

**CHAPTER IV**  
**EMPLOYMENT POLICIES – FACULTY AND STAFF**

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## WHISTLEBLOWER POLICY

### ACCIDENT/INCIDENT REPORTING

Clarke University has an established accident/incident investigation program to determine the underlying causes of accidents and incidents, and to prevent similar occurrences. Clarke University will investigate any accident or incident that involves an employee, student, or visitor on campus.

Supervisors, managers, teachers, and staff must ensure the completion of the *Injury & Incidents Report Form* for each accident, exposure, occupational illness, incident, or near miss incident that is reported, or is observed by them. An investigation must then be conducted by the supervisor, staff member, or supervising adult using the *Investigative Report for Injury & Incidents*. An accident investigation is an analysis and account of an accident based upon factual information, gathered by a thorough examination of all factors involved. It includes definite action to be taken to prevent a recurrence.

The *Injury & Incidents Report Form* and the *Investigative Report for Injury & Incidents* should be completed and forwarded to the office of safety and security within 24 hours of the incident. Forms can be obtained at the office of safety and security, lower level of Mary Josita Hall, G27, x8145 or by downloading them from the University Web site. Clarke University will also need to file a first report of injury for accidents covered under Workers Compensation (see Benefits section).

#### Purpose of Investigation

The purpose of the reporting and investigation is to initiate actions that will prevent further accidents. The goal is to find the cause(s) of the occurrence. The result of the analysis will be physical or mechanical improvements, or better employee training. Supervisors, managers, teachers, and staff can play an important role in the process by ensuring that the *Injury & Incidents Report Form* and *Investigative Report for Injury & Incidents* is accurately completed.

#### Definitions

Accidents- Injuries or illnesses which are OSHA recordable, result in workers compensation claims for either medical or lost time benefits, or require medical treatment other than first aid.

Sports Injuries- These need not be reported unless there is reason for further investigation

Incidents- Injuries or illnesses which are treated by first aid only, or property damage which does not involve injury or illness

Near Miss Incident- Incidents which could have, but did not result in, injury, illness, or property damage.

Employees- Students, faculty, or staff who are on the Clarke payroll or work study students.

Students- Anyone enrolled in a class at Clarke and under the supervision of a teacher.

*Injury & Incidents Report Form*- This form is required to report any accident, incident, or near miss that involves a student, employee, or visitor at Clarke University. It is also required for incidents involving University property on or off campus (i.e. motor vehicle accident off campus), Clarke employees on official business off campus, or Clarke students on school sponsored trips.

*Investigative Report for Injury & Incidents*- This form is required to investigate any accident or incident, and to suggest preventive action. This form is to be completed by the immediate supervisor of the person involved in the accident/incident.

### ANTI – HARASSMENT AND DISCRIMINATION POLICY

Clarke University is committed to maintaining a work environment that is free from discrimination. In keeping with this commitment, we will not tolerate harassment of or by students, employees, supervisors, co-workers, vendors, visitors, or customers of the University. This position is consistent with Clarke's efforts to maintain equal employment opportunity, equal educational opportunity, nondiscrimination in programs/services and use of facilities, and the affirmative action program.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's

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protected status, such as sex, color, race, religion, national origin, age, physical or mental disability, sexual orientation, gender identity or other protected group status. The University will not tolerate harassing behavior that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Harassment is not always intentional, and does not have to be intentional to be illegal. It is the behavior that counts, not the identity of the participants. A person can feel harassed even if he or she is not the intended target of the behavior. While not all harassing behavior meets the standard of illegal conduct, any workplace harassment is inappropriate and will not be tolerated. If you feel harassed or you are aware of incidents of harassment at Clarke, you have a right and responsibility to communicate and address the situation.

### **Sexual Harassment (See Sexual Misconduct Policy)**

It is illegal to harass or discriminate against an employee based upon his or her sex, sexual orientation, gender or gender identity. **(For definition, reporting, and investigation procedures see the Sexual Misconduct Policy in this chapter).**

### **Age Harassment**

The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. Age harassment involves the harassment of a person because of his or her age. Age harassment may include ridicule or offensive remarks about a person's age, specifically when this harassment is so frequent or severe that it creates a hostile or offensive work environment.

### **Race/Color Harassment**

Race/color harassment involves the harassment of a person because of his or her race or skin color or because of personal characteristics associated with race or skin color. Race/color harassment also includes harassment of a person because they are married to (or associated with) a person of certain race or skin color. Most often race/color harassment occurs as offensive comments, epithets, jokes, slurs or gestures, or through symbolic objects or drawings. Even when the victim and harasser are the same race, or the victim is not a minority, race harassment is tolerated and unlawful.

### **Religious Harassment**

Religious harassment involves harassment of a person because of his or her affiliation with a particular religion or observance of religious holidays or dress. Religious harassment may include negative or offensive remarks or jokes about a person's religion or religious garments; religious slurs; or other verbal or physical conduct based on an individual's religion or religious beliefs. Coercing an employee to participate or not participate in religious activities also constitutes religious harassment.

### **National Origin Harassment**

National origin harassment involves harassment of a person because he or she is from a particular country or part of the world, because of ethnicity or accent, or because he or she appears to be of a certain ethnic background (even if they are not). National origin harassment also includes harassment of a person because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group. National origin harassment may include derogatory words or conduct aimed at an individual's nationality, ancestry, foreign name, accent, appearance or culture.

### **Disability Harassment**

Disability harassment involves the harassment of a person because of his or her actual or perceived physical or mental disability. Disability harassment also includes harassment of a person because they are associated with a person who has a physical or mental disability. Disability harassment may include ridicule, demeaning conduct, or offensive remarks about a person's disability.

### **Responsibilities**

All students and employees are responsible to help assure that we avoid harassment. All University students and employees, therefore, have the responsibility of keeping University administrators informed, through the most confidential and direct means possible, of all alleged acts and/or complaints or harassment or discrimination.

It is the responsibility of each principal administrative officer, department head, and supervisor to ensure a working environment free of harassment and intimidation for students and employees.

The Director of Human Resources will have the responsibility for administering this policy, and all questions pertaining to the University's policy regarding harassment and discrimination should be addressed to the Director of Human Resources.

### **Filing a Complaint**

**\*\*These procedures apply to all harassment and discrimination complaints besides Sexual Harassment. The Sexual Misconduct Policy will control the complaint, discipline, and appeals procedures for complaints of sexual harassment.**

It is the university's intent to investigate all complaints in accordance with the procedures identified in this policy. Complaints that may be addressed under this policy include complaints based on the conduct of University students, faculty and staff members, other persons acting in official University capacities, and University visitors. To the fullest extent practicable, the University will keep complaints and the terms of their resolution confidential.

If an individual wishes to discuss a harassment or discrimination matter, in confidence, before making a formal complaint he or she may meet with a designated campus equity advocate. The advocate is a faculty or staff member designated by the vice president for student life to listen, help evaluate the options to address the concern, and make appropriate referrals. The advocate may advise a formal complaint be filed with an appropriate administrator.

Individuals who believe they have been harassed or discriminated against and wish to file a formal complaint should address their concerns to the appropriate administrative official at the University as set forth below.

#### Complainant

Faculty Member  
Staff Member  
Student  
Vice President

#### Appropriate Administrator

Vice President for Academic Affairs  
Director of Human Resources  
Vice President for Student Life  
President

Faculty members, vice-presidents, administrative department heads, supervisors, and residence life coordinators, are required to report to the Appropriate Administrator incidents of harassment reported to or observed by them but they are not to conduct an investigation. Exceptions to this policy are the Chaplain, the Director of the Health Services, and the universities two equity advocates who are considered confidential advisors.

If the complainant feels uncomfortable going to their Appropriate Administrator, or the Appropriate Administrator is the subject of the harassment or discrimination allegations, the complainant should direct the complaint to one of the other Appropriate Administrators.

Official allegations of harassment or discrimination are to be made in writing to the Appropriate Administrator as  
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soon as possible and not later than ninety (90) calendar days from the date of the alleged harassing or discriminatory event. The complaint must include the following information: name, address and telephone number of the complainant; the nature of the complaint; date(s) and location(s) of the alleged occurrence(s); evidence on which the complaint is based; and the redress sought by the complainant.

The Appropriate Administrator will have twenty (20) calendar days in which to conduct an investigation of the complaint. The Appropriate Administrator may act as Investigator or may arrange for another individual to act as Investigator in the matter. The purpose of the investigation is to establish (1) whether there is reasonable basis for believing the allege and a violation of the policy has occurred, and (2) the factual circumstances surrounding the claim.

In extreme cases where the safety of individuals, the protection of property, or the continuity of the educational process may be in danger, the Appropriate Administrator, in consultation with the President, can decree the immediate suspension of an individual or individuals. In these cases, the individual must respond to the charges within 72 hours of notification, or waive his/her right to the appellate process.

In conducting the investigation, the Investigator will interview the complainant, the person against whom the complaint is made, and may interview any other persons believed to have pertinent factual knowledge. A copy of the university's anti-harassment policy and complaint procedure will be provided to both complainant and accused. At all times, the Investigator will take steps to maintain strict confidentiality to the fullest extent practicable. The parties and any notified Administrator of the University or supervisor will maintain strict confidentiality as well.

The investigation will afford the person against whom the complaint is made an opportunity to respond to the allegations of the complaint. The Investigator will be in communication with the complainant until the complaint is resolved. The complainant will be informed of general actions taken but will not be informed of specific conversations held with the person against whom the complaint is made.

Upon the expiration of the twenty (20) calendar day period the Investigator will have an additional ten (10) calendar days to produce a written report summarizing the findings of fact. This report will be provided to appropriate Vice President and/or President. The appropriate Vice President and/or President will review the report within ten (10) days and determine appropriate sanctions if any. Both parties involved will then be notified concerning the determination of facts and any sanctions imposed.

Sanctions may include, but are not limited to, written reprimand of the person against whom the complaint is made, suspension or dismissal of the person against whom the complaint is made, a change of grade or other academic record, a change of course section, a change of reporting line for an employee, or any other appropriate sanction(s) under the circumstances. If sanctions are imposed, this report will become a part of the personnel file of the individual against whom the complaint is made.

### **Appeals**

If either party disputes the findings or is dissatisfied with the sanctions, they may appeal by filing a written appeal with the President of the University within fifteen (15) calendar days of notification of the findings. The President of the University will review the record of the matter and will reach a final determination as to any action to be taken within ten (10) calendar days of receipt of the appeal.

The determination of the President on the appeal is final and may only be addressed further by petition to the appropriate grievance committee by the party who remains dissatisfied. Rules governing the grievance committees of faculty, staff and students are provided in their respective policy manuals.

### **Anti-Retaliation Statement**

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Clarke University forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation. Retaliation of any kind against anyone filing a complaint of harassment or discrimination is prohibited. Initiating a complaint of harassment or discrimination will not affect a complainant's employment, compensation or work assignments or, in the case of a student, grades, class selection, or any other matter pertaining to student status. If you feel you have been retaliated against, notify the Director of Human Resources or your Appropriate Administrator immediately.

False accusations of harassment or discrimination can seriously injure innocent people. Initiating a false harassment or discrimination complaint or initiating a harassment or discrimination complaint in bad faith may result in disciplinary action. A finding for the accused does not constitute a finding the complaint was in bad faith.

## **CHILD ABUSE REPORTING POLICY**

Clarke University is committed to providing the greatest possible protection to victims of child abuse and strives to protect the well-being of children visiting campus and/or participating in University-sponsored off-campus programs. As a result, the Child Abuse Reporting Policy requires employees who in the scope of their employment responsibilities examine, attend, counsel, or treat a child to report suspected physical or sexual child abuse. The policy explains when reporting is mandatory, who must report suspected abuse, and the time, circumstances and method for reporting abuse.

### **Reporting Responsibility**

The policy requires all university employees who, in the course of their employment, examine, attend, counsel, or treat a child, to report any and all physical or sexual child abuse that they suspect or become aware of in connection with any University activities, whether the abuse is believed to have occurred on or off campus. This includes child abuse you actually know about, see, or have reasonable cause to suspect. A "child" is any individual under 18 years of age.

The safety and welfare of the child is paramount. Any uncertainty about whether reporting is required should always be resolved in favor of making a report. Any employee who willfully fails to report suspected abuse will face serious discipline, up to and including, termination of employment.

### **Physical Abuse**

Physical abuse is defined in Iowa Code Section 232.68 as any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.

Common indicators could include unusual or unexplained burns, bruises, or fractures. Health services personnel should be especially alert to cases of child abuse where inconsistent histories are presented. Inconsistent histories can take the form of an explanation that does not fit the degree or type of injury to the child, or where the story or explanation of the injury changes over time.

Some indicators of child abuse are not visible on the child's body. Many times there are no physical indicators of abuse. A child's behavior can change as a result of abuse. Health services personnel need to be alert to possible behavioral indicators of abuse and if they believe those to be present, they are required to make a report. Behavioral indicators include behaviors such as:

- extreme aggression
- withdrawal
- seductive behaviors
- being uncomfortable with physical contact or closeness

## **Sexual Abuse**

Sexual abuse is defined in Iowa Code Section 232.68 as the commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child. The commission of a sexual offense under this paragraph includes any sexual offense referred to in this paragraph with or to a person under the age of 18 years.

There are several sub-categories of sexual abuse:

- First degree sexual abuse
- Second degree sexual abuse
- Third degree sexual abuse
- Detention in a brothel
- Lascivious acts with a child
- Indecent exposure
- Assault with intent to commit sexual abuse
- Indecent contact with a child
- Lascivious conduct with a minor
- Incest
- Sexual exploitation by a counselor or therapist
- Sexual exploitation of a minor
- Sexual misconduct with offenders and juveniles

Behavioral indicators of sexual abuse could include things such as excessive knowledge of sexual matters beyond their normal developmental age or seductiveness. Physical indicators of sexual abuse could include things such as bruised or bleeding genitalia, venereal disease, or even pregnancy.

