College will compensate the employee at his/her normal full salary or wage for the regularly scheduled working days used for jury duty. The employee endorses over to the College the jury service pay other than travel payment. Written notification of jury duty should be sent to Human Resources. Employees are expected to return to work immediately if they are excused from court during any part of the work day.

### **Subpoena**

Paid time off for court appearances will be granted to an employee who is subpoenaed to appear in court as a witness. The employee must furnish verification of the subpoena or summons to his/her immediate supervisor prior to the requested appearance. Upon being excused by the court, employees are expected to report back to work according to their regular work day.

### **Military Leave**

If you require time off from work to fulfill military duties, you will be treated in accordance with applicable requirements of state and federal laws. You must notify Human Resources and provide a copy of your orders as soon as possible. A military leave of absence shall be granted to eligible employees who enlist, are inducted or are recalled to active duty in the armed forces of the United States for

a period of not more than five years (plus any involuntary extension for not more than one year). Such leave will protect your service with the College.

Upon satisfactory completion of your military service and timely notice of intent to return to work, you will be reinstated to your previous job or to a job comparable to the one you left, provided you are qualified and the College's circumstances have not changed to the extent that it would be unreasonable to provide re-employment. You must reapply for your job within 90 days after being released from active duty. Reservists and National Guard members returning from initial active duty training must apply for reinstatement within 31 days after being released from military duty. Those returning from all other active duty for training must report to work on the first scheduled working day following the completion of training. Failure to return to the College in a timely manner after release from service may result in refusal of employment. Employees returning from military leave must provide appropriate military documentation regarding the purpose and duration of the leave.

## **USERRA**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that protects the rights of workers who leave their jobs to serve in the Armed Forces of the United States. The College will offer health-care continuation to employees for up to 24 months; the premiums would be paid by the employee. Once an employee has taken military leave and returns to the College, he/she has the opportunity to contribute any elective deferrals to the retirement plan that could have been contributed during the period of military service. Life insurance coverage will continue while the employee is on military leave. Employee's rights under USERRA are posted on the Human Resources bulletin board.

## **Holidays**

At its discretion, the College may change the number of paid holidays and/or which paid holidays will be observed. If an employee works on one of the listed holidays, they are paid double time for any hours worked on the holiday. The following days are currently recognized as paid holidays:

### ***Labor Day***

***Thanksgiving*** and the day after Thanksgiving

***Christmas Eve and Christmas Day*** (The College normally closes between Christmas Eve and New Year's Day)

***New Year's Eve and New Year's Day***

***Good Friday and Easter Monday***

***Memorial Day***

***Independence Day***

Employees who observe other holidays may do so by using vacation or personal time or by taking the time unpaid.

## **Holiday Pay Provisions**

Effective November 27, 2008, the following holiday pay provisions will be in place for employees working at Elizabethtown College.

### **COVERED EMPLOYEES**

**Full-time Employees:** Any employee placed in a regular full-time position, working 9 – 12 months, who is assigned at least 32 hours per week during a calendar or academic year will be eligible for holiday pay.

**Part-time Employees:** Any employee placed in a regular part-time position, working 9 – 12 months, who is assigned at least 20 hours per week but less than 32 hours per week during a calendar year will be eligible for holiday pay.

Temporary Employees who are long-term (working temporary for a period of one year or longer) will be eligible for holiday pay.

#### NON-COVERED EMPLOYEES

Short-term temporary employees are not eligible for holiday pay.

On-Call employees are not eligible for holiday pay.

#### PAY PROVISIONS

An employee will be paid for the holiday(s) as long as the employee does not call off sick the day before or the day after the holiday of their regularly scheduled work week.

### **Social Security**

All categories of College employees are eligible and are required to participate. A percentage of the employee's wages is paid by the employer and the employee. This rate includes hospital insurance under Medicare. Contributions are deducted from the employee's wages and are sent to the Internal Revenue Service along with the College's matching share. The contributions of the College and the individual are over and above those contributed to TIAA/CREF.

Social Security pays monthly benefits to individuals who retire after reaching full retirement age as determined by the Social Security Administration and who have worked in covered employment or self-employment for minimum periods of time. Social Security will pay reduced benefits to workers who retire after age 62, but prior to full retirement age. It also provides monthly benefits for the employee's family members. You must apply at the local Social Security Office in order to begin receiving benefits.

### **Workers' Compensation**

All employees are covered by workers' compensation insurance as required by state law. The cost of this insurance is paid by the College.

Workers' compensation is a type of no-fault insurance which provides payment to workers who are disabled by occupational injuries or diseases or to dependent survivors in case of death. It also provides immunity for employers from court suits for damages. This particular program provides a tax-free weekly compensation equal to two-thirds an employee's average weekly wage within a set minimum and maximum after an employee is out of work for a set number of days due to the work injury. Payments continue as the disability continues with partial payments in some cases of partial disability. An employee cannot receive sick leave pay and workers' compensation concurrently.

#### Claims:

In cases of a work related injury or illness, the injury is to be reported immediately to a supervisor and to Human Resources where a Workers' Compensation claim will be completed. If medical attention for work-related injury or illness is required, the injured person must report to a physician listed on the Panel of Physicians (see list posted on campus employee bulletin boards or contact Human Resources, ext. 1406). Except in extreme emergencies, if the injured person reports to a physician not listed on the Panel of Physicians, bills may not be covered by Workers' Compensation. If the medical Panel Physician refers the injured person to another physician, these bills will be covered.

After 90 days, the injured person may go to a licensed practitioner of his/her choice if medical care is still required. Bills will be paid if:

1. The College or insurance carrier is notified about the new physician within 5 days of the first visit.

2. The doctor files required reports (first report within 21 days; monthly reports thereafter).

If individuals are taken out of work by their doctor due to a work-related injury, FMLA time may run concurrently with the workers' compensation absence if the injury meets the criteria for a serious health condition as defined by FMLA. While an employee is out on a workers' compensation absence, he/she will be responsible for submitting payments for all benefit premiums that were previously deducted from his/her paycheck; the employee will continue to accrue vacation and sick time while off work. The College does have a light duty policy to accommodate employees who are released to return to work on light duty. If an employee leaves employment while out on workers' compensation, the employee will be paid out for any accrued, unused vacation time.

Employees must schedule all follow-up appointments for work-related injuries outside of their scheduled work hours. If the employee chooses to leave work to attend an appointment, he/she must use personal, sick, or vacation time.

### **Undergraduate Tuition Benefits**

The Human Resources department oversees the Tuition Benefit program. Tuition Remission/Tuition Exchange forms are available through the Human Resources office or on the Human Resources website.

Employees who work at least 1462.5 hours per year are eligible for tuition benefits, as outlined below. Tuition benefits supersede all other awards (need + merit) from the College. Employees may still pursue federal and state funding opportunities in addition to the college's tuition benefit. Employees are encouraged to speak with Financial Aid for more information. Employees receiving tuition assistance benefits may wish to consult with a tax advisor to determine whether the value of the benefit is to be reported on their tax returns.

### **Tuition Benefits for Dependents**

Under the policy stipulated below, dependents of eligible employees are eligible for tuition assistance for undergraduate education. The following stipulations and limitations apply to both Tuition Remission at Elizabethtown and Tuition Exchange Programs.

#### **Eligibility**

Dependents are defined as biological, adopted, or stepchildren who have been dependents of the eligible employee for three of six years immediately prior to the start of the tuition benefit and for at least two years while utilizing the benefit. Dependents of an employee's domestic partner (as defined under the College's Domestic Partnership Benefits) can utilize the tuition benefit if the eligible employee can show that they meet the dependent support guidelines for a child living in their home. Dependents must be unmarried, under the age of 26, and claimed as a dependent on the employee's federal income tax return for three of the six years immediately prior to the start of the tuition benefit and during at least two of the years while utilizing the benefit. Eligible dependents will be allowed to continue to receive the tuition benefit past the age of 26 in order to finish their degree if they remain continuously enrolled.

Dependents who serve in the armed forces prior to utilizing the tuition benefit may be eligible for the tuition benefit provided they were claimed as an employee's dependent any three of the six years immediately prior to and during at least two years while utilizing the benefit.

If an employee is hired with a dependent currently participating in a tuition benefit program at another institution, the waiting period for the benefit at Elizabethtown will be waived.

a. **Tuition Remission at Elizabethtown**

Upon completion of the employees' introductory period (6 months), full tuition remission is available to eligible employees for the undergraduate education of dependents at Elizabethtown College. The tuition remission benefit may only be used for the traditional program (tuition remission for SPCS programs is not available to employees' dependents). There is no limit on the number of dependents who can utilize the tuition remission benefit; each dependent is eligible up to 128 credits (earned and attempted) of tuition remission. Credits not completed due to a medical withdrawal will not be included toward the 128 credit total. The student(s) must satisfy the requirements for admission and must continue in good standing in order to be eligible to receive this benefit. Dependents on academic probation, academic contract, or disciplinary probation are not eligible for tuition remission.

The tuition remission benefit is available only for courses for credit. Overloads are not included. A given course may be covered once during the entire program; unless retaken due to a medical withdrawal.

Studying abroad will only be covered under the tuition remission policy if it is required for the student's major.

All requests for tuition remission must be sent to Human Resources for **each semester** the employee is requesting tuition remission.

b. **Tuition Exchange Programs**

**Employees hired after September 1, 2006** - Upon completion of three years of employment, tuition exchange is available to eligible employees for the undergraduate education of dependents. A maximum benefit of 16 semesters of tuition exchange is available to each eligible employee. The 16 semesters can be used by multiple dependents; however, one dependent may not use more than eight semesters. As an example, one dependent could use eight semesters, another dependent could use four semesters, and a third dependent could use four semesters (for a total of 16 semesters).

**Employees hired prior to September 1, 2006** - Upon completion of the employee's introductory period (6 months), tuition exchange is available to eligible employees for the undergraduate education of dependents. There is no limit on the number of dependents who can utilize the tuition exchange benefit; each dependent is eligible for eight semesters of tuition exchange.

Tuition exchange requests must be sent before the beginning of **each year** for which the employee is requesting the tuition exchange benefit.

The current Tuition Exchange Program is *The Tuition Exchange, Inc.* ([www.tuitionexchange.org](http://www.tuitionexchange.org)). Tuition exchange pays a minimum amount, which is set by Tuition Exchange, Inc. (TE). It is important to know that TE awards are competitive and not automatic. Decision rests with the host institution. Each host institution's awards will vary each year based upon the host institutions' export and import balance of TE students.

To avoid disappointment, apply early and apply to one or two less competitive institutions plus a first choice institution. Employees should apply to Elizabethtown College Human Resources and to the admissions office of the selected colleges and universities during the period of September to December of the student's senior year of high school. Most programs have deadlines with the latest being March 15<sup>th</sup>. TE applications

will only be processed for colleges and universities where the student has filed an admissions application. The limit is 6 schools initially.

The Tuition Exchange Officer at Elizabethtown College is the Director of Admissions. Matters of academic eligibility are handled by the Admissions Office of the importing institution.

#### Limitations on Tuition Benefits for Dependents (Tuition Remission & Exchange)

If both parents are employees of Elizabethtown College, the benefit to the child is based on the employment of one parent only. If the spouse of an Elizabethtown College employee is employed by another institution granting tuition benefits to dependent children, the child will not receive more than the equivalent of one award; i.e., Elizabethtown College will contribute its maximum for which the child is eligible, but the combined tuition remission shall not exceed the tuition charge for the student.

Except as stated otherwise herein, this benefit relates only to basic tuition, not including general fees. No other costs to the student are covered by this arrangement.

The tuition benefit terminates with termination of employment at Elizabethtown College except in the case of the Death Benefit. If an employee leaves in the middle of a semester and his/her dependent is currently receiving tuition benefits, the dependent may finish out the current semester. No additional semesters will be allowed. If an employee retires while his/her dependent is enrolled and utilizing the tuition benefit, the dependent may continue in the program until they graduate. The dependent must remain continuously enrolled to keep receiving the benefit.

Dependents who utilize both tuition remission and tuition exchange (i.e. attend both Elizabethtown College and another eligible institution for their college education) will be allowed a total of 128 credits or eight semesters, whichever is larger, of combined remission and exchange.

#### Event of Death or Permanent Injury

The tuition benefit accruing to children of eligible employees is available as a death benefit if the employee has completed three years of employment at Elizabethtown College and is in the employ of the College at the time of death. The benefits may be initiated over a period of five years after the death of the employed parent and will continue in force once initiated until eligibility is exhausted. After the sixth year of employment at Elizabethtown College, the benefit will extend until all children of the employee have exhausted their eligibility (please note that the tuition exchange benefit is limited to sixteen semesters for employees hired after September 1, 2006). If, while fulfilling requirements of his/her job, a staff member is killed, or permanently injured to the extent that he/she can no longer fulfill the occupational requirements, the death benefit becomes the same as if the employee had completed the six-year employment requirement. The tuition benefit will be available as a death benefit either at Elizabethtown College or under the Tuition Exchange Program.

#### **Tuition Benefits for Employees**

*Employees are responsible for all tax payments as required under federal, state, and local law.*

Eligible employees may utilize the tuition remission benefit for undergraduate education upon completion of their introductory period (6 months). Eligible employees may take a course for credit at Elizabethtown College by paying an overhead fee of \$20 per course, regardless of previously earned degrees or academic record. Should the course require special fees, they shall be added to the \$20 overhead charge. Where sections are filled by paying students, this benefit may be suspended for those sections. Employees may also audit

courses by paying the overhead fee of \$20 per course. Tuition remission will not cover costs associated with employees testing out of a class. Employees may not exceed a total of 128 credits.

### **Tuition Benefits for Spouses and Domestic Partners**

Spouses and domestic partners of eligible employees may utilize the tuition remission benefit for undergraduate education upon the employee's completion of his/her introductory period (6 months). Tuition remission will not cover costs associated with an employee's spouse or domestic partner testing out of a class. Spouses and domestic partners of eligible employees may not exceed a total of 128 credits. Domestic partners will be asked to sign an affidavit attesting to their relationship.

### **Graduate Tuition Benefit**

Elizabethtown College will provide fifty (50) percent graduate tuition assistance benefits each academic year for full-time eligible employees to enroll into a graduate degree program with Elizabethtown College. Eligibility and provisions for the program are outlined below.

#### **Eligibility Criteria**

- Employee (faculty, administrator, or staff) must be a regular full-time employee who has attained at least 3 years of employment with the College. Graduate tuition benefits do not apply to an employee's spouse, domestic partner, or dependent(s).
- Each academic year a Graduate Tuition Remission Eligibility Form for Employees must be initiated and signed by the employee and submitted to the office of Human Resources. Human Resources will determine eligibility approval for graduate tuition benefits. Approved requests will be forwarded to the Business Office, Financial Aid, CCEDL, and the employee. Graduate Tuition Remission Eligibility forms are available through the College's Human Resources office and on the Human Resources website.
- Eligible employee must be accepted into the graduate degree program.
- Space limitations on class size and/or program enrollment may exist.

#### **Provisions**

- Employee may not exceed a total of 42 credits towards the completion of a graduate degree program.
- The College will provide fifty (50) percent tuition assistance toward graduate tuition.
- Graduate tuition assistance applies only for tuition courses offered through Elizabethtown College.
- The employee will be responsible for the cost of all textbooks, resources, and equipment associated with the course(s).
- The employee will be responsible for all applicable local, state, and federal taxes associated with the graduate tuition benefits.
- The employee is subject to all academic rules and regulations, including standards for academic progress, related to the graduate degree program and Elizabethtown College.
- The employee must maintain a B average throughout the course of the graduate program to remain eligible for graduate tuition benefits. At the conclusion of each course, a grade report must be submitted within thirty (30) days to the Human Resources Office. Should an employee fail a course or not complete a course, the employee will be responsible to reimburse the College for costs incurred for the course.
- All courses enrolled into by the employee will be solely on the employee's own time and not during the employee's regular working hours.
- It is understood by the employee that attaining a graduate degree through the College's Graduate Tuition Benefit Program does not entitle the employee to any adjustment in pay or benefits.
- Employee must be in good standing with the College and not under probation or disciplinary action.

The Graduate Tuition Benefits Program will be reviewed annually to determine the need for revisions to the program.

### **Specific to the MBA Program: Noted Provision**

The Graduate Tuition Benefits for the MBA program will initially be limited to four eligible employees matriculated in the program at any given time, and availability of this benefit will be based on seniority at the time of initial application for the Graduate Tuition Benefit. Once the Graduate Tuition Benefit is offered to an employee, he/she will continue to receive the benefit provided he/she continues to meet the requirements for the benefit. The College may opt to enlarge the number of employees who will be offered Graduate Tuition Benefits for the MBA program. This limitation on tuition benefits for the MBA program may be adjusted in future years with one year notification to employees.

### **Moving Expenses**

New salaried employees hired on a *one-year basis* will be reimbursed for 100% of moving expenses up to \$500 upon submission of receipts after the move.

New salaried employees hired with *permanent, full-time status* will be reimbursed for 100% of moving expenses up to \$1,000 for moves up to 1,000 miles and 100% of moving expenses up to \$2,000 for moves over 1,000 miles upon submission of receipts after the move.

The Moving Expense Reimbursement form and receipts must be submitted to the Manager of Payroll to receive reimbursement.

The following are considered allowable expenses for reimbursement: transportation of household goods (including packing supplies), hotel expenses for house hunting trips and moving, and mileage for house hunting trips/moving (this will be reimbursed at the current mileage rate). Some of these expenses are taxable; contact the Manager of Payroll for details. Employees have 12 months from their start date to submit moving expenses for reimbursement.

### **College Store Discount**

Faculty, administrators, and staff receive a 10 percent discount on College store purchases. Employees should be prepared to show their College ID cards. The College Store will special order books or other items not in stock.

### **Family Recreation**

Employees may use their regular ID cards for recreational facilities. Family recreation ID Cards are available through the Athletic Office or on the HR Intranet. Family members eligible: (1) spouse; (2) children (unmarried, 13 through 20 years of age, or attending undergraduate school). Children 8-12 years of age may obtain an ID Card for swimming only, upon completion of a swimming test administered by the Athletic Department. Recreation Guest Cards are available through the Athletic Department for faculty, administration, and staff members only. Such cards are for facility use only. Parents must accompany children 12 years of age and under while they use recreational facilities.

### **Credit Union**

All College employees and family members are eligible to join LANCO Federal Credit Union and PSECU. The College allows payroll deductions for making deposits and for repayment of loans to the credit unions. For more information on either credit union, contact Human Resources.

### **Day Care Arrangements**

Elizabethtown College has an arrangement with Masonic Village and Elizabethtown Child Care Center (ECCC) should an employee's child be in need



of day care. Employees are given priority for enrollment after the day care's employees and siblings of currently enrolled children. Because some age slots are not available immediately, you may be put on a waiting list. Employees may contact the centers to inquire about enrollment at the following numbers:

Elizabethtown Child Care Center: 361-9824  
Masonic Village Child Care Center: 367-1121

### **Verizon Discount**

Elizabethtown College employees receive an 18% employee discount on Verizon wireless services. To register your employee discount, visit [verizonwireless.com/get\\_discount](http://verizonwireless.com/get_discount), or stop by any Verizon store with a recent pay summary as proof of eligibility.

## **IV. PROCEDURES**

### **New Employee Orientation**

All employees who are new to the College must attend New Employee Orientation to receive information on the required regulatory training for employees and general information about Elizabethtown College and the campus community.

### **Grievance Procedure**

In the interest of maintaining harmony and cordiality within the campus environment, it is the objective of Elizabethtown College to provide prompt, fair and equitable resolution to employee grievances. A grievance may be filed by any employee who seeks resolution to conflicts which might arise from working relationships, working conditions, employment practices, or disciplinary actions, between the College and an employee or between individual employees of the College.

- (a) Discuss the matter with her/his immediate supervisor. The matter may be concluded at this point by common consent.
- (b) If the employee is not satisfied with a supervisor's action he/she may then submit a written appeal to his/her senior administrative officer and the Associate Vice President for Human Resources, within ten (10) working days of the conversation in (a) above. The administrative officer and Human Resources shall make a written decision within ten (10) more working days.
- (c) If the employee continues to be dissatisfied, he/she may submit a written appeal to the President of the College within five (5) working days of the date of the decision in (b) above. The President will render a written decision within ten (10) working days after receiving the grievance. The President's decision will be final.

### **Identification Cards**

The Campus Security office issues ID cards to all employees as authorized by Human Resources. You may use your ID card for the following on-campus benefits:

- To charge items, up to \$100, to your staff account in the College Store, Jay's Nest, or Dining Services. You are responsible for all transactions made with your ID card until you report the loss to Campus Security. A list of charges that you have incurred is sent out monthly. Balances not paid by the statement due date are subject to finance charges of 1.5% per month or 18% per annum. Charging privileges will be restricted until completion of the introductory period for hourly employees; salaried employees are eligible immediately.

- To use the athletic facilities. (Your eligible dependents may get their own passes for athletic facilities. Please visit [www.etown.edu/humanresources](http://www.etown.edu/humanresources) to get a Recreation ID Request form.)
- To get free admission for yourself to eligible regular in-season home athletic events.
- To use the library.

Report lost or stolen ID cards to Campus Security (x1263). If you have lost your ID card, you will need to purchase a new one through Campus Security. Identification cards must be returned to Campus Security, prior to your departure, if you are leaving the College's employment.

## **Payroll Procedures**

The Payroll staff, located in Alpha Hall Room 201, collects payroll forms, including W4, Certificate of Residence, Local Services Tax, and Direct Deposit.

All payroll is handled through direct deposit. Payroll for all hourly employees shall be on a bi-weekly basis; payroll for all salaried employees shall be twice a month. An annual calendar of payroll dates is available on the HR website. Questions concerning payroll should be directed to the Manager of Payroll.

*Payroll Deductions:* According to federal, state, and local regulations, the College must withhold FICA (Social Security/Medicare Tax), state unemployment tax, federal and state income tax, and local wage tax. Annually, the Local Services Tax is deducted.

*Recording of Hourly Time:* The Fair Labor Standards Act requires that employers keep accurate records for all non-exempt positions. Non-exempt, hourly employees will be required to record their hours worked on the College's time & attendance system (TimeAdvantage). Exempt employees are required to complete a quarterly record of vacation and sick leave.

*Overtime:* Non-exempt employees will be paid time and a half for hours physically worked in excess of 40 hours per week.

*Grace/Rounding Policy:* Effective January 1, 2011, the College has a five-minute Grace/Rounding that applies to all hourly employees at the College.

## **Reimbursement of Expenses**

Reasonable expenses, incurred by an employee in the conduct of College business, are reimbursable. A request for reimbursement of expenses should be completed and submitted with supporting receipts attached to the Vice President for Finance.

## **Use of College Vehicles**

The College maintains a fleet of vans for official College use. Employees must have a valid driver's license and a successful check of the required Motor Vehicle Record (MVR) to drive a College vehicle. To reserve a vehicle for College business, contact Facilities Management. All vehicle accidents must be reported immediately to Facilities Management and Campus Security.

## **Lost and Found**

Campus Security is responsible for the College's Lost and Found program. Items found on campus should be turned in to Campus Security for securing and recording purposes. Employees should check with Campus Security for articles or belongings they may have lost on campus.