## **Reporting Procedure**

As employees and representatives of the University, you are required to report any and all suspected physical or sexual child abuse. Reports of suspected child abuse should be reported immediately, and must be reported within 24 hours of suspected abuse. Proof that abuse has occurred is not required when making a report. Reports may be written or verbal and should include the following information to the extent it is known:

- name of the person engaged in misconduct;
- name of alleged victims;
- time and date;
- location; and
- information and evidence supporting the allegation that misconduct has occurred.

Reports must be made to local law enforcement and Clarke administration (President or any of the Vice Presidents). If a child is in imminent danger, the employee should contact 911 to obtain immediate protection for the child and Safety and Security should also be notified.

Any employee who willfully fails to report suspected abuse will face serious disciplinary action, up to and including, termination. Most importantly, if an employee does not make a report, a child may continue to be at risk. The only exception to this policy is any confidential communications made to a University-employed member of the clergy.

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## **Mandatory Reporters**

University employees who are mandatory reporters of all forms of child abuse (not just physical or sexual abuse) under state law must also fulfill their statutory obligation to report to the Department of Human Services as provided by Iowa Code §232.67-70. University employees, students and visitors who are not mandatory reporters may, and are strongly encouraged to, report all forms of child abuse directly to the Department of Human Services as provided under Iowa Code §232.67-70.

## **No Retaliation**

Retaliatory action against an employee for participation in making a good faith report of child abuse or aiding and assisting in an assessment of a child abuse report is prohibited. Retaliation of any kind against anyone filing a report of child abuse is prohibited and an employee who retaliates against someone who has reported a violation in good faith is subject to discipline, up to and including, termination of employment. Filing a report of suspected child abuse will not affect a reporter's employment, compensation or work assignments. If you feel you have been retaliated against, notify the Director of Human Resources.

Iowa law also provides immunity from civil or criminal liability for any employee who acting in good faith, makes a report of suspected child abuse or assists or cooperates in an investigation.

## **CHILDREN IN THE WORKPLACE**

At Clarke University, we encourage employees to invite their family members to campus events and to use campus facilities as appropriate. Their participation at athletic, social, cultural and religious events helps family members get to know Clarke and builds camaraderie among the faculty, staff and students. For safety reasons, we ask that children of any age be accompanied by their parents at all times while on campus. There are many ways to get injured or into mischief on a university campus.

In fairness to the university, to our colleagues and to our students, employees are asked to avoid bringing their children into the workplace during the work day. Faculty and staff are expected to arrange for independent childcare during their regular work day. The nature of an employee's responsibilities can be considered in determining an employee's work day parameters. Faculty should not bring their children into the classroom or other instructional venue when teaching, nor when performing student advising, nor when attending University wide meetings.

Emergencies do arise that may make it necessary to bring a child to campus for a short time during the work day. Please speak with your supervisor or department chair on these occasions. Sick children should not be brought at any time to campus for the protection of the entire campus community.

## **CLASSIFICATION OF EMPLOYEES**

- a. Full-Time: All persons working a regular schedule of 30 hours or more per week for 12 months, or Full Time Equivalent status of at least .75.
- b. Academic Year Full-Time: All persons working a regular schedule of 30 hours or more per week or a FTE of .75 or more. These individuals usually work during a 9 or 10 month period.
- c. Part-Time: All employees working less than 30 hours per week. This also includes faculty members less than .75 FTE.
- d. Temporary Employees: All employees hired for a specific project (not to exceed 9 months) whose employment will terminate upon completion of the project, or employees hired for a fixed period.

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These employees are not eligible for the benefits given to full-time or part-time employees.

- e. Exempt: An employee will be classified as exempt from the Federal Wage and Hour Regulations if he/she is engaged in work which is executive, administrative or professional and which meets the tests established by the Federal Fair Labor Standards Act. An exempt employee will be paid on a “salary” basis.
- f. Non-Exempt: A non-exempt employee does not qualify under any of the classifications of executive, administrative or professional as defined by the Federal Fair Labor Standards Act. The non-exempt employee will be compensated by equal time off during the same week or in wages at the rate of time and one-half for all authorized work performed each week in excess of the limits stated in the Federal Fair Labor Standards Act.
- g. Youth Employee: Youths 14 and 15 years old. A youth employee 14 or 15, can work outside school hours after 7 a.m. and until 7 p.m., except from June 1 through Labor Day, he/she can work until 9 p.m.. A youth employee can work no more than 3 hours on a school day, 18 hours in a school week, 8 hours on a non-school day, and 40 hours in a non-school week. Employees 16 or older can work any day, any time of day, and for any number of hours. There are no restrictions on the work hours of youth age 16 or older. Clarke will not employ youths under the age of 14 years. (Fair Labor Standards Act – Child Labor Laws).

#### Benefit Eligibility (revised 11.1.07)

All Full Time employees are eligible for the following benefit programs: Medical, Dental, Vision, Flex Spending, Life, AD&D, Voluntary Life, Voluntary AD&D and Long Term Disability. Employees in Part Time status or FTE of less than .75 are not eligible for the above benefit programs.

- \* Employees working 20 or more hours per week, and faculty with FTE status below .75 who were participating in any plan prior to 11/1/07 will be allowed continued coverage. Employees with a status change to Part Time (under 30 hours per week) or FTE status of less than .75 after 11/1/07 will lose benefit eligibility.

#### **CONFIDENTIALITY**

The nature of university business is not a subject for outside conversation. The business which crosses an employee’s desk or the information which becomes available through work on campus should be kept from social conversation and cannot be used for professional reasons without the appropriate approval. Violation of this rule will be considered a serious offense and cause for discipline or termination of employment.

#### **CONFLICT OF INTEREST**

Clarke University requires an employee to avoid any business of financial relationship, transaction, or event that may be viewed as a conflict of interest between you and an outside party. Specific circumstances that may constitute a conflict of interest include, but are not limited to, the following:

- Holding directly or indirectly a position or financial interest in an outside concern which provides services competitive to those provided by the University, or from which the University secures goods or services,
- Competing with the University, directly or indirectly, in the purchase of sale of property or property rights,

interests and services,

- Disclosing or using non-public information obtained through the University for personal gain or profit, or for a family member's personal gain or profit,
- Accepting gratuities or special favors from an outside concern that does, or seeks to do, business with the University that may be interpreted as an attempt to influence in the performance of your duties, or
- Retaining, directly or indirectly, consultants who have a financial interest or employment relationship that conflicts with services provided by the University.

Each employee of the University will be expected to file a Conflict of Interest Form on an annual basis to disclose any relationships that could appear to be in violation of this policy. Should there be a change in status of the employee over the course of a year, a new form should be completed. Failure to complete and submit this Form, failure to disclose any relationships that could pose a conflict, or direct violation of this policy, may result in immediate termination.

Forms are to be submitted no later than September 1 of every year to the Office of Human Resources.

## **DISABILITY**

The University does not discriminate against qualified individuals on the basis of disability in any term or condition of employment, including job application procedures, hiring, training, compensation, advancement, or discharge. Reasonable accommodations are provided, upon request, to enable qualified individuals to apply for a job and/or perform the essential functions of a job unless the accommodations would impose an undue hardship or a direct threat to the health and safety of employees.

Definitions:

*Qualified individual with a disability* means a person who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.

*Disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, and includes having a record of such an impairment or being regarded as having such an impairment.

*Reasonable accommodation* includes making existing facilities used by employees readily accessible to and usable by individuals with disabilities and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and the provision of other similar accommodations.

*Undue hardship* means an action requiring significant difficulty or expense, when considered in light of several factors.

*Direct threat* means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation.

Requests for a reasonable accommodation must be addressed on a case-by-case basis. Employees needing a reasonable accommodation have the responsibility to make a request for it by discussing the need with their supervisor and the Human Resources Department. All contacts regarding reasonable accommodations must be fully documented. The Human Resources Department must be informed of every request for a reasonable accommodation and will provide guidance on all aspects of developing a plan of accommodation.

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## **DRUG-FREE SCHOOLS AND CAMPUSES**

Clarke University complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989. These laws require the university to notify campus members about such items as policies, legal and disciplinary sanctions, health risks, and available sources of counseling, treatment, or rehabilitation. The Drug-Free Workplace Act of 1988 requires the university to certify that as a federal grantee, who receives financial assistance under any federal program, we will provide a drug-free workplace. Clarke University is committed to protecting the safety, health and well-being of all students, faculty, staff and other individuals on our campus. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain a drug-free environment.

In accordance with the Drug-Free Workplace Act, Clarke University prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on the University premises or as a part of any of its activities. Such activities are unlawful and may adversely affect employees' safety, health and longevity, and can seriously impair their performance. In addition, such use constitutes a potential danger to the security and welfare of our employees and students and exposes the University to the risks of fund and property loss. Accordingly, the possession or sale of these items by an employee is subject to discipline, up to and including immediate termination. No employee may be under the influence of alcohol or any illegal drug or controlled substance while on duty or while operating a vehicle or equipment owned or leased by the University. Or while operating a personal vehicle being used for university business.

Any employee who is using drugs in accordance with medical purposes, when such drug usage may impair work performance, should consult with his/her supervisor. If the medication affects the employee's work, arrangements may be made for the employee to have the necessary time off. This will be handled on a case-by-case basis. In adherence to the Drug-Free Workplace Act of 1988 Clarke requires any employee with a criminal drug statute conviction for a violation in the **workplace** to notify the supervising Vice President and the Vice President for Business and Finance no later than five days after the conviction. The Vice President for Business and Finance will notify the appropriate federal funding agency within 10 days after receiving notice of such a conviction.

### **Disciplinary Sanctions**

Failure to abide by this policy will lead to disciplinary action, which may include any/all of the following:

- Referral to the Employee Assistance Program for evaluation and treatment, including required participation in a drug/alcohol rehabilitation program
- Written Warning
- Suspension
- Termination
- Referral for prosecution

Please note that student employees are also subject to the general university policies published in the Student Handbook and may also be subject to disciplinary sanctions related to the student alcohol and drug policy.

### **Legal Sanctions**

Employees and students are responsible for obeying all local, state and federal laws concerning drugs and alcohol. Legal sanctions, as a result of conviction for unlawful possession, use or distribution of illegal drugs or alcohol, could include fines, community service work, required participation in a local, state or federally approved

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rehabilitation program and/or imprisonment. Specific legal sanctions are:

- 1) Both state and federal laws prohibit distribution of, manufacture of, or possession with intent to distribute a controlled substance or a counterfeit controlled substance. Specific drugs, amounts, and penalties are described in [Iowa Code 124.401\(1\)](#). Specific drugs, amounts, and penalties are described in [21 USC section 841\(b\)](#). State and federal legal sanctions are subject to change by the General Assembly and Congress, respectively.
  - a. **Penalty Enhancement.** The maximum term and fine increase significantly if state or federal penalty enhancement rules apply. Factors which raise maximum penalties under federal penalty enhancement rules include death or serious bodily injury; prior drug conviction; placing at risk or distributing a drug to a person under 21 years old; using a person under 18 years of age to assist in the drug violation; and distributing or manufacturing a drug within 1,000 feet of school property, including The University of Iowa campus. Penalty enhancement rules apply to defendants 18 years or older. Factors which raise maximum penalties under state penalty enhancement rules include using firearms or dangerous weapons in the commission of the offense.
  - b. **Possession.** Both state and federal laws prohibit possession of a controlled substance. The maximum state and federal penalty for possession is confinement for one year and a fine of \$1,500. The maximum term and fine increase significantly in the event that state or federal penalty enhancement rules apply. In addition, a person in possession of a small amount of a controlled substance for personal use may be assessed a civil fine up to \$10,000 in addition to any criminal fine.
  - c. **Driving While Intoxicated.** Under state law, a person found guilty of operating a motor vehicle while under the influence of drugs or alcohol (blood concentration of .08 or greater) shall be imprisoned for not less than 48 hours and fined not less than \$500 for the first offense. For the second Operating While Intoxicated (OWI) offense the minimum period of confinement is seven days and a fine of not less than \$750. The minimum period of confinement for the third or subsequent OWI convictions is thirty days and could be up to one year, with a fine of not less than \$750. The driver's license of an individual under 21 years of age who is found guilty of operating a motor vehicle with a blood alcohol concentration of .02 percent or more is subject to a 60-day suspension even if the individual is not legally intoxicated. For individuals convicted of OWI, the period of suspension is 180 days or more regardless of age.
  - d. **Alcohol-Related Offenses.** Under state law, the drinking age is 21. State law prohibits:
    - public intoxication;
    - driving a motor vehicle with an unsealed receptacle containing an alcoholic beverage in the vehicle;
    - giving or selling an alcoholic beverage to anyone intoxicated; and
    - possession of an alcoholic beverage under legal age.

### **Health Risks**

Health risks associated with the use of illicit drugs and abuse of alcohol may include alcoholism, malnutrition, increased risk of disease (e.g. cirrhosis, ulcers, heart disease, cancer, etc.), and personality disorders.

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The use of marijuana, LSD, amphetamines, sedatives, tranquilizers, other dangerous drugs or legally defined controlled substances by University staff members is of concern, as is the illegal use or abuse of alcohol. The health risks include, but are not limited to the nervous, cardiovascular, respiratory, muscular, endocrine, and central nervous systems.

### **Available Resources for Treatment**

The primary interest of Clarke is in the well-being of its employees. For that reason, we urge any employee who may be suffering from substance abuse or related problems to seek appropriate counseling and rehabilitation immediately. Some drug counseling and drug rehabilitation programs are covered by the Clarke's health insurance for participating employees, and all employees except student employees, have access to the University's Employee Assistance Program.

### **Campus Resources for Evaluation and Treatment**

- EAP: Health Management Systems of America
  - 800-767-5320
  - [www.my-life-resource.com](http://www.my-life-resource.com)
- Counseling Center
  - Mary Francis Hall
  - Ext. 6302

### **Off-Campus Resources for Evaluation and Treatment**

- The National Institute on Drug Abuse # 1-800-662-HELP
- The National Council on Alcoholism # 1-800-622-2255
- MyLastDip.com (free online resource to help smokeless tobacco users quit)
- Mercy Turning Point, Dubuque, IA – 589-8925
- SASC – Substance Abuse Services Center, Dubuque, IA – 582-3784

## **EQUAL OPPORTUNITY EMPLOYER**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Clarke will be based on merit, qualifications, and abilities. Clarke does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity or any other characteristic protected by law.

While Clarke University is firmly committed to and reaffirms its policy of nondiscrimination and affirmative action in its recruitment practices, it also reserves its right to grant preference to men and women, minority and majority members who qualify for positions and who ally with its Christian and Catholic heritage and destiny as established within the principles of education of the Catholic Church. This it must do to maintain its religious and institutional integrity. In accord with this, Clarke University will, in connection with the appointment of appropriate administrators and staff, take the question of whether or not a candidate is Catholic to be one among many pertinent considerations.

As a religious educational institution, Clarke University may grant preferences in its employment practices to

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BVM's to perform any work connected with the carrying on by Clarke University of its activities. To cite one example, the University may favor a qualified BVM applicant over a qualified but non-BVM applicant for a position in any office.

Contracts and letters of employment are issued by the President upon acceptance of a recommendation given by an Executive Administrator. No person shall be hired and placed on the payroll without written documentation in the form of a contract or letter of employment and without first having approval by the President and budget clearance by the Vice President for Business and Finance. Commitments, verbal or otherwise, are not valid without specific authorization by the President.

Employees may be immediately released for making false statements on their work application or concealing information thereon.

Employees who resign or are terminated, other than for a temporary lay off or approved leave of absence, are considered to be new employees if they are rehired at a later date and will be subject to the same requirements as other new employees in determining their eligibility for benefits.

## **FRAUD**

The purpose of this policy is to establish guidelines regarding fraud prevention and reporting. The policy applies to all faculty, staff and student employees of Clarke University.

Clarke University is committed to the highest standards of openness and accountability in all its affairs. A culture of honesty and opposition to fraud and corruption will be maintained. This policy outlines the principles in a commitment to detect, report and manage fraud and corruption. Further, this policy provides a means by which employees can voice their concerns about suspected fraud or corruption. It also outlines how the University will deal with such complaints.

This plan is implemented in the event suspicions of fraud or corruption have been raised. Fraud is defined as "the intentional distortion of financial statements or other records by persons internal or external to Clarke University that is carried out to conceal the misappropriation of assets or otherwise for gain". Corruption is defined as "the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of another person".

Fraudulent or corrupt acts may include:

- Systems Issues: where a process/system exists which is prone to abuse by employees.
- Financial Issues: where employees have fraudulently obtained money from the University.
- Equipment Issues: where the University's equipment is used for inappropriate personal use.
- Other Issues: activities undertaken by employees of the University which may: be unlawful; against the University's policies; fall below established standards or practices; or amount to improper conduct.

This is not an exhaustive list. If you are in doubt about the seriousness of a concern, advice and guidance can be obtained from the President or Vice President for Business and Finance.

### Safeguards

- Harassment, Victimization or Retaliation: The University recognizes that the decision to report a concern can be a difficult one to make. The University will not tolerate harassment, victimization or retaliation and will take action to protect those who raise a concern in good faith.
- Confidentiality: The University will do its best to protect an individual's identity when he or she raises a concern and does not want his/her name to be disclosed. However, during the investigation process a statement by the individual may be required as part of the evidence.

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- **Anonymous Allegations:** This policy encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the University. In exercising this discretion, the factors to be taken into account would include: the seriousness of the issues raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.
- **Untrue Allegations:** If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. However, if malicious or vexatious allegations are made, action may be considered against the individual making the allegation. Malicious or vexatious allegations could result in disciplinary action including suspension and/or termination.
- **Employee Actions:** Employees are normally the first to realize that there is something seriously wrong. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the University. They may also fear harassment, victimization or retaliation. Employees are encouraged to raise serious concerns within the University rather than overlooking a problem or contacting the media or other external bodies.
- **Fraud Notification:** Employees should contact their immediate supervisor, the Vice President for Business and Finance or the President. In instances where an employee is not comfortable with reporting a concern to the President or Vice President for Business and Finance, the Chair of the Audit Committee may be contacted. The nature of the complaint will determine the University's course of action. The names of the members of the Board of Trustees and their committee assignments are posted on the University's website, [www.clarke.edu](http://www.clarke.edu).

If necessary, the Vice President for Business and Finance will notify the Account Administrator at the appropriate financial institution. Information to provide includes the check number, date, amount and endorsements. A copy of the front and back of the check will be made.

Where loss is substantial, legal advice will be obtained without delay. Legal advice should also be obtained about the prospects for recovering losses, where the perpetrator refuses repayment. The University will normally expect to recover costs in addition to losses.

The University accepts that those employees who reported the alleged fraud or corruption need to be assured that the matter has been properly addressed.

Within 5 working days of a concern being received, the President or Vice President for Business and Finance will write to the complainant:

- acknowledging that the concern has been received;
- indicating how he/she proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- informing whether any initial inquiries have been made; and
- informing whether any further investigations will take place and if not, why not.

Employees suspected of committing or involved in fraud or corruption may be suspended with pay or without pay during an investigation of allegations. The determination of suspension with or without pay will be dependent upon the seriousness of the allegation, and the extent and nature of the evidence available at the time the decision is made.

Various forms of disciplinary action will be taken against employees who are found to have committed or have been involved in fraud or corruption. Actions taken could include termination of employment and/or referral for legal action.

## **FUNDRAISING POLICY**

The purpose of this policy is to coordinate all Clarke University fundraising efforts and ensure university communications are consistent with its overall needs and priorities. All fundraising efforts must support, and not compete with, Clarke's efforts to secure funding for annual operating needs, capital projects and endowed funds.

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The Institutional Advancement (IA) Office is responsible for coordinating the cultivation, solicitation and stewardship of donors and, therefore, oversees all fundraising appeals to Clarke constituents: alumni, students, faculty, staff, friends, local businesses, foundations, corporations, and parents of students and alumni. Two fundamental principles guide the IA Office's efforts:

1. that Clarke's overall interests take precedence over the special interests of individual departments, organizations, teams, clubs, or other groups; and
2. that all fundraising on behalf of Clarke must be in compliance with Sec. 501(c)(3) of the Internal Revenue Code, which governs non-profit tax-exempt organizations.

Clarke University recognizes that individual departments, organizations, teams, clubs, and other groups have the need for occasional fundraising activities to support group initiatives or designated charities; however, multiple or overlapping solicitations to the same constituents may have unintended negative consequences. As a result, the IA Office serves as your campus resource to coordinate all fundraising.

### **I. Submission of Fundraising Proposals by Campus Groups or Individuals**

Any department, organization, team or club wishing to solicit Clarke's constituents is required to email the director of annual funds, Courtney Crites at [courtney.crites@clarke.edu](mailto:courtney.crites@clarke.edu) before any fundraisers may take place. Within this email, please explain your proposed fundraiser including the beneficiary, how you intend to secure funds, and describe the constituents you plan to contact.

### **II. Approval Process and Next Steps**

Individuals who submit fundraising proposals to the director of annual funds will be contacted within one week of submitting their request to formulate a plan. If requested, individuals are also required to provide a comprehensive prospect list detailing who they wish to solicit. Please note: proposed projects may need to be altered based on the university's current fundraising activities and the timing of the project.

Once approved, departments and organizations are required to follow these guidelines:

- The IA Office has final approval over all prospect lists and will need to review all written materials in advance.
- Prior to the solicitation activities, the IA Office will work with the department, organization, team or club and the Business Office to ensure funds received are deposited in the appropriate account.
- Any gifts received must be directed to the IA Office so that gifts may be processed in accordance with IRS guidelines and tax receipts can be issued.
- Gift receipts and thank you letters will be the responsibility of the IA Office; however, we will provide a donor list upon request so soliciting departments/ organizations may thank donors as well.

### **III. Exclusions from Policy**

This policy does not prohibit or limit in any way fundraising efforts by departments, organizations, team or clubs that take the form of advertising in publications or programs; car washes; camp fundraisers, sales of baked goods, trinkets, apparel items; ticketed performances; personal chore services, etc., in which the buyer of such goods or services receives a tangible benefit as a result of the transaction. As a result of the Internal Revenue Service (IRS) guidelines, the university cannot issue gift receipts for these transactions. However, student organizations wishing to take part in these types of activities must follow the Student Organization Fundraising Guidelines set forth by the Student Life Office. Please note: the Clarke University Business Office is responsible for securing an annual raffle license on behalf of the university, and all raffles should follow the university's official raffle policy.

This policy also does not include public benefit events. Any plans for benefits must be reviewed and approved by Clarke University administration. The university does not support benefit events on behalf of individuals. Any fundraisers supporting external organizations will be taken by the appropriate Vice President to Cabinet for approval.

#### **IV. Questions**

Please contact the Director of Annual Funds at 588-6585 with any questions.

Please contact the Student Life Office at 588-6313 or visit the Student Life portion of the Clarke University website, with any questions related to student organization fundraising.

## **HEALTH AND WELFARE BENEFITS**

### **A. Medical Plan**

Full-time benefit eligible employees are eligible to participate in the University's group medical plan. If an employee is enrolled, coverage is effective on the first day of the month following employment date and terminates on the last day of the month in which employment is terminated. Employees desiring coverage are required to pay the monthly premium through payroll deduction (First and second pay periods of the month). Enrollment for coverage is required within 30 days of the employee's hire date

If an employee fails to submit enrollment forms within the 30 day enrollment period, all coverage is considered waived.

Eligible employees seeking to join the group medical plan or add dependent coverage after the date of initial employment may do so either with a life change event, or during the annual open enrollment process.

Details of the Employee Health Plan are described in the health plan document given to new and inquiring employees.

### **B. COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1985, referred to as COBRA, was enacted to provide continuation health coverage to people who would otherwise lose coverage. In compliance with this Act, Clarke University offers employees who leave Clarke the opportunity to remain in the University health plan for a limited length of time at the beneficiary's expense.

### **C. Dental Plan**

Full-time employees are eligible to join the University's group dental plan if they elect to do so at the time of initial employment. Elections must be made within 30 days of hire date.

Employees desiring coverage are required to pay the monthly premium through payroll deduction.

Eligible employees who wish to join the group dental plan or add dependent coverage after the date of initial employment will be considered a late enrollee. Late enrollments may be made under the special enrollment provision of the dental plan (see the Plan Document).

Details of the dental plan are described in the Plan Document and are available to new and inquiring employees.

#### **D. Flexible Spending Plan**

Full-time employees may participate in Clarke's flexible spending plan if they elect to do so at the time of initial employment. Employees may elect to pay for medical expenses and dependent care expenses with pre-tax dollars.

Employees may not change or revoke the benefit election or compensation reduction agreement prior to the end of the plan year (December 31) unless there is a change in family status. Prior to January 1 of each year, employees will receive the necessary written election forms for participation in the next plan year.

Eligible employees choosing not to participate in the flexible spending plan will be required to sign a waiver. These waivers, as well as a brochure describing the plan, are available in the Business Office and on the Human Resources web page.

Those who wish to participate after the date of initial employment are required to wait until the beginning of the next plan year (January 1.)

Details of the flexible spending plan are described in the Flexible Spending Plan packet given to new employees at hire and at the request of eligible employees during annual enrollment.

#### **E. Group Life Insurance**

Clarke University provides group life insurance and accidental death/dismemberment insurance. All full-time and academic year full-time employees are eligible to participate in this program. The benefit is equal to one-and-one-half the employee's annual earnings, with a minimum benefit of \$10,000. There may be tax implications to the benefit. Detailed information about the benefit is available in the Human Resources Office.

#### **F. Voluntary Group Life Insurance**

The University has also made available to employees a voluntary group term life insurance program. Employees may purchase limited coverage without taking a medical exam as long as they meet all eligibility requirements. They also have the opportunity to purchase higher amounts. The program includes benefits for spouse and dependent children. Automatic payroll deductions make participation in the program easy and convenient. Additional information is available in the Human Resources Office.

#### **G. Disability Benefit (LTD)**

All full-time and academic year full-time employees are included in the Clarke University Long Term Disability Insurance Program. This program provides the employee with a monthly income benefit in the event of total disability as a result of an accident or illness. The benefit formula is sixty percent (60%) of monthly wages or salary to a maximum benefit of \$5,000 per month. These benefits will be reduced by other income benefits as defined in the booklet distributed to new and inquiring employees.

Waiting Period: 60 days. (Sick Leave Benefit will apply during Waiting Period.)

Effective Date: The first day of the month following the date of employment, ceasing on the last day of the month in which an employee is terminated.

Provided that the disability claim is approved by the insurance company, Clarke University will continue to

pay 60% of the employee's base salary during the certified disability period.

During the waiting period, any accrued sick leave or earned vacation time may be charged against the employee.

If the insurance company does not approve the claim, or in cases other than total disability due to accident or illness, the University's sick leave policy will apply. While collecting benefits under the disability insurance program, an employee will not continue to earn vacation time or sick leave days.

If the incapacity continues beyond twelve (12) months, the University is not obligated to re-employ the disabled individual. A booklet (Certificate of Coverage), which describes in detail the terms and provisions of the plan, is given to each new employee.

## **H. Sick Leave Benefit**

### Purpose

The purpose of this policy is to provide income protection to eligible employees during periods of prolonged incapacity, which is not work related, for a 60 day maximum benefit during recovery.

### Eligibility

All regular full-time employees scheduled to work 1,560 hours, 75% FTE or more per year, after completion of one year of employment, are eligible for salary continuation when absent from work due to personal illness or non-work related injury. Regular employees who work less than 1,560 hours or 75% FTE and temporary employees are not eligible for leave benefits.

Staff must use all available accrued sick leave before short term sick leave will be applied.

Employees that work less than twelve (12) months annually will be paid for their scheduled employment period only.

### Short Term Sick Leave Benefit

When an employee has been absent from work due to a prolonged illness, the University will then continue the employee's salary based on the following:

1-60 calendar days*	Salary continuation at 100% of base salary**
61+ days*	Employee may be eligible for long-term disability

\* All references to days mean consecutive days.

\*\* Base salary is defined as regular base wages exclusive of overtime, overloads, or any other special pay.

If the incapacity qualifies for coverage under the FMLA policy, short term sick leave benefits will run up to 60 days concurrent with the leave time allotted under FMLA. If the mandated leave time extends beyond 60 days it will be unpaid leave.