## **Mail Service**

The campus post office receives mail on a daily basis. Mail is distributed twice each day through department mailboxes conveniently located within each building on campus.

### **Telephone Service**

College telephones are provided for the primary purpose of conducting College business. Toll calls and long distance calls can be made by using an assigned College pin number. Personal toll calls and long distance calls may be made using a personal assigned pin number. Pin numbers are obtained by contacting the Business Office.

### **Car Registration**

All vehicles that are regularly parked on campus must be registered with Campus Security. Parking permits are issued by this office. Employees may register up to two vehicles; however, only one vehicle may be parked on campus at a time.

### **Parking**

Vehicles are to be parked only in the designated paved parking areas available to employees. Parking is not permitted in specially designated areas, reserved areas, or handicap parking zones. Citations for violations are issued by Campus Security.

### **Keys**

Distribution and duplicating of keys is controlled by Campus Security. All requests for keys must be submitted to Campus Security with the appropriate signatures. Employees leaving employment with Elizabethtown College must surrender their keys and ID card to Campus Security.

### **Clery and Campus Security Report**

The Elizabethtown College Campus Safety & Security Report is available at <http://www.etown.edu/offices/human-resources/safety/reports.aspx>.

### **Conference Rooms**

Scheduling of conference rooms must be worked through the Coordinator of Campus Events & Scheduling.

### **Official Communication Policy**

Students, faculty, and staff should expect to receive official Elizabethtown College communication through:

- College-issued campus mailboxes
- College-issued phone numbers (extensions)
- College-issued email addresses

Members of the campus community should check these modes of communication frequently for important information from the institution. On some occasions, communications may be sent via U.S. mail service to a permanent home address or a home telephone number via the information individuals provide to the College.

#### Emergency Communication

In the event of a life-threatening or potentially catastrophic situation, the College's EMG will distribute time-sensitive emergency notices through EC Alert via:

- Calls to employees' cellular and office phone numbers;
- Text messages to cell phones, PDAs and other text-based devices;
- E-mail messages to employees' College e-mail account; and Messages to TTY/TDD receiving devices for the hearing impaired.
- The College's EMG also will post a message on the College Emergency Tipline and on the College's Emergency Action Plan website.

## **Snow and Inclement Weather**

When it snows or when weather conditions become extreme, these procedures and principles are in effect for all students (residential, commuter, or evening) and employees of the College:

Regular day classes will normally meet as scheduled. On an individual basis, classes may be canceled or postponed if a faculty member is unable to get to the Elizabethtown, Lancaster, or Harrisburg campuses safely. Faculty members are requested to notify their departments, the Provost's Office, and Campus Security of any cancellations or postponements.

Unless otherwise indicated, Elizabethtown administrative and department offices will remain open. Residence halls and Dining Services will remain open during weather emergencies.

All employees are expected to report for work, even if they have to be late, after a snowstorm or during inclement weather. If, for safety or personal reasons, an employee cannot reach the campus, the employee is expected to call his or her supervisor to report that fact.

If extreme weather occurs or is predicted, the Director of Facilities Management will consult the senior College officer on duty no later than 6 a.m., review the situation, and make any recommendations for adjustments in the schedule. Three types of schedule changes are possible, in order of desirability:

1. **DELAY:** The normal schedule of classes and work is delayed for a specified period of time. Classes scheduled during the delay will not meet, but all other classes will.
2. **STAFF DELAY:** Classes meet as regularly scheduled, but the opening of administrative department offices is delayed for a specific period.
3. **CLOSED:** No classes are held and all administrative and department offices are closed.

In all cases, Facilities Management, Campus Security, and Dining Services staff report as scheduled. If the College closes, full-time and part-time permanent employees will be paid for their normal hours they would have typically worked that day in addition to actual hours worked. If the decision is made to cancel or postpone classes or close the College, the senior College officer on duty will notify the Director of Communications, who will notify the campus community and local media.

Decisions whether evening classes meet are made by the Provost and Dean of the School for Continuing and Professional Studies in consideration of severity of conditions with each storm. If the Dixon University Center closes, Elizabethtown College classes scheduled there are canceled.

In cases where special on-campus events are expecting off-campus guests, announcements about any changes in the scheduling of these events will be made through the media by the Director of Communications, who will also notify the Campus Switchboard.

Exceptions may have to be made to these procedures.

After a snowstorm or during inclement weather, any weather-related schedule changes for classes (other than SCPS classes)--cancellations, delays or early dismissals—will be announced electronically via a special Campus News announcement to faculty, staff and students. In addition, updates will be posted

on the official College Facebook and twitter accounts, the College website and the Elizabethtown College Tipline (717-361-1988). While announcements via local radio and television stations also may be made, members of the campus community are encouraged to first check their College email box, the website and the Tipline. Student media, WWEC and ECTV will also be notified. Local media will also be contacted: WGAL-TV Channel-8 and WHTM Channel 27; radio - WITF 89.5FM; WSBA 910AM; WARM 103FM; WHP 580AM; WKBO 1230AM; WRVV 97.3FM; WDAC 94.5FM.

Early dismissals due to weather conditions will be made by the senior College officer on duty. In such event, voice mail and email will be used to contact offices and departments. The Director of Communications will notify the campus switchboard of any decisions regarding weather, but please call the campus switchboard only as a last resort.

## **Snow Pay Provisions**

### **Essential Personnel**

Employees identified as essential personnel (normally assigned by the supervisor) are required to report or remain at work during a college closed down period. Employees working in the areas of Dining Services, Campus Security, and Facilities Management are typically identified as essential personnel.

Essential employees are not required to report to work during a college closed down period if the day is their normal scheduled off day.

If an essential employee is told to stay home or leave work early during a closed down period (for safety reasons or lack of work), the employee will be paid SNO pay (straight time) only up to their regular shift hours for the closed down period.

If, by their own choosing, an essential employee does not report or remain at work during a closed down period, the essential employee will be required to use vacation time or personal time to make up their normal work week. Essential employees also have the option of taking unpaid time rather than use vacation time or personal time.

Essential employees are paid straight time (SNO time) for hours worked during the closed down period through the employee's normal work shift, plus straight time for all hours worked during and beyond the closed down period.

Essential employees out on family medical leave will be paid for the closed period equal to their normal shift.

***Upon supervisor discretion*** an essential employee who becomes ill and leaves work early may be permitted to use sick time.

An essential employee who calls off sick for the day and produces a doctor's excuse will be permitted to use sick time.

In all cases, closed down hours do not count towards overtime hours. Only physical hours worked accumulate towards overtime.

### **Non-essential Personnel**

Employees identified as non-essential are not required to report or remain at work during a college closed down period.

Non-essential employees who subsequently report or remain at work during a college closed down period will be paid only for hours worked during the employees normal work shift. Hours worked outside the employees normal work shift, before or outside the college closed period, are not paid hours.

Long-term temporary employees (beyond one year of assignment) will be paid for the closed period equal to their normal shift.

Non-essential employees out on family medical leave will be paid for the closed period equal to their normal shift.

## **Emergency Action Plan**

All Elizabethtown employees are responsible for supporting the College's Emergency Action Plan. Therefore, every employee should have an understanding of the contents of the plan and should be alert and responsive to campus emergency notifications.

During an emergency, Elizabethtown College's response is managed by the Emergency Management Group (EMG), which is under the direction of the President of the College or his/her designee. In the event of an emergency, the EMG will distribute notifications to the campus community, providing background about the emergency and/or instructions about actions that community members should take to protect themselves and others.

Typically security and safety notices will be distributed to the campus through a campus-wide e-mail notification, a voicemail message to on-campus telephone mailboxes, and/or a posting on the College's website. Employees should heed advice provided through these alerts.

In the event of a life-threatening or potentially catastrophic situation, the College's EMG will distribute time-sensitive emergency notices through EC Alert via:

- Calls to employees' cellular and office phone numbers;
- Text messages to cell phones, PDAs and other text-based devices;
- E-mail messages to employees' College e-mail account; and Messages to TTY/TDD receiving devices for the hearing impaired.
- The College's EMG also will post a message on the College's Emergency Tipline and on the College's Emergency Action Plan website.

**APPENDIX A**

Hourly Sick, Vacation, and Personal Time Schedules

**Non-office hourly employees** include Facilities Management, Campus Security, and Dining Services employees and time is based on a regular work week of 40 hours. Part-time employees with regular schedules, such as 40 hours per week for 9 months would be considered 75%; 20 hours per week for 12 months would be 50%; etc.

**Office hourly employees** include department assistants and other hourly employees who work a regular work week of 37.5 hours. Because a large number of office personnel are 75% of full-time (for instance, nine-month Administrative Assistants), their leave is listed below.

Leave for **part-time, regular** employees (20-40 hours per week) is calculated individually and based on hours worked as compared to full-time hours.

**SICK LEAVE**

Years of Employment	Non-Office Hourly Employees		Office Hourly Employees	
	Full-time 40 hrs/wk yr-round	Full-time 75% 40 hrs/wk 9-months	Full-time 37.5 hrs/wk Yr-round	Full-time 75% 37.5 hrs/wk 9-months
First & Second	64 hours	48 hours	60 hours	45 hours
Third, Fourth, & Fifth	180 hours	135 hours	169 hours	127 hours
Sixth through Tenth	300 hours	225 hours	281 hours	211 hours
Eleventh through Twentieth	360 hours	270 hours	338 hours	253 hours
Over Twenty years	480 hours	360 hours	450 hours	338 hours

**VACATION TIME**

Years of Employment	Non-Office Hourly Employees		Office Hourly Employees	
	Full-time 40 hrs/wk yr-round	Full-time 75% 40 hrs/wk 9-months	Full-time 37.5 hrs/wk Yr-round	Full-time 75% 37.5 hrs/wk 9-months
First	40 hours	30 hours	37.50 hours	28.25 hours
Second through Fifth	80 hours	60 hours	75.00 hours	56.25 hours
Sixth thru Tenth	120 hours	90 hours	112.50 hours	84.50 hours
Eleventh and over	160 hours	120 hours	150.00 hours	112.50 hours

**PERSONAL TIME**

Upon completion of the six month probationary period, full-time hourly employees are eligible for 3 days of personal time per fiscal year. Personal time can be taken on an hourly basis.

## **APPENDIX B**

### Salaried Sick, Vacation, and Personal Time Schedules

#### **SICK LEAVE**

All full-time, twelve-month salaried employees receive 30 sick days per year. Full-time, eleven-month salaried employees receive 27 sick days per year. Full-time, nine and ten-month salaried employees receive 25 sick days per year.

#### **VACATION TIME**

All full-time, twelve-month salaried employees receive 22 vacation days per year. Full-time, eleven-month salaried employees receive 20 vacation days per year. Full-time, nine and ten-month salaried employees receive 15 vacation days per year.

#### **PERSONAL TIME**

All full-time salaried employees receive 2 personal days per year immediately upon hire.





## POLICY REGARDING SEXUAL HARASSMENT, SEXUAL MISCONDUCT, SEXUAL EXPLOITATION, STALKING, DATING VIOLENCE AND DOMESTIC VIOLENCE INVOLVING EMPLOYEE RESPONDENTS AND THIRD PARTIES

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities operated by recipients of federal financial assistance. **“Sex discrimination” includes all forms of sexual and gender-based harassment, sexual misconduct, sexual violence, sexual assault, domestic violence, dating violence, and stalking by students, employees or third parties against employees, students, or third parties.**

If the College knows or reasonably should know of possible sex discrimination, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed on page 10). If an investigation reveals that sex discrimination has created a hostile environment, the College must then take prompt and appropriate action to end the discrimination, remedy the effects and prevent its recurrence.