### Procedures

Once an employee has determined that s/he will be out of work due to a serious illness or non-work related injury, the employee should contact the human resources department immediately. In order to receive benefits under this policy, the employee must complete and return the "Short Term Disability Request Form" and the "Certification of Health Care Provider Form". Under no circumstances will short term sick

leave payments be provided without appropriate medical certification.

This short term sick leave policy incorporates the relevant provisions of the FMLA policy.

### Restrictive Duty

The principle of any temporary short term illness plan is to return the employee to active employment as quickly as possible, and to provide a level of salary re-numeration that encourages return to full schedule. An employee may be placed on light duty restriction or an abbreviated schedule by his/her physician. If an employee returns to work on an abbreviated schedule anytime within the 60 days, the employee will be paid for actual time worked, and the employee will receive short-term sick leave pay up to 100% (1-60 calendar days) of base salary for the remainder of the pay.

### Status of Benefits While on Short Term Sick Leave

- A. Medical/Dental/Flex Spending/Optional Life/Supplemental TIAA-CREF employees will receive his/her salary through regular payroll checks. Therefore, the contributions which are the responsibility of the employee will continue to be automatically deducted from his/her paycheck.

Programs which do not require employee contributions (Life/LTD/TIAA –CREF Retirement) will continue to be provided by the University.

- B. Tuition Program

If a dependent of the employee on short term sick leave is receiving benefits under the tuition reduction or tuition exchange program, the recipient will be allowed to complete the coursework and continue in the program.

Employees on short term sick leave cannot attend classes under the tuition reduction program.

## **I. Retirement Resolution**

Retirement benefits are administered through the TIAA-CREF Retirement Plan established by the Board of Trustees of Clarke University.

### Eligibility

Employees of Clarke University must complete two years of service without a break in service, and attain age 21. All categories of employees are eligible to participate (with a minimum of 1,000 hours worked in one year). However, employees whose employment is incidental to their educational programs at the University are not eligible. This Retirement Resolution does not apply to clergy or religious who are covered by the retirement plans of their respective dioceses or religious congregations.

In any event, however, employees in eligible categories of employment who have fully vested, fully funded benefits under the terms of an institutional retirement plan of a previous employer may begin participation in this retirement plan, through the TIAA and/or CREF Retirement Annuities used under this plan, following employment at the University.

### Contribution Schedule

A summary of the contribution schedule is included below:

**Plan Contributions as a Percentage of Regular Salary\***

After two years of service but less than eight years of service in higher education:

<u>By the Employee</u>	<u>By the University</u>	<u>Total</u>
0%	2.50%	2.50%
1%	3.00%	4.00%
2%	3.50%	5.50%
3%	4.00%	7.00%
4%	4.50%	8.50%
5%	4.75%	9.75%
6%	5.00%	11.00%

After eight years of service at Clarke University:

0%	2.50%	2.50%
1%	3.25%	4.25%
2%	4.00%	6.00%
3%	4.75%	7.75%
4%	5.50%	9.50%
5%	6.00%	11.00%
6%	6.50%	12.50%

\*For faculty, regular salary shall mean only academic year contract salary; for all other employees regular salary shall mean basic annual earnings exclusive of overtime pay.

This benefit is strictly voluntary and employees are required to notify Human Resources in a timely manner of all intents to enroll or change enrollment information. For purposes of this handbook, the information above is meant to be in summary form only. Copies of the full Retirement Resolution are available in the Human Resources Office.

**J. 457 (b) Deferred Compensation Plan**

Clarke University also offers a 457(b) deferred compensation plan for eligible participants. This plan allows eligible employees to set aside a portion of their salary on a before-tax basis, for the purpose of saving for retirement.

457(b) Plan in Brief

- Participation in Clarke’s 457(b) plan is supplemental to participation in Clarke’s 403 (b) plan and is strictly voluntary.
- A percentage or flat dollar amount, that you determine, is deducted from your paycheck on a pre-tax basis. The amount of income that can be tax deferred is subject to IRS limitations.
- Both Federal and State income taxes are deferred on your deposits and interest/accumulation until you withdraw funds from your retirement account.
- Once distributions begin, the distributed monies are fully taxable as ordinary income for federal tax purposes.
- You may begin participation in the Deferred Compensation 457 Plan at any time.

### Eligibility

To be eligible to participate in Clarke's Deferred Compensation 457 Plan, you must be a fulltime President or Vice President of the University. Contributions will be deducted from your paycheck while the plan is effective.

## **K. Worker's Compensation**

Worker's compensation insurance is provided for all employees of the University. An employee who has an accident or injury while working must notify his or her supervisor immediately. This is important so that others may be safeguarded, and that proper care is provided for the injury. If medical attention is necessary, the supervisor will direct the employee to one of Clarke's designated medical providers. Employees and their supervisors must complete an Incident and Injury Report form for all accidents and injuries, even if medical care is not necessary. In addition, supervisors must also complete an Investigative Report form for each accident or injury. Both forms are to be forwarded to the Safety and Security Department within 24 hours. (All forms are available from the Safety and Security Department).

### Return to Work Statement

Clarke University believes that employees are our most important asset. Therefore, we will strive to provide a safe and healthy work environment. It is the goal of the University to minimize and eliminate the incidents that cause workplace injury and illness to our employees. Even with a total commitment to workplace injury prevention, work-related injuries and illnesses may occur. When they do, the University is committed to preventing a recurrence. We will work with our dedicated medical provider, Medical Associates, to provide transitional return to work for employees.

## **INCLEMENT WEATHER**

### Purpose

This policy is intended to ensure that essential University facilities and functions remain operational during inclement weather without jeopardizing the safety of the employees.

### Policy

In the event of bad weather conditions, the President may deem it necessary to close Clarke officially or delay normal reporting times.

*Delayed Opening:* Clarke will open at a specified time to be announced by 6:00 a.m. on local radio and television stations. If it is not possible to specify an opening time, but it is expected that Clarke will open at some point during the day, an announcement to this effect will be made.

*Closing:* Classes, operations and ordinarily other scheduled events will be cancelled except Dining Services, Facilities Management, and Security when required to maintain essential or necessary services during the closing.

### Procedure

The President will contact the Director of Public Relations, who will contact the local media and place an announcement on the Clarke University voice mail system.

Food service, facilities and security personnel will report to work at their regularly scheduled times during all weather emergencies unless specifically instructed otherwise by the Department Head.

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A decision for evening classes will be by President as soon as information is available to make an announcement, but no later than 4:00 p.m.

Announcements may also be made regarding the operations of the library, Kehl Center and the Keller Computing Center.

### Compensation

Non-exempt employees who are required to work (mission critical and essential services only) will receive compensation at the rate of one and one-half times the number of actual hours worked. Overtime paid because of inclement weather will not count toward total hours worked in the work week.

Paid leave will be provided for employees in the event that Clarke is officially closed.

In the event of a delayed opening and an employee do not report, vacation leave or leave without pay will be charged for the open hour(s) period. For closed hours, employees will be paid regular compensation.

## **INFORMATION TECHNOLOGY RESOURCES**

### **Acceptable Use Policy for Campus Information Technology Resources**

Clarke University computing services and resources are for use by currently enrolled students, currently employed faculty and staff, and Clarke University workshop participants. The Systems Administrator of all systems (including designated staff members) has both the right and obligation to monitor use of these resources to ensure appropriate use in character and extent; including voicemail, phone, web pages, e-mail, and online talk/chat and any other forms of computer resource (examples include deactivation of account, deletion of files).

Unauthorized or inappropriate use of Clarke University computing resources will be grounds for sanctions, which include suspension or loss of computing privileges, disciplinary action, or in extreme cases, termination and/or legal action. You may be held personally responsible for ANY use made of your authorization to Clarke University computing resources by unauthorized persons ("authorization" means computer account, login name, lab access, or any other means by which you identify yourself to gain access to any computer system, network, computer based information system). This policy will be enforced and reviewed by the Clarke University Systems Administrator, the Information Technology department, the Human Resources department, and the Student Life department.

For password-protected authorizations in your name, you should change your password immediately upon initial access to your account and frequently thereafter. You are encouraged to use passwords that are not easily guessed (e.g. avoid names and birthdays). Do not write down your passwords where they might be seen by others. If you suspect that someone may be using your authorization to a computer resource, you should immediately change your password and notify the Help Desk at 588-6390.

Efficient use of the e-mail and voicemail systems suggests that messages should be concise and directed to individuals with an interest or need to know. Personal use of phone, e-mail or voicemail is allowable but should not interfere with or conflict with official use and should only constitute a small percentage of total usage. Users should exercise good judgment regarding the reasonableness of personal use. Please refrain from using Clarke resources to receive and store personal photos or media. No personal long distance calls are to be made except for emergencies, and the University shall be reimbursed for such calls. Providing the toll-free number for use by other than prospective students is prohibitive.

E-mails to university-wide distribution lists must originate from the Academic Affairs Office, Registrar's Office, Public Relations Office, Human Resources Office, Student Life Offices, President's Office, or an executive administrator. E-mails to distribution lists should not contain attachments. Attachments can be posted on a web

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page and downloaded as needed.

The following activities are examples of unauthorized or inappropriate uses of computing resources. These are intended to suggest rather than define the limits:

- Using, or attempting to use, someone else's authorization.
- Accessing, or attempting to access, someone else's computer files (including system, network and internet) at Clarke University or elsewhere via Clarke University resources without permission.
- Threatening, intimidating, or harassing other persons to attempt unauthorized access to Clarke University computing resources.
- Impairing, interrupting, or inhibiting any other's access to Clarke University computing resources (e.g. generating or spreading a virus, sending codes to lock hardware, installing unauthorized software, excessive consumption of network and system resources, etc.) except as authorized by the Systems Administrator or appropriate computer services staff.
- Permitting others (at Clarke University or anywhere else; including family members and/or friends) to use your authorization to access Clarke University computing resources such as network, internet, email, or any other system resource.
- Sending anonymous, deceptive, fraudulent, illegal, distasteful or unwelcome electronic communications using any Clarke University resource including network, chat, mail, Moodle, content management system, etc.
- Viewing, mailing, or using materials that are obscene, profane, offensive, or upsetting to others. Messages, jokes, images or email forwards which violate Clarke harassment policy or create a hostile work environment are prohibited.
- Using regional, national, or international network partnerships of Clarke University for a purpose that violates the University's agreement with those partners.
- Violating license agreements, copyrights, intellectual property rights or use of others materials without express consent of the user/owner ([see Peer-to-Peer File Sharing Copyrighted Material](#)).
- Tampering with hardware, software and network settings of Clarke University computing resources including labs, system resources, or any other micro-computer, server or cloud-based computing service.
- Theft of Clarke University computer resources including hardware, software, data, accessories, or other network resource (see Computer Theft Definition below).
- Misuse of information accessed while a Clarke University employee or student, such as information stored on academic servers, administrative servers, or microcomputers.
- Use of a Clarke University computing resource for profit-making, non-University work such as contract programming, self employment advertising, word-processing service, developing graphics advertising, etc.
- Violating the State of Iowa Computer Crime Law, or the Federal Computer Crime laws, or any local, state, federal, or international laws while using a Clarke University computing resource.
- "Spamming e-mail" (Spam is flooding the Internet with many copies of the same message, in an attempt to force the message on people who would not otherwise choose to receive it) while using any Clarke University computing resource.

- Unwelcome chain letters, forwarding large e-mail, or downloading files which cause problems with storage, system resources, or any other network utilization.
- Excessive use of Clarke University computing resources for on-line gaming, on-line chat, or downloading that causes problems with network utilization, bandwidth, or internet connections.
- Solicitation to buy or sell goods or services unrelated to Clarke University is prohibited. This includes fundraising or other activities unrelated to Clarke seeking funding support.
- Broadcasting unsolicited personal views on social, political or other non-business related matters is prohibited.
- Confidential messages should not be distributed via e-mail and is inappropriate for web pages.
- Forwarding official university business messages off-campus is prohibited.
- Any other activity or attempted activity contrary to, or not consistent with the mission, policies, beliefs, or best interests of Clarke University.

#### Computer Theft Definition:

A person commits computer theft when the person knowingly or without explicit permission accesses or causes access to a computer, computer system, computer network or any part thereof, for the purpose of obtaining service, information, or property with the intent to deprive the owner of possession. A computer theft also occurs when a person takes, transfers, conceals, or retains possession of a computer, computer system, any computer software/program, or any data contained in a computer, computer system, or computer network.

#### **World Wide Web (Internet) policy**

The Clarke University World Wide Web site is a campus-wide information system that enhances the intellectual life of Clarke students and faculty as they pursue curricular and research activities through a diverse, worldwide network of electronic resources. The Clarke web site also provides the school a medium in which to distribute information to the Clarke community and to the world at large about the University's mission, academic programs, library resources and information technology, admission and financial aid, campus policies and procedures, student organizations, events, publications, and people.

#### Goals

The goals of this web policy are:

- To outline the general means and standards by which any Clarke University department, faculty/staff member can contribute information to Clarke's web site.
- To create official Clarke University web pages that are accurate, timely, and attractive to viewers.
- To identify responsibilities and rights of web page publishers and provide clear policy and guidelines for ongoing maintenance of professional presentation standards.
- To provide Clarke web site visitors with a clear delineation between the different levels of formality represented by the site's content.

#### Policy Statement and Guidelines

Clarke University recognizes the value and potential of publishing on the Internet. The Clarke web site is an official university publication. For many people, the Clarke Home Page will be the first point of contact with the University. Unless otherwise stated, all text and photographs appearing on the Clarke web site are copyrighted and should not be reproduced without written permission from an appropriate University official.

Clarke University is an intellectual community committed to the highest educational and ethical standards. The

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Clarke web site is a publication in electronic form, subject to the same standards, policies, and guidelines that govern electronic media with regard to copyrighted material, images, sound bytes, confidential material, and libelous remarks. Material published on the Clarke web site is expected to reflect the community's educational purpose, broadly defined to include the breadth of its social and cultural activity and to express the community's regard for ethical behavior, including compliance with the university-wide Acceptable Use of Campus Computing Resources policies. No material will be published that violates any licensing or contractual agreement, law, or university regulation or policy.

### Site Administration

This site shall be administered by The Web Publishing Team, which is led by the Executive Director of Marketing & Communication, and includes the Web Site Content & Design Developer and the Network & Information Systems Administrator. Designated persons who are appointed by the Executive Director of Marketing & Communication and/or the Director of Information Systems may assist the Web Publishing Team. Any changes to the Clarke web site must be approved and carried out by the above entities. Though other individuals (e.g. departments or offices) may create pages, they must be submitted to the Web Publishing Team for approval.

### Definitions

*Clarke University World Wide Web Site:* This refers to the entire web presence of Clarke University as a whole as it is accessed from the web. It generally includes all subsequent levels of web pages that can be accessed from the Clarke University Home Page.

*Home Page:* A home page is the one hypertext document within a work that is intended as the primary starting point or index of the work. This is where the work is introduced and placed in the larger context in which it's contained.

*Level:* This refers to a link that is accessed in a series of hierarchically organized web pages

### Web Page Content

Standards for Clarke web page content are exemplified as follows:

- Commercial activity on Clarke University Information Technology resources is permitted only for business done on behalf of Clarke University, not for the benefit of private individuals or businesses. Fundraising may be conducted only under the auspices of Institutional Advancement.
- Confidential information is inappropriate for web pages.
- Information must be accurate and current.

## **KEYS**

Key security and control is the responsibility of the Safety and Security Department. Keys are issued only upon the written authorization of department heads and supervisors. Request forms are available at the Safety and Security Office or online. Once issued, keys are the responsibility of the employee and it is vital that keys be properly controlled. Copying, sharing or loaning keys out is prohibited. If keys or chips are lost, the Safety and Security Office must be notified and the employee is responsible for paying the replacement fee. The replacement cost for a lost key is \$100 and a lost chip is \$10. If not paid, the amount due will be deducted from the faculty/staff member's paycheck.

Upon termination of employment, all keys must be turned in during the employee's exit interview. A \$100 fine for each key not returned will be deducted from the employee last paycheck. If student employees are authorized to have keys, the procedures are the same as for faculty and staff.

For more information, contact the Safety and Security Department.

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## LEAVES OF ABSENCE

### A. Family and Medical Leave Act of 1993

#### Statement of Policy

It is the policy of Clarke University to comply with the requirements of the Federal Family and Medical Leave Acts (FMLA) and the Iowa Pregnancy Disability Leave Act (PDLA). Generally, an eligible employee will be granted up to 12 weeks of FMLA leave during any calendar year period. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the reason for the leave and the benefits to which the employee may be eligible. This policy will be administered in compliance with the National Defense Authorization Act of 2008 as it amends the Family and Medical Leave Act of 1993, and the new regulations implementing the Family and Medical Leave Act of 1993 effective January 16, 2009.

The state and federal laws differ in a number of areas, and the University will comply with both. When the reason for a leave qualifies under both state and federal law, the following guidelines apply:

- The employee is deemed to be exhausting his/her entitlement under both laws concurrently; and
- The provision(s) most generous to the employee will apply.

The taking of leave under this policy will not be used against an employee in any employment decision, including the determination of promotions, discipline, compensation, etc.

#### Eligibility

To be eligible for leave under this policy, an employee must have been employed by the University for at least 12 months. In addition, in the 12 months immediately preceding the commencement of the leave, the employee must have worked at least 1,250 hours to qualify under federal law.

These qualification requirements are not applicable under PDLA.

#### Amount of Leave Available

As stated above, an eligible employee is generally eligible for up to a total of 12 weeks of protected leave within a 12-month period on a {rolling-forward} basis for any combination of reasons. PDLA provides up to eight weeks of leave for female employees when insufficient leave is available under any other policy.

#### Types of Leave Covered

##### A. Birth or Placement for Adoption or Foster Care

Family leave will be available to eligible male and female employees for the birth of a child or for placement of a child with the employee for purposes of adoption or foster care. Such leave must generally be completed within 12 months of the birth or placement. Only female employees affected by pregnancy, childbirth, or related medical condition are eligible for leave under PDLA.

##### B. Serious Health Condition of Employee

An eligible employee who experiences a serious health condition defined by the state and/or federal law may take medical leave under this policy. A serious health condition will generally occur when the employee:

- Receives inpatient care in a hospital, hospice or nursing home;
- Suffers a period of incapacity of more than 3 full calendar days accompanied by continuing outpatient treatment/care by a health-care provider at least once within seven days of the first day of incapacity;
- Requires either

- A regimen of continuing treatment initiated by the health care provider during the first treatment or
- A second in-person visit to the health care provider for treatment within 30 days of the first day of incapacity.
- Has a history of a chronic condition which may cause episodes of incapacity. A chronic condition is one that requires visits for treatment by a health care provider at least twice a year and continues over an extended period of time.
- Has a permanent or long-term condition which requires continuing treatment by a health care provider.

Medical leave may be taken all at once or, when medically necessary, in smaller increments. The need for leave must be documented by the employee's treating health-care provider through the medical certification process.

An employee may be paid for all or part of a medical leave to the extent s/he is eligible for benefits such as short-term sick leave.

A fitness-for-duty statement will be required in order for an employee to return from a medical leave. Failure to provide the statement will result in a delay in the return to work.

#### **C. Serious Health Condition of Immediate Family Member**

An eligible employee may take family leave under this policy in order to care for a son, daughter, spouse or parent with a serious health condition (see above section for general definition). This leave may be taken all at once or, when medically necessary, in smaller increments. It will be necessary for the family member's treating health-care provider to document the need for leave through the medical certification process.

#### **D. Qualifying Exigency for Military Family Leave**

An eligible employee may take family leave under this policy while the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty or call to active duty status for any qualifying exigency under federal law. This leave may be taken all at once or, in smaller increments. It will be necessary to submit a complete and sufficient certification for FMLA leave due to a qualifying exigency.

#### **E. Leave to Care For a Covered Servicemember with a Serious Injury or Illness**

An eligible employee may take up to an additional 14 weeks (not to exceed 26 weeks total) of family leave in a single 12-month period under this policy to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. This entitlement will be applied on a per-covered-servicemember, per-injury basis. The covered servicemember must be the eligible employee's spouse, son, daughter, or parent, or next of kin. It will be necessary for the covered servicemembers treating health-care provider, as defined by law, to document the need for leave through the medical certification process.

#### **Notifying the University of the Need for Family or Medical Leave**

Generally, an application for leave must be completed for all leave taken under this policy. When the need for leave is foreseeable, the employee should provide notice at least 30 days in advance. When this is not possible, notice should be provided as soon as the employee learns of the need for leave. In cases of emergency, verbal notice should be given as soon as possible (by the employee's representative if the employee is incapacitated), and the application form should be completed as soon as practicable. Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay of the leave. Leave application forms are provided by the Human Resource Department.

Calling in "sick" does not qualify as FMLA leave. An employee must provide sufficient information regarding the reason for an absence for the company to know that protection may exist under this policy. Failure to provide this information as requested will result in the employee's forfeiting all rights under the

policy. This means the absence may then be counted against the employee for purposes of discipline for attendance, etc.

### **Medical Certification of a Serious Health Condition**

Generally, the University will require medical certification to verify that an employee or family member's illness meets the definition of serious health condition and to determine the nature and duration of the leave. In the case of a family illness, the provider must also verify that the employee is needed to care for the family member.

Periodic recertification to verify that a condition is ongoing may be required as provided by the law.

The appropriate form should be obtained from the Human Resource Department and should generally be returned within 15 days. Failure to provide this certification may result in delay or denial of the leave.

### **Additional Certifications**

If the company has reason to question the validity of a medical certification, an employee may be required to provide a second certification from a health-care provider selected and paid for by the company. If the second opinion differs from the first, a third opinion may be required. The health-care provider for the third opinion must be mutually chosen by the employee and the company and paid by the company. The third opinion, by law, is binding on all parties.

### **Use of Paid and Unpaid Leave**

Both federal FMLA and Iowa PDLA mandate that an employer provide unpaid leave to eligible employees. However, an employee or employer may elect to substitute a paid benefit for which the employee is eligible in order for the employee to receive pay during the leave. In some cases the University may require that benefits, such as vacation or sick time, be used before the employee may take unpaid time. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA/PDLA leave, and those benefits will not be available to the employee later. When paid benefits are substituted, the employee may be required to satisfy any procedural requirements of the organization's paid leave policy (for example, advance notice to use paid leave, use of paid leave in established increments, etc.).

In cases where substitution of a paid benefit is not possible, the employee will receive reduced compensation consistent with the number of hours the person actually works.

### **Intermittent or Reduced Schedule Leave**

Intermittent and/or reduced schedule leave will be permitted when it is medically necessary and, in some cases, for birth or placement for adoption. In all cases, the total amount of leave taken in a 12-month {rolling-forward} period should not exceed the 12 weeks defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

The University may, in some cases, transfer an employee to an alternative position, with equivalent pay and benefits, in order to better accommodate the need for intermittent or reduced schedule leave.

### **Benefit Continuation During Leave**

Employees may elect to continue group health insurance while on leave but must continue to pay their portion of the premium. Other employment benefits, such as group life insurance, AD&D, etc., will also be continued during the leave, so long as the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

### **Rights Upon Return From Leave**

An employee who takes leave under this policy will be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist under other University policies.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff or other job change if the action would have occurred had the employee remained actively at work. In such cases, the official date of the layoff or other action will be the date on which the employee would otherwise have returned to work following the leave.

### **Worker's Compensation Absences**

When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee's allotment of FMLA leave under federal law. In other words, the employee is using Federal FMLA leave concurrently with the worker's compensation absence.

### **Early Return from Leave**

An employee who wishes to return to work earlier than originally anticipated should provide at least two days notice of such request. A fitness-for-duty certification may be required.

## **B. Bereavement**

In the event of death, full time and academic year full time employees, upon request will be granted leave according to the following guidelines:

Up to 5 days	husband, wife, domestic partner, child, mother, father, sister, brother, grandchild and similar step and in-law family members
Up to 3 days	grandfather, grandmother and similar step and in-law family members
1 day	uncle, aunt, nephew, niece or cousin

To the extent possible, bereavement days should be taken on a consecutive basis. Additional leave may be approved by the supervisor however the employee must use vacation time or leave without pay.

Part time employees working 20 hours per week or more may be granted leave with pay at their fractional equivalent of full time employment. Arrangements must be discussed and approved by the employee's supervisor, and care should be taken to arrange the employees schedule before approving PTO for bereavement.

## **C. Jury Duty**

A full-time or academic year full-time employee summonsed for jury duty will be granted a leave upon presentation of the summons to his/her immediate supervisor and the Executive Administrator for the area. For jury absences of less than 5 days, employees will continue to be paid their normal wage and will not be required to submit jury duty pay receipts. For jury absences of more than 5 days, employees may be required to submit jury duty pay receipts and will be paid the difference between jury duty pay and regular wage pay.

## **D. Leaves of Absence (other than FMLA leave)**

A leave of absence, without pay, may be granted for a period not to exceed ninety (90) days. Application

for a leave of absence can be made through the employee's immediate supervisor to the next administrative level (Vice President, Executive Director). Approval of a leave of absence will be dependent upon the purpose of the leave, the length of time requested, the length of service of the employee, the ability to find a temporary replacement and the potential length of service when the employee returns from leave.

During the period of a leave of absence, holiday, vacation and sick leave benefits will not accrue. In addition, the employee will not receive insurance and disability benefits paid by the University. However, the employee may elect to remain on the group plans by paying the premiums.

The University cannot guarantee employment for leaves which extend beyond ninety (90) days.

#### **E. Military Leave**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available vacation for the absence. Employee must submit appropriate military documentation along with a PTO form to his/her supervisor indicating whether the leave is paid (Vacation).

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Department for more information or questions about military leave.

#### **MOVING EXPENSES**

New faculty and full time staff (when approved) of Clarke University who are relocating to the Dubuque area are eligible for partial reimbursement for the following qualified reimbursable expenses (not subject to tax withholding):

- packing and movement of household goods,
- personal travel (IRS relocation mileage rate), and
- lodging expenses while traveling (for actual move).

For additional guidelines on what is a qualified reimbursable expense please refer to Human Resources.

This policy is only for full time, employees of the university, and only covers moves greater than 50 miles. Only

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one move per employee will be approved.

Reimbursement will be as follows: first \$500 of expenses reimbursed at 100 %, next \$ 1,000 of expenses reimbursed at 50 %, all additional expenses reimbursed at 25 %. Total reimbursement should not exceed \$2,500.

Executive Administrators will receive a relocation package as specified by the President.

## **NEPOTISM**

The employment of relatives in the same area of an institution may cause serious conflicts and problems with favoritism and employee morale. Employment of relatives within the same department is normally prohibited. Exceptions to this policy should be reviewed and approved by the president.

For purposes of this policy, a relative is a husband, wife, domestic partner, child, parent, sister, brother, grandchild, grandparent, aunt, uncle, nephew, or niece and similar step and in-law family members. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Clarke also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. Subsequent to the relationship being disclosed, steps will be taken and a solution will be sought to eliminate the reporting situation.

Employment of relatives in the same department is strongly discouraged and exceptions are only allowed if approved by the president. In other cases where a conflict or the potential for conflict arises because of a relationship that has developed after employment, even if there is no line of authority or reporting involved, the employees may be separated by a reassignment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

## **PARKING PERMITS**

Faculty/staff vehicles parked on Clarke University property must display a current University parking permit on the left rear bumper or window of their vehicle. Permits are valid for the academic year and must be renewed at the beginning of each academic year. There is no charge for the permits, which are available in the Safety and Security Office.

## **PARKING TICKETS**

Clarke University is private property. The right is hereby reserved to issue parking tickets and deny the use of campus parking areas and lots to unauthorized persons, and to those who violate Clarke University parking regulations. Clarke University reserves the right to tow unauthorized vehicles at the owner's expense.