In addition to Title IX, Section 304 of the Violence Against Women Reauthorization Act of 2013 prohibits sexual assault, dating violence, domestic violence and stalking. These behaviors, as defined by the Clery Act, are prohibited by the College and will be resolved under this Policy in all circumstances.

This Policy has been developed to reaffirm individual rights and responsibilities and to provide recourse for those individuals whose rights have been violated. It serves as a measure for Elizabethtown College to determine if behaviors violate community values. It also should serve as a guide for expectations for communications about sexual behavior, sexual responsibility and sexual respect. This Policy specifically focuses on allegedly inappropriate behavior by faculty, staff, or third parties. If you are aware of inappropriate behavior by a student that might violate this Policy, please refer to the Student Handbook.

Elizabethtown College takes violations of this Policy very seriously. Any person found in violation of this Policy will be subject to discipline, up to and including termination or release if they are an employee, or expulsion if they are a student.

### **Conduct Prohibited by this Policy**

#### ***Sexual Harassment in all forms:***

Sexual harassment includes unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made--either implicitly or explicitly--a term or condition of an individual's employment or academic status; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. A hostile environment exists when sexual harassment is sufficiently severe, pervasive, or persistent or so objectively offensive that it would interfere with or limit a reasonable person's ability to participate in or benefit from the educational programs and activities of the College.

Sexual harassment can be committed by individuals of any sex against individuals of any sex including those who are transgender or gender-neutral. Sexual harassment sometimes involves a person in a greater position of authority than the person being harassed; however, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Sexual harassment can be physical or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of sexual harassment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

1. Promising, directly or indirectly, a reward to an individual if the person complies with a sexually oriented request.
2. Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a sexually oriented request.
3. Denying, directly or indirectly, an individual employment or education related opportunity, if the individual refuses to comply with a sexually oriented request.
4. Engaging in unwelcome physical contact of a sexual nature.
5. Engaging in repeated unwelcome sexually suggestive conversation.
6. Displaying unwanted offensive, obscene photos, posters, or other sexually oriented materials; distributing unwanted sexually offensive materials.
7. Engaging in indecent exposure.
8. Making sexual or romantic advances toward an individual and persisting despite the individual's express rejection of the advances.
9. Retaliating or threatening to retaliate against an individual who makes a report of misconduct under this Policy.
10. Stalking, based on gender or sex.

***Sexual Harassment also includes (1) Sexual Misconduct related to all forms of non-consensual sexual contact and non-consensual intercourse as defined below, and (2) Sexual Exploitation as defined below. This Policy also prohibits crimes of sexual assault, dating violence, domestic violence and stalking as defined by the Commonwealth of Pennsylvania. Please refer to the Addendum for these definitions.***

## ***Sexual Misconduct***

### ***Non-consensual Sexual Contact***

Non-consensual sexual contact is any sexual touching, with any body part or object, by an individual upon another person without consent, or making any person touch you, them, or a third person in a sexual manner without their consent. It includes any non-consensual sexual contact, including any improper touching of intimate body parts. It also includes the non-consensual removal of another's clothing, indecent contact (i.e., the unwanted touching of another's intimate body parts including, but not limited to, genitals, buttocks, groin, or breasts) or causing another to have indecent and unwanted contact with intimate body parts.

### ***Non-consensual Intercourse***

Non-consensual intercourse is any sexual intercourse (anal, oral or vaginal), with any body part or object, by an individual upon another person without consent. Non-consensual intercourse may be accomplished by expressly or implicitly forcing or coercing another person to have intercourse against that person's will, including the use or threat of physical force, or any behavior that is designed to intimidate and induce fear in another person. Non-consensual intercourse can also occur when another person is incapacitated due to alcohol or other drugs, is incapacitated due to physical or emotional trauma, is less than 17 years of age, or is otherwise incapable of denying or giving consent (for example, when an individual is in an unconscious or semi-conscious state).

### ***Sexual Exploitation***

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for the person's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: non-consensual observation of individuals who are undressed or engaging in sexual acts; non-consensual video or audio-taping of sexual activity; prostituting another person; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); and knowingly transmitting a sexually transmitted infection (STI) or the human immunodeficiency virus (HIV) to another.

### ***Stalking:***

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their physical safety or the safety of others; or suffer substantial emotional distress that may, but does not necessarily, require medical or other professional treatment or counseling. This fear may include the fear of being subjected to sexual harassment or sexual misconduct. A “course of conduct”, for purposes of this definition, means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

#### ***Dating Violence and Domestic Violence:***

Dating violence is a type of physical relationship violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim including, but not limited to, sexual or physical abuse or the threat of such abuse. The existence of such a relationship will be determined based on the complaining party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence is distinct from domestic violence.

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

#### **Other prohibited conduct:**

***Intimidation*** is a violation of this Policy and includes any act to deter an individual from making a report of sexual harassment or sexual misconduct, or to deter an individual from participating or assisting in an investigation or proceeding related to a report of sexual harassment or sexual misconduct, by imposing fear through threats of physical or emotional harm to the targeted individual(s) or the individual’s or individuals’ associates.

***Retaliation*** is a violation of this Policy and includes any act or attempted acts to seek retribution against anyone who has reported prohibited activity or against anyone who has participated in an investigation or related proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination.

## **Definitions**

***Appeal Officer*** means a trained individual authorized by the Title IX Coordinator to consider an appeal of an Investigator’s determination of responsibility or the College’s imposition of sanctions under this Policy.

***Complainant*** means any individual who has experienced an alleged or submits a report alleging that any portion of this Policy has been violated. A Complainant may be the Alleged Victim **or the College**. The College reserves the right to serve as Complainant.

***Alleged Victim*** means the person who is alleged to have been harmed by a violation of this Policy. The Alleged Victim may or may not be the Complainant. The use of this term is not to view reports of sexual harassment or sexual violence with skepticism. Rather, it is a reflection of the fact that reports of sexual harassment or sexual violence are *allegations* until they are proven by a preponderance of evidence in accordance with the process set forth in this Policy. Using the term “Alleged Victim” therefore balances the realities of the allegations, and the status of the person who may have been subjected to sexual harassment or sexual violence.

***Reporter*** means any individual who submits a report on behalf of another individual alleging that of any portion of this Policy has been violated.

***Respondent*** means any individual alleged to have violated this Policy.

***Coercion*** is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. If an individual communicates that they do not

consent to sexual activity (either a particular act or any sexual activity, generally), the continued use of pressure could be viewed as coercion. Consent can never be obtained by coercion.

**Consent** is permission to engage in particular sexual activity. Consent is informed, freely and actively given, and requires clear communication between all persons involved in the sexual encounter. Consent is active, not passive. Consent can be communicated verbally or by actions, but non-verbal consent is less clear than talking about what is acceptable or allowable. Consent, in whatever way it is communicated, must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent does not imply consent to future sexual acts. Consent can be withdrawn at any time. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Effective consent cannot be given by mentally disabled individuals or persons incapacitated as a result of drugs or alcohol. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or violence, and intoxication or impairment does not diminish one's responsibility to obtain consent.

**Incapacitation** is a state where an individual cannot make a rational, reasonable decision because they lack the ability to understand the "who, what, when, where, why or how" of their interaction.

**Investigator** is a college-appointed employee or third party who conducts fact finding, leads the investigative process, and determines responsibility under this Policy.

**Witness** means any individual who has seen, heard, or otherwise knows or has information about a violation or potential violation of this Policy.

## **Procedures When There Is an Alleged Violation of This Policy**

### **Options for Immediate Assistance**

The College encourages those who have experienced, witnessed, or are aware of any form of sex discrimination as defined in this Policy, which includes sexual harassment, including sexual misconduct, sexual exploitation, and stalking, dating or domestic violence, to report the incident promptly, to seek all available assistance, and, should they wish, to pursue College discipline proceedings and criminal prosecution.

***In a crisis, get help immediately. The College encourages any individual to seek assistance from local law enforcement or local medical facility immediately after an incident of sexual misconduct, dating violence, domestic violence, stalking or sexual violence.***

***In the case of sexual assault or violence, preserve physical evidence*** that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. (The decision to make a formal complaint or criminal report does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Make certain that the incident area is not disturbed. The individual should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed. But if they have been, place original clothing in a paper bag. (Plastic bags may damage evidence.)

***If you have been assaulted, seek immediate medical attention at an area hospital*** and take a full change of clothing, including shoes, for use after a medical examination. It's recommended that a physical exam be conducted within 72 hours of the assault. Please keep in mind that having a sexual assault exam does not mean the individual is mandated to press charges. This action only keeps the options open. (Individuals under the age of eighteen should be aware that, as a minor (child), their parent(s) or legal guardian may have the right to obtain information from their medical records.) Lancaster General Hospital and Penn State Hershey Medical Center provide a Sexual Assault Forensic Exam (SAFE). The hospital staff can assist with treatment for sexually transmitted diseases and other health services.

Contact either of the following for immediate law enforcement assistance for any crime of sexual assault, dating violence, domestic violence, or stalking:

- **Elizabethtown Police Department Dial 911**
- **Campus Security – 717.361.1111 (24/7 Emergency Tipline)**

Campus Security can arrange transportation to a local hospital or local police department if requested. **You have the right to report, and the right to not report, a crime of sexual assault, dating violence, domestic violence or stalking that you have suffered to law enforcement.**

Some individuals may prefer to work directly with **Off-campus Counselors, Advocates and Health Care Providers** who generally maintain confidentiality and will not share information with others unless the client requests disclosure and signs a consent or waiver form. The actual confidentiality afforded by these providers and agencies may vary, and you should ask when you first call.

Confidential resources for an immediate or emergency response include:

- **Employee Assistance Program (EAP).** Employees may call 1-800-386-7055 at any time 24/7 to speak with a confidential counselor. The counselor will conduct a brief assessment for safety and wellbeing and share referral resources with the employees. The employee is eligible to receive 3 individual counseling sessions with a local provider at no charge to the employee. The EAP counselor and the local counseling provider have no obligation to report to the College.
- **YWCA Lancaster Sexual Assault Prevention & Counseling Center 24/7 Hotline – 717.392.7273**
- **Penn State Hershey Medical Center – Emergency Room – 500 University Dr., Hershey, PA 17033, 717.531.8333**
- **Lancaster General Hospital – Emergency Room – 555 N. Duke Street, Lancaster, PA 17602, 717.544.5122**
- **Penn State Hershey Medical Elizabethtown – 1 Continental Drive, Elizabethtown, PA 17022, 717.361.0666 (daytime hours only)**
- **Domestic Violence Services 24-Hour Hotline – Community Action Program of Lancaster County – 717.299.1249 (collect calls accepted)**
- **Elizabethtown College Counseling Services (for student Complainants) – Students may call 717.361.1111 to request to speak to a confidential counselor.**

### **Seeking Support from a College Employee**

Sometimes an individual may not require or want immediate emergency assistance or may need more time before sharing any information about the incident. An individual may feel more comfortable sharing information about an incident of sexual misconduct with someone they know, such as a colleague, department chair, or supervisor and choose to seek advice from them about the college process or college resources before deciding on next steps.

This is completely understandable; however, most employees of the College are considered “**Responsible Employees**” and must share any information about a report of sexual harassment, sexual misconduct, sexual exploitation, stalking, dating violence and domestic violence with the Title IX Coordinator. This disclosure is required under Title IX; the College must ensure a prompt, fair and impartial process from the initial investigation to the final result of these reports of sexual misconduct. There are exceptions, which will now be explained.

### **Completely Confidential Reporting Locations**

If an individual is seeking complete confidentiality, the individual may consult with an Employee Assistance Program Counselor or the College Chaplain or Assistant Chaplain. The EAP Counselor and College Chaplains can provide confidential advice and share resources without any requirement to disclose information to the Title IX Coordinator.