Parking tickets will be issued for a variety of reasons. These include:

- Parking in a fire lane (\$25)
- Parking in a prohibited area (\$10)
- Improper parking (\$10)

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- Parking in a handicap space (\$25)
- Failure to or improper display of a parking permit (\$10)

Payments of parking fines are to be made at the office of student accounts (202 Haas Administration) during regular business hours. Arrangements for appeal begin at the safety and security office (MJH G27) within 5 working days of the citation date, by calling 588-8145. If there is no appeal made within 5 working days of the citation, the ticket cannot be appealed.

## **PERSONNEL RECORDS**

It is important that personnel records be kept current. It is the responsibility of the employee to notify (in writing) the Human Resources Office of any changes in address, telephone number, marital status or number of dependents. It is also the employee's responsibility to enroll in benefit programs for which they are eligible. A change in marital status and/or withholding allowances may also require completion of another W-4 form, which employees can obtain by contacting the Human Resources Office.

Employees may view certain contents of the personnel file with advance notice to Human Resources staff. If an employee would like to review the contents of their personnel file, the employee must contact Human Resources with a 48 hour notice. The request must be submitted in writing. Former employees, or people unknown to the HR staff, must present identification and documentation of permission to access the file.

Personnel files must be reviewed in the presence of the Human Resources staff during normal business hours. Employees may not remove documents from the personnel file, however, photocopies may be requested. Within reason, HR will provide such copies. For extensive copying the employee will be required to reimburse the University. If the employee is unhappy with a document in his or her personnel file, in the presence of the HR staff person, the employee may write an explanation or clarification and attach it to the disputed document.

## **POLITICAL ACTIVITY**

Clarke University as a tax exempt institution is not permitted to sponsor campaign events for candidates for public office on campus or elsewhere. A "campaign event" is any event at which individuals are solicited to support a candidate for public office. Clarke University is committed to activities that promote voter education and this institution not only permits, but welcomes non-partisan voter registration activities on campus.

Depending on certain facts and circumstances, candidates may appear at Clarke without jeopardizing the institution's 501(c)(3) tax exempt status if the University:

- Provides an equal opportunity to other political candidates seeking the same office.
- Has appropriately designated facility space, which is available at the designated time and date. Ordinary rental fees will be assessed and any exception will require approval of the University president.
- Does not indicate any support of or opposition to any candidate.
- Does not permit political fundraising to occur in conjunction with the speech.
- Strongly encourages appearances will be open to the general University community.
- Verbally or in written form, discloses the following: "The views expressed here today are solely those of the speaker and not of Clarke University. The use of Clarke facilities does not constitute an endorsement of any candidate for public office or of the views expressed. No fundraising is permitted at this event."

All political candidates, their supporters, and members of the campus community are asked to conduct themselves and their activities in a manner consistent with the mission Clarke promotes throughout the year in all the activities that take place on the Clarke campus.

**Examples of other permitted activities could include:**

- Preparing and distributing a compilation of voting records/guides.
- Circulating unbiased questionnaires to all candidates.
- Conducting a public opinion poll with respect to issues rather than candidates.
- Participating in non-partisan voter registration activities.
- Conducting institution-sponsored public forums.
- Inviting candidates to appear in non-candidate capacity.
- Conducting genuine curricular activities aimed at educating students.
- Allowing established student groups to use institutional facilities.

**Examples of prohibited activities include:**

- Endorsements—expressed or implied.
- Publicly commenting on specific actions, statements or positions taken by candidates.
- Coordinating voter registration activities with campaign events.
- Sponsoring events to advance the candidacy of an individual.
- Utilizing University email accounts to promote an individual candidate.

## **PUBLIC RELATIONS**

Clarke University's public relations efforts are managed by the Marketing and Communications Department. The President of the University, or the President's designee, and the Executive Director of Communications are the official spokespersons for the University. This policy helps present a unified image, both visual and verbal, to the University's external audiences.

The full policy regarding Public Relations can be found on the Clarke website, under Marketing and Communications.

## **REFERENCE AND BACKGROUND CHECKS**

As part of our hiring practice, Clarke University will conduct reference and background checks to determine applicants' appropriateness for a position.

Definitions:

A reference check is an inquiry about job performance, usually from people identified by an applicant. A background check may include investigation of Social Security Number, criminal history, academic preparation, motor vehicle records, or other records applicable to the job for which the applicant is being considered.

Reference Check Guidelines:

Hiring managers are advised to obtain and contact at least two professional references prior to extending an employment offer to an applicant. The applicant should submit reference information in writing to the hiring manager, in order to protect the University to investigate or verify pertinent information about an applicant. A hiring manager may request to review available performance appraisal records dating back two years for a current staff employee who has applied for a position.

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## Background Check Guidelines:

A background check will may be administered to a new hire as a condition of employment after a written job offer has been extended. No employee who is subject to a background check will be allowed to begin working until the background check results have been received and cleared. Information obtained in a background check will be compared with information provided by the applicant. An applicant who provides false, incomplete, or misleading information will be immediately eliminated from further consideration for employment and an offer may be rescinded.

Note: Having a criminal history, a criminal conviction, or a motor vehicle violation does not necessarily preclude employment. The nature of the offense, the circumstances surrounding it and its relevance to a particular job are considered on a case-by-case basis. The Director of Human Resources (or designee), in consultation with legal counsel when necessary, evaluates the relevance of the criminal history of the individual being hired to the position being filled.

For more information, consult the Human Resources Office.

## **RESIGNATIONS**

At a minimum, two weeks notice should be given by any employee resigning from the University. A written notice should be submitted to the employee's supervisor and the Human Resources Office indicating the last day the employee intends to work.

Those employees under contract, i.e., executive employees, are expected to abide by the terms of the agreement they have signed with the University. Failure to provide adequate notice (a minimum of four weeks for executive employee, two weeks for non-exempt and salaried staff) of termination will be noted in the employee's permanent personnel record.

The resigning employee should notify the Human Resources Office so that an exit interview can be arranged. A resigning employee must return all keys, uniforms, University-issued academic attire, the University manual, and other University property before a final paycheck will be issued. A \$100 fine for each unreturned key will be withheld from the employee's final paycheck. Any outstanding travel advances or petty cash due to the University will be deducted from the employee's final paycheck. Uncollected advances or cash will be reported as taxable income.

## **SECURITY ON CAMPUS**

Safety on campus is a shared responsibility involving everyone in the University Community. Students, faculty and staff have a responsibility to be alert to matters of security, to ensure entrance doors are closed and locked, and to report criminal activity to Campus Security (Ext. 6393) or the Dubuque Police by dialing 9-911 on any campus telephone. Such activity should also be reported to the Vice President for Student Life (Ext. 6313). Clarke University complies with the requirements of the "Campus Crime Awareness and Campus Security Act of 1990" and, in so doing, makes available information describing University policies related to security and statistics concerning certain types of crimes to its students, faculty and staff and to prospective students, faculty and staff upon request.

### 1. Reporting:

It is important that persons who observe criminal activity report such activity promptly to University authorities or to the police. Such reports should include an accurate assessment of the activity taking place and a specific description of its location. University authorities cooperate with local police agencies in the investigation of

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criminal activity.

University security guards do not have law enforcement authority, but do have access to the police by emergency telephone. Telephones which may be used to reach a security guard or the police are located in the lobby of Catherine Byrne Hall, the reception desk in the Atrium, the Union, and at the reception desk in each residence hall. Security guards are on duty from 10:00 p.m. to 5:00 a.m. daily at times when the University is open and classes are in session.

## 2. Timely Notice:

In cases where criminal activity is reported which, in the University's opinion may pose a threat to others, University authorities will use appropriate means to provide a general warning to the University community by use of bulletin boards, announcements, and/or the telephone "voice mail" capability. It is each community member's responsibility to be attentive to these media and to act prudently when warned.

## 3. Residence Halls:

Students and their guests are asked to be particularly careful about keeping exterior doors to the halls closed and locked. Interior doors to stairways and elevators are also locked to control access to living areas by persons not authorized to be there. For your own safety and the safety of others in the hall, you should not permit non—residents into these areas. If they are guests of a student, they may register at the hall reception desk where their host will meet them and escort them through the hall.

## 4. Security Awareness:

It is the responsibility of appropriate staff members in various University programs to provide information to students about security procedures and ways of preventing criminal activity on campus at least once each semester.

## 5. Additional Information:

Employees may request additional information concerning the University's compliance with the Campus Security Act (1990) from the Business Office.

## **SEXUAL MISCONDUCT POLICY**

Clarke University is a private, independent, coeducational institution that reflects the values and heritage of our founders, the Sisters of Charity of the Blessed Virgin Mary (BVMs). The University is committed to creating and maintaining a safe and respectful environment for all its students, employees and visitors. All forms of sexual misconduct and other non-consensual sexual contact by members of the Clarke community will not be tolerated and represent a violation of University policy. Violation of the University's policy on Sexual Misconduct will result in responsive action, as prescribed under Title IX, to include an investigation; remedial action to stop the prohibited conduct; support for the victim and, as necessary, for the broader community; and action designed to prevent the re-occurrence of the behavior. This may result in suspension, expulsion or termination of the perpetrator from the University. This policy is intended to support our mission and the values of freedom, education, charity and justice. It applies to students, employees and visitors to the University.

### **Definitions**

#### **Sexual Misconduct:**

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1. **Non-Consensual Sexual Contact:** Any intentional sexual touching without effective consent. This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another person; the touching of another with any of these body parts; or any other intentional contact of a sexual nature without consent.
2. **Non-Consensual Sexual Intercourse:** Any sexual intercourse or penetration (anal, oral, or vaginal), however slight, with any object or body part, upon another person without effective consent.
3. **Forced Sexual Intercourse:** Any sexual intercourse or penetration (anal, oral or vaginal), however slight, with any object or body part, upon another person, that occurs as a result of force. The prohibited force may be physical in nature, or represented by threats, intimidation or coercion. Intercourse obtained by force impacts the free will of the victim and thus removes the opportunity for effective consent.
4. **Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual, unfair, or abusive advantage of another for his/her own benefit, even though the behavior may not meet the definition of one of the other sexual misconduct definitions set forth herein. Examples include, but are not limited to:
  - a. Stalking with a sexual component. Stalking may take many forms, including persistent calling, texting, or posting on a social networking site as well as physical stalking. When the content of the messages or the purpose or nature of the physical stalking is of a sexual nature, sexual misconduct has occurred.
  - b. Voyeurism is a form of sexual exploitation in which one individual engages in secretive observation of another for personal sexual pleasure, or engages in non-consensual video or audio taping of sexual acts. Although the subject of the secretive viewing or taping may be unaware of the observation, this behavior is a form of sexual misconduct and violates the integrity of the victim.
  - c. Disrobing or exposure in the presence of another person without their consent.
  - d. Disrobing or exposing another person without their consent.
  - e. Inter-personal or intimate partner violence (relationship violence).
5. **Sexual Harassment:** Severe, persistent or pervasive and objectively offensive unwelcome sexual advances, requests for sexual favors, or other verbal or non-verbal conduct or communication of a sexual nature that limits or denies a person's ability to participate in, or benefit from, the University's educational programs or activities, or creates a hostile working environment when:
  - a. Submission to, or rejection of, the conduct is made either explicitly or implicitly a term or condition of an individual's employment or education (quid pro quo harassment);
  - b. The conduct has the effect of unreasonably interfering with a person's work, professional or educational performance, productivity, physical security, living arrangements, extracurricular activities, academic or career opportunities, services or benefits—or of creating an intimidating, hostile, or offensive learning environment.

It is illegal to harass or discriminate against an individual based upon his or her sex, sexual orientation, gender, or gender identity. Sexual harassment can occur between people of the opposite or the same gender and may include, but is not limited to:

- sexual innuendoes, jokes, stories, pictures, and materials created or transmitted electronically which are unwelcome or make others feel uncomfortable or embarrassed;
- making obscene or suggestive gestures;
- whistling or making offensive noises;
- subtle pressure for sexual activity;
- sexist remarks about a person's clothing, body or sexual activity;
- remarks about a person's gender, sexuality, or sexual orientation
- unnecessary touching, patting or pinching;
- leering or ogling of a person's body;
- intentional brushing against a person's body;
- demanding sexual favors accompanied by implied or overt threats concerning one's job or student status;

- sexual violence;
  - indecent exposure.
6. **Relationship Violence:** A pattern of abusive behavior that one person uses to obtain and maintain power and control over his/her intimate or dating partner. Physical and/or sexual abuse may or may not be present. Coercive control is always present. Relationship violence is purposeful and systematic, involves a fixed imbalance of power that has been created over time, and is driven by a sense of entitlement.
  7. **Incapacitated Sex:** To have sex with someone whom you know to be, or reasonably should know to be, incapable of making a rational, reasonable decision about a sexual situation is a violation of the Clarke University Standards of Student Conduct and Iowa State Law. Incapacity to make rational decisions about a sexual decision might result from being under the age of eighteen, taking a date rape drug, other drugs, alcohol, or as a result of illness or because of intellectual or other disability which prevents the person from having the capacity to give consent. Intoxication on the part of the initiator is not an excuse for the violation of this policy or the law.
  8. **Stalking:** Stalking is an unwelcome pursuit. It is a tactic of control exerted by one party over another. Stalking is a violation of the Clarke University Sexual Harassment and Misconduct Policy. It is also a crime that can cause fear with or without physical injury. Stalking often leads to physical contact and is generally on a trajectory toward violence. Stalking often includes the use of technology such as phones, texting, cameras, social networking sites, and email.
  9. **Verbal Assault:** Verbal Assault, without accompanying physical contact, is not sexual assault, but may fit the criteria for sexual harassment. Sexual harassment is also prohibited by the University's Standards of Student Conduct and Anti-Harassment and Discrimination Policy.
  10. **Effective Consent:** Informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from the use of physical force, threats, intimidation or coercion, or if the non-initiating partner is incapacitated or a minor under the age of eighteen. Consent for one sexual act is not consent for another. Silence or an absence of resistance does not imply consent. Incapacitation can result from the use of alcohol or other drugs, when a person is asleep or unconscious, or because of an intellectual disability that prevents the person from having the capacity to give consent. It is important to realize that to give consent for sexual activity, partners must be of legal age, must be in agreement, understand the consequences, be sober and aware, and comply with any change in mind by the other person. When in doubt about consent, do not engage in sexual activity.