- **EAP Counselor** is available 24/7. Call 1-800-386-7055 to request a confidential counseling appointment. Employees are eligible to receive three individual counseling sessions with a local provider at no charge to the employee.

- **College Chaplain** is a completely confidential resource. Employees may consult with the College Chaplain or Assistant Chaplain during regular business hours. Please call 717.361-1261 to schedule an appointment. There is no charge to the employee for the consultation.
- **Elizabethtown College Counseling Services** is a completely confidential resource for students. Students may call 717.361.1111 (24/7) to request to speak with a confidential counselor during an emergency. They may also visit Counseling Services in the BSC 2<sup>nd</sup> Floor or call 717-361.1405, during regular business hours.

### **Responsible Employees**

As noted above, unless an individual is making a report at a “completely confidential” location, they are reporting to a Responsible Employee of the College. According to this Policy, whenever a **Responsible Employee** becomes aware of any information related to a report of sexual harassment, sexual misconduct, sexual exploitation, stalking, dating violence, or domestic violence, the Responsible Employee, as a general matter, must share all relevant details about the alleged incident with the Title IX Coordinator. This information includes all the details necessary for the College to determine what happened—including the names of the Complainant, Alleged Victim and Reporter, the Respondent(s), and any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College’s response to the report. A Responsible Employee generally will not share information with local law enforcement without the Alleged Victim’s consent, or unless the Alleged Victim has also reported the incident to law enforcement.

Before a Complainant, Alleged Victim or Reporter reveals any information to a Responsible Employee about an incident covered by this Policy, the Responsible Employee will make all best efforts to ensure that the Complainant, Alleged Victim or Reporter understands the limitations for confidentiality and the obligations to disclose personally identifiable information to College officials. If the Complainant, Alleged Victim or Reporter prefers to consult with a more confidential resource person, the Responsible Employee should assist with an appropriate referral.

If the Complainant, Alleged Victim, or Reporter decides to report an incident to a Responsible Employee, but then requests that the Responsible Employee maintain confidentiality or requests that no investigation into the incident be conducted or no disciplinary action be taken, the Responsible Employee should inform the Complainant, Alleged Victim or Reporter that the Title IX Coordinator will review the information and consider the request for such confidentiality/non-action, but that confidentiality/non-action cannot be guaranteed. (See Requests for Confidentiality/ No Action, below).

The Responsible Employee will never pressure a Complainant, Alleged Victim or Reporter to request confidentiality or pressure the Complainant, Alleged Victim or Reporter to make a full report.

Confidential community resources for an immediate or emergency response include:

- **YWCA Lancaster Sexual Assault Prevention & Counseling Center 24/7 Hotline – 717.392.7273**
- **Penn State Hershey Medical Center – Emergency Room – 500 University Dr., Hershey, PA 17033, 717.531.8333**
- **Lancaster General Hospital – Emergency Room – 555 N. Duke Street, Lancaster, PA 17602, 717.544.5122**
- **Penn State Hershey Medical Elizabethtown – 1 Continental Drive, Elizabethtown, PA 17022, 717.361.0666 (daytime hours only)**
- **Domestic Violence Services 24-Hour Hotline – Community Action Program of Lancaster County – 717.299.1249 (collect calls accepted)**

### **Making a Report of Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Stalking, Dating Violence or Domestic Violence**

The College encourages prompt reporting of violations of this Policy, but also recognizes that not every individual will decide to make a report, nor does the College require or expect it.

An individual who is aware of an alleged violation of this Policy may decide to (1) file a criminal complaint only, (2) file a criminal complaint and make a report to the College, (3) make a report to the College, but not file a criminal complaint.

### **Making a Criminal Complaint to Local Law Enforcement**

The College can assist anyone in making a report of sexual assault, dating violence, domestic violence, or stalking to local law enforcement. If you would like help making contact with local law enforcement and scheduling a meeting time with a Police Officer or Police Detective, please contact one of the following:

- Campus Security Director, Andrew Powell or Assistant Director, Dale Boyer or ask for the supervisor on duty. 24/7 access:  
717-361-1264
- Equity and Title IX Coordinator (Monday-Friday; regular business hours)  
Dr. Armenta Hinton  
717-361-1179  
[hintona@etown.edu](mailto:hintona@etown.edu)

To make a direct report to local law enforcement without assistance from the College, individuals should contact **911 or Lancaster County Wide Communications** at [717-367-1835](tel:717-367-1835). The dispatcher will ask for preliminary information like the name of the reporting person, phone number, address, and whether immediate assistance is needed. Lancaster County Wide Communications will then contact the appropriate local law enforcement agency, most likely the Elizabethtown Borough Police Department. Some areas of Elizabethtown are under the jurisdiction of Northwest Regional Police Department. Crimes that occur within the Northwest Regional jurisdiction will be referred to that office. Once the local law enforcement agency is contacted by the Lancaster County Wide Communications, a police officer will contact the reporting person to gather more information and provide resources, like obtaining a restraining order (known locally as a Protection from Abuse order or a Sexual Violence Protection Order) or locations for a sexual assault forensic exam (SAFE). Once local law enforcement has gathered information they may refer the reporting person to a police detective to conduct a more thorough investigation. Local law enforcement officials are willing to meet with individuals making a report in a location that is comfortable, either on-campus or at the local police department office.

### **Reporting a Violation of this Policy to the College**

All reports, including any anonymous report, will be taken seriously in order to provide appropriate medical and counseling support and to protect others in our community from further harassment or violence. The College will uphold core institutional values of human dignity, respect, and social justice as it responds to each report. All parties involved can expect to be treated fairly and respectfully.

NOTE: The College reserves the right to initiate a report, to serve as Complainant, and to investigate allegations of prohibited conduct in appropriate circumstances even in the absence of a report from a member of the college community. Results of any investigation involving prohibited conduct will be documented by the Title IX Coordinator.

**Faculty or staff who wish to make a report of sexual harassment, sexual assault, sexual misconduct, sexual exploitation, stalking, or dating or domestic violence to the College, may do so in person, by phone, or electronically by contacting:**

- **Equity and Title IX Coordinator**  
Dr. Armenta Hinton  
717-361-1179  
[hintona@etown.edu](mailto:hintona@etown.edu)
- **Director or Assistant Director of Campus Security**  
Mr. Andrew Powell  
717-361-1264
- **EC Tipline** (provides anonymous report option)

Toll free 855.696.1899 or web-assisted on the [EC Tipline webpage](#)

[Note: Anonymous reports significantly limit the College's ability to investigate and appropriately address allegations of misconduct.](#)

Other than using the on-line EC Tipline option, there are no forms required to file a complaint with the College.

In cases when faculty or staff make a report of an alleged violation under this Policy to Academic Affairs or Human Resources, the case will be referred immediately to the Title IX Coordinator (See Responsible Employees p. 8)

## **Retaliation**

**The College strictly prohibits retaliation** against any person for making a report, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of violations this Policy. The College will take immediate and responsive action to any report of retaliation which is a violation of this Policy.

## **Requests for Confidentiality or Non-Action**

Sometimes a Complainant, Alleged Victim or Reporter will request confidentiality or that no disciplinary action be taken by the College even though they have not reported to a confidential resource person. The College must weigh requests for confidentiality/non-action against the College's obligations to provide a safe, non-discriminatory environment for all students and employees, including the Complainant. There may be times when the College may not be able to honor a Complainant's request for confidentiality/non-action. Regardless of whether the College can honor this request, the College will always maintain confidentiality of the victim in publicly available record keeping (including but not limited to Timely Warnings, Emergency Notifications, Daily Crime and Fire Log, and the Annual Security and Fire Safety Report) by not disclosing personally identifying information.

If the College honors the Complainant's request for confidentiality, the individual involved must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action will likely be limited.

The Elizabethtown College Title IX Coordinator is designated to evaluate and determine requests for confidentiality/non-action in faculty matters in consultation with college legal advisors, and the Dean for Academic Affairs; and in staff matters with college legal advisors, and the Director of Human Resources. These review teams will consider the allegation(s), whether the sexual violence was perpetrated with a weapon, whether the report reveals a pattern of perpetration, the respective ages and positions of the Respondent and Complainant (and Alleged Victim, if different), whether the sexual violence was committed by multiple perpetrators, whether there have been previous complaints against the Respondent(s), whether the Respondent has a history of arrests or records indicating a history of violence, whether the Respondent threatened further sexual violence or other violence against the Complainant/Alleged Victim or others, and the Complainant's right to receive information under the Family Education Rights and Privacy Act (FERPA) if the Complainant is a student.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action.

If the review team determines it cannot maintain a request for confidentiality/non-action, the Title IX Coordinator will inform the Complainant/Alleged Victim prior to authorizing an investigation, and will, to the extent possible, only share information with individuals responsible for handling the College's response. The College may not require a Complainant or an Alleged Victim, if different, to participate in any investigation or disciplinary process.

The College will be mindful of the Complainant and Alleged Victim's well-being and will take steps to protect the Complainant and Alleged Victim from retaliation or harm. The College will also assist the Alleged Victim in accessing advocacy resources; academic support; counseling, disability, health or mental health services; legal assistance; visa/immigration assistance; and will provide other security and support measures as appropriate, including by issuing a no-contact order, arranging a change of living or work assignment or class schedules (including for the Respondent pending the outcome of an investigation), or making adjustments for assignments or tests, etc. The College will inform the Complainant and Alleged Victim (if different) of the right to report a crime to local law enforcement and provide assistance if requested. The College will provide each Alleged Victim with a written brochure outlining their rights, reporting options, and available support and assistance.



Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including general, non-identifying reports) will always prompt the College to consider broader remedial action such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments; or revisiting College policies and practices.

### **Time Frame for Making a Report**

Individuals are encouraged to report immediately allegations of any violation of this Policy. While there is no time limit to make a report, parties should be aware that delays in reporting may limit the effectiveness of an investigation. Whenever a report is received, the College will respond and provide appropriate resources.

### **False Reports**

The College very seriously considers all charges of sexual harassment, sexual misconduct, sexual assault, sexual exploitation, dating violence, domestic violence or stalking. An individual who intentionally submits a falsified report under this Policy will be subject to disciplinary action and sanctioning.

### **Investigation and Resolution of Reports against Faculty or Staff**

All reports that an employee (faculty or staff) has engaged in sexual harassment, sexual misconduct, sexual exploitation, domestic violence, dating violence, and stalking will be referred to and reviewed by the Title IX Coordinator who oversees the college's response. Investigations and resolution proceedings will be conducted by professionals who receives annual training on issues related to sexual harassment, sexual misconduct, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct investigations and resolution proceedings that protect the safety of complainants and promote accountability. The investigator may be an employee of the College or a third party retained by the College to conduct an investigation.

The President of the College has the authority to intervene in the investigation and resolution processes, as deemed necessary, to maintain the safety of individuals, to protect property, to ensure continuation of the educational process and to preserve the integrity of the College.

### **Fact-Finding and Investigations**

Fact-finding and investigations vary in scope depending on the nature of the report. In order to support a fair and thorough fact-finding process, the Complainant/Alleged Victim should provide as much detail as possible regarding the identity of the Respondent(s), the time and location of the alleged incident including the presence of any witnesses, the alleged effect of the incident on the Complainant/Alleged Victim, the names of others who may have been subject to similar misconduct under this Policy, any steps the Complainant/Alleged Victim has taken to try to stop the alleged misconduct, and any other information the Complainant/Alleged Victim believes to be relevant to the matter.

An investigation shall be initiated within seven (7) business days after the original report is received by the College and will be completed within two to four weeks in most situations, although the College may determine more time is necessary to complete a thorough review of relevant information. The Title IX Coordinator will designate an appropriate investigator(s) and send an official notice of investigation to the Complainant and Respondent. The investigation may include interviews of the parties involved, including witnesses, and the gathering of other relevant information. The Complainant and Respondent have the right to bring a support representative to any investigative interview or procedural meeting. (See Rights of Complainant and Respondent below.)

Throughout the investigative process the Complainant and Respondent will have an opportunity to review their respective statements and those of all other parties or witnesses. Also, the Complainant and Respondent may submit questions to the Investigator in response to these statements. The Investigator will convey the questions to the specific party and reserves the right to screen the questions submitted for appropriateness and relevance to the case.

The past sexual history or sexual character of a party is irrelevant and cannot be used for any purpose unless such information relates to a past sexual history between the same Complainant and the same Respondent, or unless the information relates to the Respondent and is determined to be highly relevant by the investigator(s) and the Title IX Coordinator. Such information may be highly relevant, and permitted, only if the Respondent was previously found to be responsible of sexual harassment/sexual misconduct, the previous incident was substantially similar to the present allegation, and information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. In cases where there may be an allegation under this Policy as well as an allegation under a different College policy, the charges may be processed together with approval from the Title IX Coordinator if the charges are sufficiently intertwined.

## **Interim Measures**

Interim Measures are administrative actions taken during the initial fact-finding or investigative process under this Policy and may be imposed regardless of whether a Complainant/Alleged Victim chooses to pursue disciplinary action or criminal prosecution by reporting the crime to the local police. Interim Measures, which may be available to the Complainant/Alleged Victim and Respondent, are implemented by the Title IX Coordinator, when necessary, and in consultation with the Dean for Academic Affairs and Director of Human Resources to protect the individuals involved and to ensure that concerns for safety and emotional and physical well-being are being addressed. The Complainant/Alleged Victim and or Respondent is encouraged to contact the Equity and Title IX Coordinator, Dr. Armenta Hinton, who will assist with activating any number of interim measures.

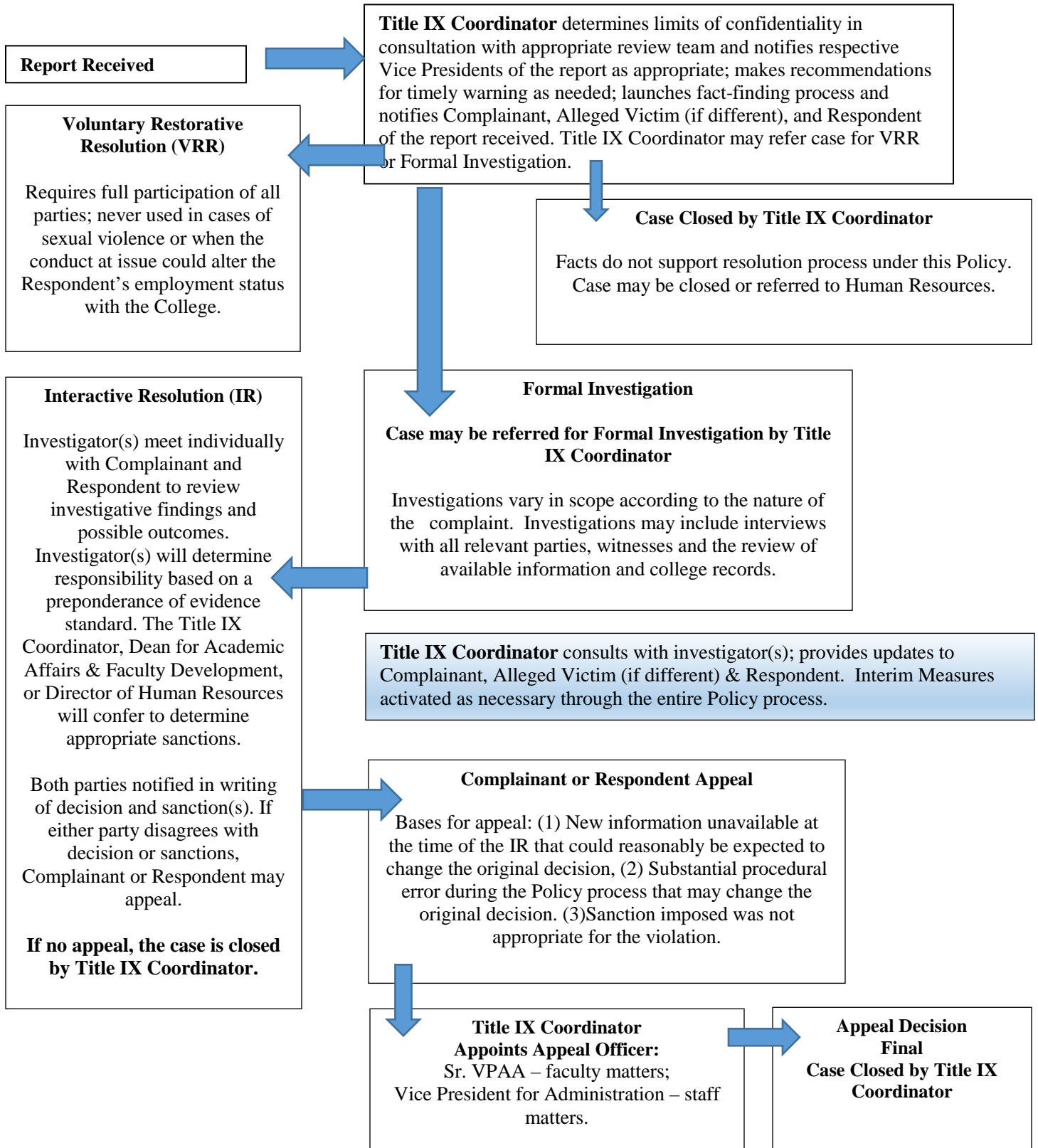
The following Interim Measures are provided in writing to the Alleged Victim/Complainant. Interim Measures may include, but are not limited to, College issued no-contact directives between the Complainant, Alleged Victim (if different) and the Respondent or others involved, reasonable adjustments in class schedules and assignments, including the ability to drop a course without penalty, modifications to work schedules, work locations or responsibilities, paid interim suspension from employment-related responsibilities for employees, interim separation of a student from the College, changes in college housing assignments, restricted campus access, campus office relocation, provision of counseling services and assistance in setting up the initial appointment, providing academic support services such as tutoring, assistance with a referral to disability services, provision of Campus Security escorts to ensure safe movement between classes and other activities, increased security patrol, or any other measures the College deems appropriate. In some cases, the Title IX Coordinator may restrict participation in College activities or programs for which the Respondent might otherwise be eligible. The College may also place a Dean's Hold on a student Respondent's record, as appropriate. These administrative actions remain in effect through any appeal process, and to the extent possible, the reason for the support and assistance provided to the Alleged Victim or Complainant will remain confidential.

The College will provide each Alleged Victim with a written brochure outlining the available interim measures, their rights, reporting options, and available support and assistance, regardless of whether the offense took place on or off campus.

Interim Measures do not replace a Resolution Pathway, defined below, which shall proceed according to the defined process.

## Resolution Pathways for Complaints against Faculty or Staff Respondents

At the conclusion of the fact-finding and investigative processes, the case may be referred for resolution or it may be closed by the Title IX Coordinator. There are two Resolution Pathways for the resolution of allegations under this Policy: Voluntary Restorative Resolution and Interactive Resolution. See Diagram.



## **Voluntary Restorative Resolution (VRR) – Faculty or Staff as Respondent**

Some reports of sexual harassment may be resolved through Voluntary Restorative Resolution between the parties at the recommendation of the Title IX Coordinator, and possibly at a very early stage of the fact finding and investigation process. Voluntary Restorative Resolution is optional and requires full participation of the Alleged Victim and Respondent. Voluntary Restorative Resolution procedures are never applied in cases of dating violence, domestic violence, stalking, sexual exploitation or other sexual harassment complaints involving violence or non-consensual sexual intercourse.

The Title IX Coordinator may arrange the restorative procedures between the involved parties and coordinate other remedies with the Director of Human Resources and/or the Dean for Academic Affairs. The restorative conference will be facilitated by a qualified college official or external consultant appointed by the College. All Voluntary Restorative Resolution proceedings shall be prompt, fair, impartial, and, absent exigent circumstances, completed within fourteen (14) business days of the initial report.

Once the restorative procedures are complete, written notification to both parties shall be given by the Title IX Coordinator. Because the outcomes of Voluntary Restorative Resolution dialogues are mutually developed and agreed upon by the parties involved, the outcome of the Voluntary Restorative Resolution is final and an appeal by either party is not permitted.

The College shall take reasonable steps to prevent the recurrence of sexual harassment in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to additional disciplinary action.

## **Interactive Resolution (IR)—Faculty or Staff as Respondent**

At the conclusion of an authorized investigation, the Investigator will make a recommendation to the Title IX Coordinator regarding the disposition of the complaint. The Investigator may (a) recommend that the case be closed due to lack of evidence to support the claim, or (b) may find that it is more likely than not that the Respondent violated this Policy. If there is a preponderance of information to support a violation of this Policy, the Title IX Coordinator will consult with the Dean for Academic Affairs and the Director of Human Resources, as appropriate, to review the findings and assign sanctions. The Title IX Coordinator will then authorize an Interactive Resolution meeting. During an Interactive Resolution, the Investigator and Title IX Coordinator will meet individually with the Complainant and Respondent (and representative if requested) to review the investigative findings and consider additional questions from either party, as necessary, and review the sanctions. The investigator(s) will submit a final report to the Title IX Coordinator at the conclusion of the Interactive Resolution Process that will contain factual findings and sanctions, if any.

Both the Complainant and Respondent will receive the outcomes in writing from the Title IX Coordinator with a copy to the Director of Human Resources and Dean of Academic Affairs as appropriate. If either party disagrees with the decision or sanction(s), the Complainant or Respondent has an opportunity to appeal.

## **Standard for Determining Responsibility**

Consistent with the requirements of the US Department of Education's Office for Civil Rights, the standard used to determine accountability will be a preponderance of the evidence or preponderance of information standard—whether it is more likely than not that the Respondent has violated this Policy.

Decisions made in the Interactive Resolution shall be final, pending the normal appeal process, which is explained in more detail below.

All procedural questions about the investigative and resolution processes related to employees as Respondents are subject to the final decision of the Title IX Coordinator.

## **The Rights of Complainant and the Respondent under this Policy**

The Complainant and Respondent proceeding under this Policy have the right to a timely process and resolution. Generally, the resolution process—from initial report to decision— will take two to four weeks, excluding any appeal.

Academic calendar considerations, an appeal process, or other exigent circumstances may result in an extended resolution process.

The Complainant and the Respondent each have the right to be accompanied by one support representative of their choice, also known as an advisor of choice under the Clery Act, during the course of any investigative or resolution process under this Policy. The support representative may be any person, including an attorney, but it is important to note that the attorney's role is limited to that of a support representative, as discussed in more detail below.

Two days prior to any scheduled resolution meeting or proceeding, the Complainant and Respondent must provide the name of their support representative, if any, to the investigator or Title IX Coordinator; otherwise, the College reserves the right to prohibit a Complainant's or Respondent's support representative from attending any resolution meeting or proceeding. The College reserves the right to have its own legal counsel present during these meetings or proceedings.

Delays will not normally be allowed due to the scheduling conflicts of a support representative. Support representatives, including an employee's attorney if applicable, are there to provide emotional support to a party—they cannot speak, respond, or otherwise participate in the meeting. They may not take notes or otherwise record the proceedings. If a support representative disrupts the process, the support representative may be asked to leave the room, or the meeting may need to be rescheduled and without the presence of that same support representative.

At the conclusion of any resolution process, the College will provide written notification to the Complainant and the Respondent of the outcome, including information about any sanctions, within five (5) business days.