### **What Do I Do If I Am a Victim of Sexual Misconduct?**

- If you are the victim of sexual violence, go to a safe place where people can give you emotional support and physical care. The Riverview Center Sexual Assault Hot Line is available 24/7 at 888-557-0310.
- Seek medical help immediately for the treatment of any injuries. If you plan to report the incident to authorities, there is an additional reason to seek medical attention: medical evidence can be collected. Don't douche, bathe, shower or change your clothes before seeking medical attention. Sexual Assault Nurse Examiners (SANE Nurses) are available at the Emergency Room of Mercy Hospital, 250 Mercy Drive, Dubuque, IA and Finley Hospital, 350 N. Grandview Avenue, Dubuque, IA. Rape Kits are free at emergency rooms through a fund for crime victims. Police will be called to collect and keep the evidence collected whether or not a decision to file charges has been made.
- Campus counselors and victim advocates at Riverview Center are specially trained to provide support and direction whether or not you decide to report the crime or participate in legal action.

- You may choose to file a report with Clarke University, the Dubuque Police Department, or both simultaneously. This is your decision. (See “Procedures for Dealing with Sexual Offenses” Section).
- University community, whether or not the incident happened on campus. An investigation for appropriate disciplinary action under the University’s Sexual Misconduct Policy will occur for students with the Vice President for Student Life and for employees with the Director of Human Resources.
- Trust your instincts. Whatever you decide is a decision with which you must feel comfortable. Your goal is to survive and escape safely. You will react to the crime in a way that makes the most sense to you at the time.

### **Protection and Safety Tips**

- **Educate** yourself about the realities of sexual assault. Knowledge can be a powerful tool in abuse prevention.
- **Argue** against dangerous gender roles and stereotypes that can lead to and perpetuate sexual violence.
- **Trust** your instincts. Pay attention and listen to your "inner voice" that tells you when something is wrong or feels unsafe.
- **Communicate** physical and sexual boundaries clearly and assertively. Your body belongs to you. You never lose the right to say "no" and can withdraw your consent in a sexual situation *at any time*.
- **Be cautious** when choosing to use alcohol or drugs. They will increase the risk of sexual violence.
- **Be aware of date rape drugs and watch your beverage at all times.**
- **Get involved** and participate in the movement against sexual violence.
- **Know** that sexual assault is never the victim's fault, regardless of the situation.

### **Confidentiality and Reporting Policy**

People on campus have different reporting responsibilities and different expectations regarding confidentiality, depending on their roles at the University and upon University policy. All parties should be aware of confidentiality, privacy and mandatory reporting, when consulting campus resources, in order to make informed choices. On campus, some people can offer you confidentiality, sharing options and advice without any obligation to report the offense unless you want it reported. Other people are there to report crimes and policy violations and will take action when you report your victimization to them. Some people can speak with you without having to divulge private information you share with them except under certain circumstances, some of which are described below. A victim may seek assistance from these campus community members without starting a formal process that is beyond the victim’s control, or violates her/his privacy. The following explains each of these types of reporting.

### **If you are the Victim of Sexual Misconduct you have multiple options for reporting:**

#### **Privileged Reporting (Confidential)**

Privileged reporting resources are those individuals who, by law and/or professional ethics, maintain privilege based confidentiality of the disclosure of sexual misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to identifiable individuals, or by court subpoena. Privileged reporting resources include:

- Counseling Services, Stoltz Student Life Wing, Mary Frances Hall, 563-588-8140
- Health Services, Lower Level Mary Josita Hall, 563-588-6374
- Campus Ministry, Stoltz Student Life Wing, Mary Frances Hall, 563-588-8192

- Equity Advocates:  
Ann Adkins, Assistant Professor of Education, 563-588-6319  
Regina Boarman, Associate Professor of Social Work, 563-588-6583  
Casey Tauber, Assistant Director of Athletics, 563-588-6397
- Riverview Center, local rape crisis center, 2600 Dodge Street, Dubuque  
FREE Services and 24 Hour Sexual Assault Hotline, 888-557-0310

### **Administrative (Mandatory) Reporting By Responsible Employees**

At Clarke University, Responsible Employees are considered Mandatory Reporters. Responsible Employees include all employees unless exempted as outlined in the Privileged Reporting Section above. Senior Managers and Resident Assistants are considered mandatory reporters. Mandatory reporting resources are required to report all details of an incident of sexual misconduct, including the identity of the victim and the perpetrator, the date and location of the incident and details regarding the incident if known, to the appropriate office to initiate an investigation and to take appropriate action. Responsible Employees are trained to provide information, support and make appropriate referrals to confidential or private reporting resources. Responsible Employees are also required to provide Clery Act statistical information and/or information for a Timely Warning if the circumstances warrant.

### **Title IX Officials**

Individuals who by law (Title IX) have remedial authority to address sexual misconduct reports on behalf of the institution. For the purpose of this policy, the following administrative officials are designated to receive sexual misconduct reports and, if appropriate, to investigate those reports.

- Daisy Halvorson, Vice President for Business and Finance/Title IX Coordinator, Haas Administration, 563-588-6315
- Megan Lucas, Director of Human Resources/Deputy Title IX Coordinator, Haas Administration, 563-588-6315
- Kate Zanger/Deputy Title IX Coordinator  
Stoltz Student Life Wing, Mary Frances Hall, 563-588-6517

### **Trained Investigators**

The University has identified members of the staff who have undergone training to investigate Sexual Misconduct reports. Investigators will receive annual training on issues related to:

- Domestic violence, dating violence, sexual assault, and stalking, as well as other forms of sexual misconduct, as outlined in this policy.
- How to conduct an investigation that protects the safety of the victim and promotes transparency and accountability.

### **Immunity from Campus Conduct Process**

The University strongly encourages the reporting of incidents of sexual misconduct. Students may be hesitant to seek help in such matters because of fear of potential conduct and disciplinary consequences for themselves, the person in need of attention or the organization hosting the event where the incident occurred. A student who seeks assistance for himself/herself or for another student or individual in distress will not be subject to disciplinary action. Title IX prohibits retaliation against any party or individual involved in the proceedings.

To encourage reporting incidents of sexual misconduct, Clarke University offers victims and witnesses immunity from being charged with minor University policy violations related to the reporting of or cooperating in the investigation of the sexual misconduct incident.

### **Procedures for Dealing with Sexual Offenses**

#### **On-Campus**

All incidents of sexual misconduct, as outlined above, should be reported as provided in the section titled,

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**CONFIDENTIALITY AND REPORTING POLICY.** If a member of the Clarke University community believes they have been the victim of sexual misconduct as outlined in University Policy, they should meet with the Title IX Coordinator or Deputy who can explain the processes and resources available to them.

This policy is designed to be transparent and to help people report incidents of sexual misconduct. Reports should be filed promptly after an incident of alleged sexual misconduct. The reporter is encouraged to provide as much of the following information as possible:

- the name of the person or persons allegedly responsible for the action; if the alleged perpetrator is a University employee, the department and position of said person(s); if the alleged perpetrator is a student, the address of that person, if known.
- a description of the incident, including the date, location, and the identity of any witnesses;
- the alleged effect of the incident on the reporter's position, academic standing or other conditions of enrollment or employment;
- the names of other individuals who might have been subject to the same or similar action; and
- any other information the reporter believes to be relevant to the report.

**Third Parties:** Reports can be made by third parties. When reports are made by third parties to responsible employees, the University has an obligation to investigate the report.

**Privacy:** All inquiries, reports, and investigations are treated with respect and attention to the privacy of the reporter. Information is revealed strictly on a need-to-know basis to school officials. Although the identity of the reporter and the respondent are usually revealed to the respondent and witnesses, the University prohibits retaliation of any form toward any party or individual involved in the proceedings. Retaliation makes people afraid to report or to assert their rights and is forbidden by this policy.

A copy of the investigation report, including outcomes of the investigation, is included in the file of the respondent only if the investigation concludes that the respondent engaged in prohibited conduct.

All information pertaining to a report or investigation is maintained by the Title IX Coordinator, the Director of Human Resources and Vice President for Student Life in secure files. These secure files will be kept separate from all other human resources or student files maintained by the University.

If the respondent is found not responsible for the alleged violation or if the information obtained during the course of the investigation does not support the allegation, the investigation will be closed. If there is additional information discovered after closure, the investigation may be re-opened.

No record of a report is kept in the reporter's human resources or student file unless the investigation concludes that the report was reckless, frivolous or without merit.

The University prohibits retaliation in any form against any of the parties or individuals involved in the proceedings.

**Investigation:** The Title IX Coordinator (or deputy) is responsible for ensuring that an impartial investigation begins within a reasonable time (the goal is two (2) working days) after a report has been filed. The University attempts to complete investigations within twenty (20) working days. The investigation time frames may need to be extended. The Title IX Coordinator (or deputy) has authority to extend or modify all time frames set forth in this Policy. In such instances, the reporting and responding parties will be notified.

Upon receipt of a report, the Vice President for Student Life (in the case of a report against a student) or the Director of Human Resources (in the case of a report against a faculty or staff member) will open a formal case file, meet with the reporting and responding parties to explain the Title IX Conduct Resolution process, and initiate any necessary temporary accommodations. Temporary accommodations may include interim suspension, change in

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housing assignment, change in academic schedule, restriction from facilities, restriction from interaction with a specific person, or other remedial short-term action.

The Title IX Coordinator (or deputy) will designate a primary investigator who will direct the investigation and confer with the Title IX Coordinator (or deputy) throughout the investigation on any additional temporary accommodation. A second person may accompany the primary investigator during interviews with the reporting and responding parties and witnesses so that information obtained during the interviews can be corroborated. In some circumstances the Title IX Coordinator or Deputy may assign other faculty or staff and/or a third party to serve as investigators. Witnesses are not to disclose that they have been interviewed or the nature of the questions asked in order to maintain the integrity of the investigation. Violation of this directive shall be a basis for disciplinary action or other sanctions as may be determined by the University.

The investigator will conduct a preliminary investigation to determine if there is reasonable cause (more likely than not) to believe that a policy violation has occurred. The investigator will determine if any interim accommodation is required pending the outcome of the investigation. Interim accommodations may include suspension, change in housing assignment, change in academic schedule, restriction from facilities, restriction from interaction with a specific person(s), or other necessary remedial short-term action.

If there is insufficient information to support a reasonable cause finding that a policy violation has occurred, the report will be closed with no further action.

If there is sufficient information to support a reasonable cause finding that a policy violation has occurred, a thorough, reliable impartial investigation will commence. The investigator will develop a strategic investigation plan which will include a witness list, evidence list, intended timeframe, and the order of interviews for each party and his/her witnesses. The strategic investigation plan will be shared with the Title IX Coordinator (or deputy).

Efforts will be made to complete the investigation promptly and without unreasonable delay or deviation from the intended timeline. The designated primary investigator will prepare a written report following the completion of the investigation. The report will include:

- A summary of the initial report
- A summary of the answer by the responding party
- A summary of statements and information obtained during the investigation.
- A finding on whether a policy violation(s) occurred and a reasoned explanation to support the finding.
- A summary of prior findings of policy violations or substantiated reports against the responding party.
- An assigned sanction and the rationale for the sanction.

Findings will be based on a preponderance of the evidence (whether a policy violation is more likely to have occurred than not). The findings and sanctions will be presented in writing to the reporting and responding parties. Sanctions will be applied with the intent to end the policy-violating behavior, prevent its reoccurrence, and remedy its effects on the victim and the University community. Information on the University appeal process will be provided to each party. Either party has the right to request an appeal.

**Appeal Process for Students:** The outcome of the investigation may be appealed in writing to the Vice President for Student Life. The reporter or respondent must file his/her appeal in writing within three (3) working days of receiving the Investigator's written decision. The Vice President for Student Life will provide a copy of the written appeal to the other party. The non-appealing party will be provided three (3) working days to file a response to the appeal. The Vice President for Student Life will then prepare a Memorandum and share that Memorandum with the reporting and responding parties. The appeal and the response thereto are then forwarded to the Appeals Hearing Board for initial review to determine if the appeal meets the limited grounds for appeal and if the appeal

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was timely taken. The original finding and sanction will stand as a final decision if the appeal is not timely or does not meet the limited grounds for appeal. If the appeal is properly taken, all documentation is forwarded to the Board for consideration. The reporting or responding party requesting the appeal must show error. The original finding and sanction are presumed to have been properly decided. The ONLY grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the investigation;
2. The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included with the appeal, as well as the reason why this information was not available or presented during the original investigation;
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

**The reporter and respondent each have one opportunity to request an appeal. Following that appeal, all decisions are final.**

All sanctions imposed as an outcome of the investigation are in effect during the appeal process. A request may be made to the Vice President for Student Life for special consideration in exigent circumstances to remove the sanctions during the appeal process. Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances. Depending on the sanctions imposed at the investigative stage of the proceeding, students may not be able to participate in those activities during their appeal. In cases where the appeal is upheld, resulting in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to his/her prior status, recognizing that some opportunities lost may be irretrievable.

#### **Resolution Process for Faculty and Staff**

The investigation report will be provided to the Title IX Coordinator. The Title IX Coordinator will review the report within ten (10) calendar days and determine appropriate sanctions, if any. Both parties involved will then be notified concerning the findings of fact and any sanctions imposed.

Sanctions against the respondent may include, but are not limited to, written reprimand, suspension or dismissal, a change of grade or other academic standing, a change of course section, a change of reporting line, or any other appropriate sanction under the circumstances. If sanctions are imposed, this report will become part of the personnel file of the individual against whom the report is made.

#### **Appeal Process for Faculty and Staff**

If either party disputes the findings or is dissatisfied with the sanctions, he or she may file a written appeal within fifteen (15) calendar days of notification of the findings. The President of the University will review the record and will reach a final determination as to any action within ten (10) calendar days of receipt of the appeal. The determination of the President is final.

#### **Off-Campus Reporting**

An individual who is a victim of sexual assault has a right to file a report with the Dubuque Police Department. The University, by way of the Office of Safety and Security or Student Life, will support and assist the victim's decision to pursue off-campus legal action. As noted above, a victim may also file a report with the University if the perpetrator is part of the Clarke University community, whether or not the incident happened on campus.