In the case of an Interactive Resolution, once written notification of the outcomes has been received, the parties involved will have the opportunity to appeal the decision and the sanctions. The letter of appeal should be submitted according to the appeal process outlined in this Policy.

### **Notification of Outcomes**

- The outcome of and sanctions resulting from a resolution are part of the personnel record of the employee Respondent. A complete case file is maintained by the Title IX Coordinator. Complainants under this Policy also have a right to be informed of interim measures. Only information which directly impacts the Complainant's rights under this Policy will be shared.
- Notification of decision and sanction(s) and how to appeal will be made to both the Complainant and Respondent at the same time through a confidential letter from the Title IX Coordinator
- The College may release publicly the name, nature of the violation and the decision and sanction for any employee who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant (and Alleged Victim, if different) in any of these offenses regardless of the outcome, in writing.

### **Decisions, Remedies, and Sanctions in Faculty and Staff Matters**

Written notification of the outcome of the College's investigation into an alleged violation of this Policy will be issued jointly via College email by the Title IX Coordinator and Director of Human Resources or Dean of Academic Affairs (if the Respondent is a member of the faculty). The College will contemporaneously notify both the Complainant and Respondent. The written notification will be deemed to be received on the date the notification is sent via email.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment, sexual misconduct, sexual assault, sexual exploitation, stalking, domestic violence, or dating violence in order to protect the rights and personal safety of community members.

If an employee is found responsible for a violation of this Policy, sanctions may be assigned. The Title IX Coordinator will consult with the Dean for Academic Affairs in matters related to faculty and with the Director of Human Resources in staff matters to determine appropriate sanctions. Appropriate and reasonable sanctions will be based on the Respondent's current and previous violations. When determining sanctions, the College will consider the concerns and rights of the Complainant, the Alleged Victim, the Respondent, and the broader campus community.

Not all forms of such misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions for employees, ranging from a formal warning, loss of privileges, restrictions related to participation in college programs and campus access, student supervision, to employment termination or release in the case of tenured faculty in accordance with college policy (see Chapter 2, Section III, a.), depending on the severity of the offense. The College reserves the right to refer any report of a violation of this Policy to the local police or other law enforcement agencies, although it typically will not do so if the Alleged Victim objects to such reporting. Even if criminal justice authorities do not prosecute Elizabethtown College members, the College can pursue disciplinary action.

In cases when an employee faces criminal charges or is the subject of a criminal investigation, the College's response may be initiated at any time during such investigation or criminal proceedings. The College's response will typically not be delayed because outside criminal proceedings are ongoing.

Any member of the College community found to be retaliating against, harassing or intimidating others who have filed complaints alleging a violation of this Policy, or who otherwise participates in any resulting investigations, will face additional disciplinary consequences.

## **Appeal Process**

Either party, Complainant or Respondent, proceeding under this Policy may appeal the decision or sanctions from an Interactive Resolution in writing within five (5) business days of the date of written notification of the outcomes. The written notification of outcomes also contains information on the right to appeal. Disciplinary sanctions generally are stayed pending appeal, unless the Title IX Coordinator, in consultation with the Director of Human Resources (staff) or Dean of Academic Affairs (faculty), determines that sanctions should be immediately implemented because the underlying offense involved serious harm to another person or the Respondent otherwise presents a continuing risk of harm or disruption to the community. An appeal must be based on one or more of the following reasons; the Appeal Officer may decide not to hear an appeal if sufficient grounds have not been articulated for an appeal.

1. **There is new information, unavailable at the time of the Interactive Resolution process that could reasonably be expected to change the original decision.** The party must outline the source of new information, the name(s) of the individual(s) who can present this information, the reason(s) why this information was not available at the time of the Interactive Resolution process, and the reason(s) why this information may contribute to a different decision.
2. **There was a substantial procedural error during the Policy process that may change the original decision.** The party must include a citation of specific procedural error, the reason(s) why the procedural error was not mentioned during the course of the investigative or Interactive Resolution process, and how the correction of the error could contribute to a different decision.
3. **The sanction imposed is substantively disproportionate to the violation.** The party must include specific information about why the sanction is deemed substantively disproportionate.

The appeal must articulate, with specificity, which of the three above reasons forms the basis of the appeal. The College will not consider any of the above reasons that is not specifically raised and discussed in the appeal.

The scope of the appeal will be limited to one or more grounds outlined above. The appeal does not trigger a *de novo* review of the outcome of the Interactive Resolution. In other words, the Appeal Officer will give deference to the decision of the Investigator.

Appeals will be reviewed by the Sr. Vice President for Academic Affairs/Dean of the Faculty when the Respondent is a faculty member and the Vice President for Administration when the Respondent is a staff member. These appeal officers will receive annual professional development, and will be knowledgeable in both the Interactive Resolution process and all prohibited conduct under this Policy. An appeal may be assigned by the Title IX Coordinator to a qualified external third party in order to avoid a conflict of interest or to expedite the review.

In most cases, the appeal will be completed within ten (10) business days after the receipt of the appeal letter. There are conditions by which the Title IX Coordinator may deem it necessary to either expedite or postpone an appeal. If this occurs, there will be a written communication to the Complainant and Respondent from the Title IX Coordinator. The Title IX Coordinator will prepare relevant documents for the appellate review, and conduct a preliminary meeting with the Appeal Officers to define the scope of the appeal.

### **The Appeal Officer Will:**

- Review the record only. The record will normally consist of any investigative notes, report, and other relevant materials (including audio recordings, if any), and the decision letter. In appropriate cases, the review may include any relevant new information presented by the Complainant or Respondent.
- Provide a final written decision and explanation to the Title IX Coordinator, generally within ten (10) business days after receipt of appeal letter. Some cases may require additional time. The Title IX Coordinator will simultaneously inform the Complainant and Respondent in writing of the appeal outcome, including whether there was a change to the result and that the result is final, within three (3) business days after receiving the written decision from the Appeal Officer.

### **The Appeal Officer May:**

- Determine the appeal is without merit and uphold the original decision and sanction(s).
- Determine that new and relevant information presented in the appeal could reasonably alter the underlying outcome determined by the investigator(s). In this situation, the Appeal Officer will return the case to the original investigator(s) and ask for consideration of the information and request final determination based on new information. Or, the Appeal Officers may consult with the Title IX Coordinator to seek a competent, trained, outside party to review the new and relevant information and reach a final determination.
- Determine a procedural error was made that likely materially impacted the outcome of the original decision. In this situation, the Appeal Officer will consult with the Title IX Coordinator to seek a competent, trained, outside party to evaluate the impact of the error, if any, and reach a final determination. This could involve a new investigation, in whole or in part, if, in the sole discretion of the outside party, the procedural error was so significant that a new investigation is warranted.
- Determine the sanction(s) should be reconsidered. In this case the Appeal Officer will determine final sanctions.

### **Recordkeeping**

There shall be a single record, which could include such items as notes or audio recording, of all investigations and resolutions. Deliberations shall not be recorded. The record shall remain the property of the College. In terms of publicly available record keeping (including but not limited to Timely Warnings, Emergency Notifications, Daily Crime and Fire Log, and the Annual Security and Fire Safety Report) the College will never, absent extraordinary circumstances, disclose personally identifying information of the Alleged Victim or Complainant.

### **Investigation and Resolution of Reports against Students**

All students of the College are expected to adhere to the standards set forth in this Policy. However, if the alleged Respondent is a student, the matter will be investigated and resolved according to the procedures described in the Student Handbook: <http://www.etown.edu/offices/dean-of-students/student-handbook.aspx>

Note that any College community member may file a report of student misconduct by contacting the Title IX Coordinator, Campus Security, the Dean of Students, the Director of Student Rights & Responsibilities or any Responsible Employee.

### **Investigation and Resolution of Complaints against Third Parties**

All third parties on the College campus, including contractors and visitors, are expected to adhere to the standards set forth in this Policy.

Any College community member may file a report of misconduct by a third party in violation of this Policy by contacting any Responsible Employee, or by contacting:

### **Director of Campus Security**

Andrew Powell  
717-361-1264

### **Equity and Title IX Coordinator**

Dr. Armenta Hinton, High Library, Room 219  
Phone: 717-361-1179  
Email: [hintona@etown.edu](mailto:hintona@etown.edu)

### **EC Tipline** (provides anonymous report option)

Toll free 855-696-1899 or web-assisted on the [EC Tipline webpage](#)

Note: Anonymous reports significantly limit the College's ability to investigate and appropriately address allegations of misconduct.

### **Elizabethtown Police Department**

**Call 911 or Lancaster County Wide Communications at 717-367-1835.**

Complaints against third parties will be investigated and an appropriate response, as possible and based on the status of the alleged perpetrator, will be taken. In addition, interim measures, as described above, may be implemented.

As noted above, all interim measures, support services, and similar support networks are available for those campus community members who suffer misconduct or make reports against third parties.

### **Educational Programming**

Elizabethtown College prohibits sex discrimination, sexual misconduct, sexual assault, sexual exploitation, stalking, domestic violence and dating violence and offers educational programming and awareness campaigns to various groups such as: all college personnel; incoming and returning students; Resident Assistants and other student leaders.

Educational programming and awareness campaigns will address matters such as: a definition of what constitutes sexual harassment and sexual misconduct both under this Policy and locally in Pennsylvania (including sexual assault, sexual exploitation, consent, domestic violence, dating violence, and stalking), what to do if assaulted, an explanation of this Policy, how to file charges within the College discipline system and/or with the local police department, campus community resources to assist both the Complainant and the Respondent, and bystander intervention and risk reduction techniques.

Educational programming and awareness campaigns may also address matters such as: the causes of sexual harassment, myths involved with sex harassment, the relationship between sexual harassment, dating violence and alcohol use, the nature of a rape examination, and men's issues and sexual assault.

Educational programming occurs on a regular basis, and at least annually for all employees including faculty, staff and seasonal employees. Specialized resources and training are available for summer program staff, study abroad and international student orientation. Ongoing educational programming occurs throughout the academic year for all students with special emphasis and targeted training for new student orientation and residence hall programming. Topics that can be covered are: consent, bystander training and intervention, reporting, alcohol awareness, dating violence prevention and digital citizenship. This is not an exhaustive list, but a sample of educational program topics. For more information about educational programming, please contact the Title IX Coordinator.

### **Written Notification of Available Resources**

The College will provide to students and employees information about support and assistance granted to victims of sexual assault, stalking, dating violence or domestic violence. The support and assistance the College can provide includes accessing advocacy resources; academic support; counseling, disability, health or mental health services; legal assistance; visa/immigration assistance (both within the college and in the community); and will provide other security and support measures as appropriate, including by issuing a no-contact order, arranging a change of living or work assignment or class schedules (including for the Respondent pending the outcome of an investigation), or



making adjustments for assignments or tests, etc. and assisting with reporting crimes to local law enforcement if the victim chooses. This information is available on the Elizabethtown College Title IX webpage and in informational brochures available in Human Resources, the Office of the Sr. Vice President for Academic Affairs, Residence Life, Campus Security, Office of the Vice President for Student Affairs/Dean of Students and Student Wellness.

## **Prevention of Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking**

Prevention of the conduct prohibited by this Policy requires a commitment from all members of the campus community in order to foster and maintain an optimal environment for learning and development. Elizabethtown College, the Division of Student Life and the Office of Human Resources promote a campus climate in which individuals will use their best judgment to assist with situations if it is safe to do so. It is our goal to create a caring and responsible community. To assist in supporting this type of community, the following suggestions are provided.

- Active bystanders are those who address biased and/or sexist attitudes and beliefs to challenge behaviors that support sexual violence. The College supports active bystanders.
- Avoid being a passive bystander to situations which could potentially evolve into sexual misconduct. Pay attention to the verbal and non-verbal signals of those around you and intervene in situations where a friend or acquaintance may be at risk for assault.
- Simply checking in with someone can interrupt the potential for something bad happening. Ask yourself, "If I were in this situation, would I want someone to help me?"
- Encourage your friends to show respect for others by respecting their boundaries, physical and otherwise. This includes a personal decision to be alcohol-or drug-free.
- Know that if a person is drunk to the point of incapacitation, the individual cannot consent to sex.
- Keep campus emergency numbers in your cell phone, iPod or other device and call for help.
- Make a report of the incident by contacting Campus Security or using the online incident report form, the ECTipline, available on the Campus Security homepage.

## **Warning Signs of Abusive Behavior**

Dating and domestic violence occur in all socio-economic, educational, racial, and age groups. The issues of power and control are at the heart of this type of violence. The batterer uses acts of violence and a series of behaviors to gain power and control.

### ***Behavioral Signs:***

- Intimidation: Smashing things, abusing pets, destroying victim's property, displaying weapons.
- Threats: Making and/or carrying out threats to harm the victim, to commit suicide, to report the victim to child welfare, to make the victim drop charges.
- Isolation: Controlling what the victim does, sees, and reads, limiting who the victim talks to.
- Emotional abuse: Putting the victim down, calling the victim names, making the victim think of themselves as crazy, playing mind games.

### ***Warning Signs:***

- Someone involved in an abusive relationship might display certain behavioral signs including:
- Inconsistent explanations: Victims may provide inconsistent explanations as to the cause of their injuries due to fear of alerting others to the severity of their situation.

- Alcohol abuse: Victims may use alcohol as a means of escape from their everyday reality of abuse.
- Injuries in multiple stages of healing: Bruises are the most common form of injury and have the following stages of healing: purple to green to yellow.

*From RAINN (Rape, Abuse, and Incest National Network)*

**Alcohol or Other Drugs:** Engaging in sexual contact while under the influence of alcohol or other drugs is risky behavior because individual judgment can be impaired and communication about consent misunderstood. An individual should be aware of the other person's level of intoxication. Intoxication or drug use that is incapacitating negates consent, and your own level of intoxication is not a defense.

## **Registered Sex Offender Information**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a Federal law that provides for the tracking of convicted sex offenders enrolled or employed at institutions of higher education. The Federal law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The names of any of these registered offenders is maintained and available online through the Pennsylvania State Police by visiting <http://www.pameganslaw.state.pa.us/>. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

## **Title IX**

Elizabethtown College is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of sex discrimination and sexual harassment, sexual misconduct, sexual exploitation, stalking, dating violence and domestic violence. Title IX of the Education Amendment Act of 1972 states that: *No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance.* Sex discrimination violates an individual's fundamental rights and personal dignity. Students, employees and college visitors are encouraged to contact the Title IX Coordinator or any Deputy with questions or comments about this Policy:

## **Title IX Coordinator**

Elizabethtown College has designated a Title IX Coordinator for all matters related to sex discrimination at the College, and to coordinate the efforts of the College to comply with Title IX law:

**Equity and Title IX Coordinator:**  
**Dr. Armenta Hinton, Baugher Student Center, Rm 232**  
**Phone: 717.361.1179**  
 Email: [hintona@etown.edu](mailto:hintona@etown.edu)

Questions about the application of Title IX at Elizabethtown College should be directed to Dr. Hinton or to the Office of Civil Rights, Department of Education, Washington, D.C., <http://www2.ed.gov/about/offices/list/ocr/index.html>

## **The Title IX Coordinator:**

- helps to ensure that the College is in compliance with Title IX's administrative requirements;
- coordinates the implementation and administration of the College's procedures for resolving Title IX complaints, including educating the campus community on how to file a complaint alleging a violation of Title IX, investigating complaints, working with law enforcement when necessary, and ensuring that complaints are resolved promptly and appropriately;
- coordinates the College's response to all complaints involving possible sex discrimination to monitor outcomes, identify and address patterns, and assess effects on the campus climate;

- monitors students' participation in athletics and across academic fields to identify programs with disproportionate enrollment based on sex and ensure that sex discrimination is not causing any disproportionality or otherwise negatively affecting a student's access to equal educational opportunities;
- provides training and technical assistance on College policies related to sex discrimination and develop programs on issues related to Title IX to assist the institution in making sure that all member of the campus community, including students and staff, are aware of their rights and obligations under Title IX;
- regularly assesses the adequacy of current training opportunities and programs and proposes improvements as appropriate; and
- is available to meet with members of the campus community, including employees and students, as needed to discuss any issues related to Title IX.

## **Related College Policies**

It is possible that an alleged occurrence or series of occurrences giving rise to a report of sexual harassment (or other conduct prohibited under this Policy) may relate to conduct prohibited under other College policies. For example, alleged sexual harassment that is motivated in part by racial or ethnic discrimination would, if proven by a preponderance of the evidence, violate both this Policy and the College's Policy Against Discrimination, Harassment, and Bullying. In situations like this example where alleged prohibited conduct falls under both (a) this Policy and (b) any other policy of the College, the procedures outlined in this Policy control.

However, the Title IX Coordinator has the discretion to sever from the proceedings under this Policy the fact finding, adjudication, or sanctioning related to the alleged violation of a different College policy. If the Title IX Coordinator so exercises this discretion, this Policy will govern the processes and procedures related to the resolution of the alleged sex discrimination (in whatever form that falls under this Policy), while the policies and procedures of any other relevant College policy will govern the resolution of the other alleged misconduct.

As set forth in section 2.39 of the Faculty Handbook the College prohibits certain types of relationships between employees and students. Dating, romantic, or sexual relations between College employees.

## **Policy on Prohibited Relationships between College Employees and Students**

Dating, romantic, or sexual relations between College employees (faculty, staff and administrators) and students, even if consensual, can negatively affect the educational environment for students. Members of the faculty and staff are expected to maintain professional relations with all students, act in accordance with standards of professional conduct and avoid conflicts of interest, favoritism, bias or creation of a hostile environment for students.

Moreover, a consensual romantic relationship or sexual relationship between an employee and a student enrolled at the College can compromise professional standards and expose both the employee and the College to claims of harassment or unlawful discrimination—for example, from the student involved or from other students who allege they were disadvantaged because of the employee's unprofessional relationship with one of their peers.

Accordingly, the College prohibits consensual romantic or sexual relationships between employees (faculty, staff, and administrators) and students. An employee found to be engaged in a romantic or sexual relationship with a student will be subject to disciplinary action up to and including dismissal or release.

Employees who are married to or are a domestic partner of a student (as defined under Domestic Partner Benefits) are exempt. In situations where such a pre-existing relationship exists, the individual with the supervisory, teaching, advisory, or evaluative position over the student must immediately inform the relevant supervisor, Chair, Dean, or the Director of Human Resources of the conflict of interest. Necessary steps will be taken to resolve the conflict and eliminate any appearance of favoritism or advantage and/or inconsistencies in other College policies.

## **Policy Regarding Protection of Minors on Campus**

Any member of the Elizabethtown College community, employee or student employee, who encounters a minor (child under the age of 18) on campus or at an off-campus sponsored event, and suspects that the minor has been the victim of child abuse, must report the incident, irrespective of the seriousness of the incident. In such cases, the suspected abuse should be reported immediately to Campus Security, the College EC Tipline (toll free 855.696.1899 or web-assisted on the [EC Tipline Webpage](#)), a Human Resources official, the Department of Public Welfare Childline (800.932.0313), or local law enforcement by calling 911.

Please refer to the [Policy Regarding Minors on Campus](#) for more information.

## **ADDENDUMS**

The following table offers general guidelines as to the length of each step in the Elizabethtown College’s Office of Equity and Title IX Sexual Misconduct Process.

### **Time Frame for Interactive Resolution**

Process	Number of Days
Receipt of complaint and initial evaluation of the complaint	
Title IX Coordinator assigns investigator and notifies complainant and respondent of investigation into alleged misconduct	7 business days from receipt of complaint
Fact finding and investigation	14 – 30 calendar days from the date the complaint was received  The Complainant and Respondent proceeding under this Policy have the right to a timely process and resolution. Generally, the resolution process—from initial report to decision— will take two to four weeks, excluding any appeal. <u>Academic calendar considerations (e.g., periods when the College is closed), an appeal process, or other circumstances may result in an extended resolution process.</u>
Interactive Resolution	Ongoing throughout the fact finding and investigation process
Notification of Outcome	5 calendar days from the date of the completion of the investigation (i.e., approximately 19-35 calendar days from the date the complaint was received)  At the conclusion of any resolution process, the College will provide written notification to the Complainant and the Respondent of the outcome, including information about any sanctions, within five (5) business days of the completion of the investigation.
Time frame for filing an appeal	Appeals must be filed within 5 business days from the date of the outcome letter. In the case of an Interactive Resolution, once written notification of the outcomes has been received, the parties involved will have (5) business days to appeal the decision and the sanctions. The letter of appeal should be submitted to the Title IX Coordinator according to the appeal process outlined in this Policy.
Appeal process	Most appeals will be completed within 10 business days. The College may deem it necessary to extend the time in some cases which may require further review.
Notification of Outcome of Appeal	The Title IX Coordinator will simultaneously inform the complainant and respondent of the outcome of the appeal 3 business days from receipt of written decision

## Local Laws – Commonwealth of PA

While **dating violence** is not a specific crime in Pennsylvania, the act of dating violence would be covered under existing statutes related to assault and/or domestic abuse.

Pennsylvania law defines **domestic abuse** as an occurrence of one or more of the follow acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. (2) Placing another in reasonable fear of imminent serious bodily injury. (3) The infliction of false imprisonment (4) Physically or sexually abusing minor children or (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. (23 Pa. C.S.A §6102).

Pennsylvania law defines **stalking** when a person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person. (18 Pa. C.S.A §2709.1).

Pennsylvania law applies the following definitions to **sexual offenses**:

**"Complainant."** An alleged victim of a crime under this chapter.

**"Deviate sexual intercourse."** Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

**"Forcible compulsion."** Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

**"Foreign object."** Includes any physical object not a part of the actor's body.

**"Indecent contact."** Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.

**"Serious bodily injury."** As defined in section 2301 (relating to definitions).

**"Sexual intercourse."** In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

(18 Pa. C.S.A. §3101).

Pennsylvania law defines **rape** as a felony in the first degree when a person engages in sexual intercourse with a complainant: (1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or (5) who suffers from a mental disability which renders the complainant incapable of consent. (18 Pa. C.S.A. §3121).

Pennsylvania law defines **statutory sexual assault** as a felony in the second degree when a person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either: (1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant. Statutory sexual assault is considered a felony in the first degree

when a person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A §3122.1).

Pennsylvania law defines **involuntary deviate sexual intercourse** as a felony in the first degree when a person engages in deviate sexual intercourse with a complainant:(1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (5) who suffers from a mental disability which renders him or her incapable of consent; or(6) (Deleted by amendment); (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other. (18 Pa. C.S.A. §3123).

Pennsylvania law defines **sexual assault** as a felony in the second degree when, except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent. (18 Pa. C.S.A. §3124.1).

Pennsylvania law defines **aggravated indecent assault** as an occurrence, except as provided in sections 3121(relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), where a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:(1) the person does so without the complainant's consent;(2) the person does so by forcible compulsion;(3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;(4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;(5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;(6) the complainant suffers from a mental disability which renders him or her incapable of consent;(7) the complainant is less than 13 years of age; or(8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A. §3125).

Pennsylvania law defines **indecent assault** when a person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other. (18 Pa. C.S.A. §3126).

While consent is not defined by Pennsylvania law, a person commits a sexual offense in Pennsylvania if done so by forcible compulsion, which is defined as "Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during, or after sexual intercourse. (18 Pa.C.S.A §3101).