#### **Non-Retaliation**

Retaliation is prohibited against the individual who initiates a sexual misconduct report or who participates as a witness in an investigation. Retaliatory conduct can include behavior on the part of the respondent, the reporter, or other related persons, including acquaintances, friends, and family members. Although independent action will be taken against anyone engaging in retaliation, the respondent and the reporter are each responsible to discourage such actions and will be held responsible to the extent of his/her involvement in the retaliation.

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### **Intersection with Other Policies or Procedures**

This Sexual Misconduct Policy sets forth the exclusive means of resolving sexual misconduct complaints. To the extent there are any inconsistencies between the procedures set forth herein and other University grievance, complaint or discipline procedures, this Sexual Misconduct Policy will control.

### **Campus Resources**

Clarke University is concerned about a victim's physical and mental well-being. Clarke University is ready to assist a victim in dealing with the aftermath of an act of sexual misconduct.

A victim may request a change to his/her academic or living arrangements through the Dean of Students or Academic Dean. The University will honor such a request if necessary and reasonably possible. On-campus counseling services are available to full-time students. Referrals are also available to off-campus services for part-time and TimeSaver students or employees who desire to process what has occurred and seek professional assistance in coping with the effects of an assault.

### **Reporting Agencies**

Student Life Office	563-588-6313
Campus Security	563-588-6393
Dubuque Police	911 or 563-589-4415

### **Confidential Counseling, Assistance and Referral**

Counseling Services	563-588-8140
Campus Ministry	563-588-8192
Health Services	563-588-6374

Riverview Center: FREE local sexual violence crisis services, 24 hour Hotline – 888-557-0310

### **Prevention and Education**

The University offers a number of educational programs over the course of the academic year addressing sexual assault, domestic/dating violence, stalking, and related topics. A specific program is presented to all new incoming students during CONNECT orientation. Further programming is offered by various offices and student organizations including residence life, counseling services, and campus safety and security. Outside agencies may also contribute to educational programming for the campus.

Pursuant to federal law, students and employees will be educated and updated about security procedures, personal safety, crime prevention, sexual assault, domestic/dating violence, and stalking in ways that are deemed appropriate for the campus community. This may include: primary prevention strategies, posting appropriate flyers, mass e-mail messages, placing articles in the student newspaper, classroom announcements and emergency meetings.

### **Iowa State Law**

As part of its Sexual Misconduct Policy, Clarke is required to provide legal definitions and the criminal sentences related to certain Sexual Offenses. Legal definitions may differ from Clarke's policies. Chapter 709 of the Iowa Code defines sexual offenses. Chapter 709 also lists the sanctions and degrees of sex crimes. Students should be aware that Sexual Abuse is a criminal act which carries penalties of varying degrees depending on the violation. Chapter 709 is available on-line at <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&input=709>.

**Sexual Abuse** – Sexual Abuse is defined as a sex act between persons when the act is done by force or against the will of the other. This includes an act that is done while the other person is under the influence of drugs or alcohol. It is also Sexual Abuse when the sex act is done with a person who suffers from a mental defect or with a person who has not attained his or her majority (reached the age of 18).

Sexual Abuse/First Degree – Occurs when the sexual abuse causes another person a serious injury. This is a Class “A” felony which is punishable by life in prison.

Sexual Abuse/Second Degree – Occurs when the sexual abuser uses a dangerous weapon, uses threats of force, works with an accomplice, or the abuse is against a child under the age of 12. This is a Class “B” felony which is punishable by prison terms of up to 25 years.

Sexual Abuse/Third Degree – Occurs under the following circumstances:

- The act is done by force or against the will of the other party, whether or not the victim is the perpetrator’s spouse
- When the victim is suffering from a mental defect or incapacity
- When the victim is a child of 12 or 13
- When the victim is 14 or 15, if the victim is a member of the same household as the perpetrator, if the victim and perpetrator are relatives, if the perpetrator uses a position of authority to coerce the act, or if the perpetrator is more than four years older than the victim.
- When the victim is under the influence of a controlled substance
- When the victim is incapacitated or physically helpless. This is a Class “C” felony which is punishable by up to ten years in prison, and fines of \$1,000 - \$10,000.

## **SUSTAINABILITY POLICY**

Clarke University strives to foster global awareness and social responsibility. We envision all associated with our campus to be persons who believe in and demonstrate active community involvement and a commitment to environmental stewardship.

We are committed to managing our own environmental impact as an integral part of our operations. We will do so by:

- Promoting participation in our commitment to responsible environmental management through shared learning opportunities. We will provide the necessary training and support to enable the campus community to implement environmental practices.
- Employing management systems and procedures specifically designed to conserve water, energy and other natural resources; to minimize the use of hazardous materials and generation of waste; and to enable recycling and the reuse of materials.
- Seeking opportunities to improve our environmental performance by establishing objectives and targets, measuring progress, and reporting our results.
- Informing suppliers of our environmental policy and encouraging them to adopt effective environmental practices.
- Balancing responsible use of institutional resources in pursuit of environmental impact goals.

We recognize that sustainability represents a long-term commitment that will require regular review of our initiatives to assure the integrity of our processes and facilities.

## **TOBACCO/NICOTINE FREE POLICY**

Clarke University has a responsibility to its students and employees to provide a safe and healthful environment. The health hazards associated with tobacco use are well established. This policy is established to:

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1. Reflect and emphasize the hazards of nicotine/tobacco use;
2. Provide a healthy environment for our students, faculty, staff and visitors; and
3. Model respect for human dignity, personal wellness and stewardship for the environment.

Clarke University is a nicotine-free campus. The use of all forms of non-FDA approved nicotine and all forms of tobacco in university-owned buildings, on university property or within university-owned vehicles is prohibited. This policy applies to students, employees and visitors to our campus.

For the purpose of this policy, tobacco is defined as any type of tobacco product that is smoked or masticated including, but not limited to, cigarettes (commercial or handmade), cigars, cigarillos, pipes, hookahs, and chewing tobacco.

Non-FDA approved nicotine is defined as any product containing nicotine that has not been approved by the Federal Drug Administration (FDA) for use.

Organizers and attendees at events, such as conferences, meetings, public lectures, social and sporting events, using Clarke University facilities will be required to abide by the university's nicotine/tobacco policy. Organizers of such events are responsible for communicating and enforcing this policy.

The sale of nicotine/tobacco products on campus is prohibited.

The free distribution of nicotine/tobacco products on campus is prohibited.

Campus organizations are prohibited from accepting money or profits from tobacco companies.

Tobacco advertisements are prohibited in university-run publications.

### **Enforcement**

Effective implementation of this Nicotine/Tobacco Free Policy depends upon the courtesy, respect, and cooperation of all members of Clarke University community. Complaints or disputes should be brought to the attention of the university personnel who has immediate responsibility for workplace (supervisor), event, or residence. If satisfactory resolution is not reached, the Vice President for Student Life should be consulted.

Compliance with the nicotine/tobacco-free campus is appreciated and expected. Students found in use of nicotine/tobacco products on campus will be referred to and deliberated through the university's disciplinary process. (Approved June 2013)

Employees found in use of non-FDA approved nicotine/tobacco products on campus will be referred to their immediate supervisor and/or Vice President. Employees will be charged with a \$100 fine for each violation of this policy.

Guests found in use of nicotine/tobacco products will be asked to refrain from use while on our campus.

### **Clarke Sanctions**

- Warning
- Reflective Paper
- Community service
- Fines
- Referral for cessation classes

## **TRAVEL POLICY AND PROCEDURES**

### **Policy**

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Clarke University provides for reimbursement of reasonable expenses for authorized official travel in accordance with the guidelines set forth in this policy. These guidelines are intended for the individual employee traveling on official University business.

It is expected that employees will exercise the same judgment and control in incurring University expenses that a prudent person would exercise while traveling for personal purposes. The use of teleconferencing or carpooling to meetings is strongly encouraged. The extent of business travel and professional development is contingent upon budgeted funds and the availability of funds. This policy applies to all University funds regardless of source. Government-funded programs may have more restrictive travel requirements. In case of a discrepancy, the more restrictive of the applicable policies will prevail.

Entertainment and meal expenses incurred by nonemployees, such as in the case of donor solicitation or recruitment, must identify the business purpose of the event and names of those included. Employees will not be reimbursed for meals or lodging for days of early arrival or extended stay for personal enjoyment. University employees may not be reimbursed for travel expenses incurred by anyone who is not a Clarke University employee, including family members. Additional expenses for such accompanied persons are not to be included in the Travel Reimbursement Request Form. Fraudulent expense reports may result in disciplinary action, including termination of employment.

### **Conference/Seminar Registration Fees**

Registration fees should be paid with the University corporate credit card or through Accounts Payable by submitting a Check Request with a completed registration form and a photocopy attached.

### **Travel Advance**

[Travel Advance Request](#) should be submitted in sufficient time to allow for normal processing and will be paid in the week preceding travel. Travel advances must be settled by submitting itemized receipts and remaining funds to accounts payable within 10 business days of completing travel.

### **Arranging Travel**

Travel arrangements and accommodations are the responsibility of the employee. Air and rail travel arrangements should be made and booked as far in advance as possible. The most economical fare within the employee's time constraints is a priority. Travel reimbursement will be at the most economical rate of mileage, rental vehicle plus gas or coach airfare.

**Allowable Travel Expenses** include the following.

- Airline, bus or train fare,
- Auto rental and gasoline or mileage up to 160 miles round-trip for the use of a personal vehicle
- Parking fees and tolls,
- Lodging
- Meals (Meals served at the event or conference are not reimbursable).

### **Reimbursement of Incidental Expenses**

If the employee is claiming reimbursement for incidental expenses, this should be included on the Travel Reimbursement Request Form. Tips for meals are included in the meal maximum daily rate. Tips (taxi, luggage, bellpersons, etc.) incurred while entertaining prospective donors or prospective students are reimbursable to \$5 per day.

## **Procedure for Submitting the Travel Expense Reimbursement Form**

The Travel Reimbursement Request Form is found on the internet under Faculty & Staff/Business & Finance/Accounts Payable Forms. Information should be typed into the form prior to printing. Calculations will be made automatically. Handwritten reports will not be accepted and will be returned. Meal maximum daily rates are provided on the form.

The Travel Reimbursement Request Form must be completed and sent to Accounts Payable within 10 business days after travel is completed. Reports submitted later than 10 business days require a vice president's signature with an explanation for the delay. The Travel Reimbursement Request Form must account for all travel expenses for which the traveler should be reimbursed.

A complete Travel Reimbursement Request Form will have the signatures of the traveler, and the Account Manager/Supervisor. The President will sign the Travel Reimbursement Request Form for Vice Presidents.

### **Documentation**

- Original documentation must be attached. Payment will not be made for requests without proper receipt documentation.
- Attendance at a conference requires a copy of the conference agenda to be attached. If the agenda is more than a few pages long, please provide a representative sample.
- Accounts Payable will review the Travel Reimbursement Request Form for accuracy and completeness prior to payment. Failure to submit proper documentation will result in delay of processing.

### **Air and Rail Travel**

- Clarke encourages the use of the Dubuque Airport whenever possible.
- Book airfare online at the airlines website whenever possible to avoid additional fees.
- Use corporate credit cards for reservations. Alternatively, request a travel advance from the Accounts Payable office. Reimbursement of personal funds requires a travel itinerary and proof of payment indicating the employee's name, destination, dates of travel, cost of ticket, and proof/verification of payment.
- Reimbursement is at the rate of coach airfare. First class and business class travel is reimbursable only in extreme instances and must be approved by the President in advance of purchasing a ticket. Employees are reimbursed for actual expenses and are not reimbursed for use of frequent flyer miles. Costs associated with using frequent flyer miles to upgrade to First Class travel is not reimbursable.
- The University will reimburse employees for the cost of one checked bag if the airline charges a fee for checking luggage.

### **Automobile Travel**

#### **Rental Vehicles**

A rental car should be used for trips exceeding 160 round trip miles. Rental cars should be returned to the agency with a full tank of gas. Employees with a Clarke University Credit Card are encouraged to use it to pay for rental vehicles. Rental of an auto for purposes of personal convenience is not allowed and will not be reimbursed. Currently we use Anderson Weber, (563)556-3281 to rent cars. If they do not have a car available, please contact Accounts Payable for contact information and account numbers with other national companies.

**Please note that if you are renting a vehicle, you must contact the administrative assistant in the Business and Finance Office at least 1 day prior to your trip to pick up an insurance card and University Fleet card to purchase gas for the rental vehicle.**

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The University insurance policy provides coverage for rented vehicles, and therefore will not reimburse employees for additional liability coverage on rental vehicles. The comprehensive and collision damage protection insurance should be waived. The University insurance does not apply to nonemployees or students unless the Volunteer Waiver (obtained from the Business Office) has been signed. Drivers under 25 years of age will need to check with the rental agency as to their policy on driver age requirements.

### **Personal Vehicles**

- **160 mile limit**-The use of a personal vehicle for travel purposes will be limited to 160 miles round trip and is calculated to and from the University. Employees choosing to drive their personal vehicle for trips greater than 160 miles may do so, but will only receive reimbursement for 160 miles.
- **42 cents per mile** will be reimbursed for use of a personal vehicle. This covers all transportation and operating costs including fuel and oil. **The University does not reimburse employees for gasoline expenses, but rather for mileage; therefore, DO NOT use the University credit card or fleet card to pay for gas in your personal vehicle.** The University also does not reimburse for mechanical repairs incurred during travel or for items considered vehicle maintenance.
- **Proof of insurance must be on file at Accounts Payable prior to departure**, showing the effective dates of coverage and a minimum liability of 100,000/300,000. Usually this can be found on the Declarations Page.

**Multiple Destinations:** Travel to multiple destinations requires a chronological mileage log to be attached to the TER.

**Tolls and Parking Fees:** Tolls and reasonable parking charges will be reimbursed in addition to the mileage allowance. Original receipts for tolls and parking must be submitted with the Travel Reimbursement Request Form.

**Other Transportation:** Taxi, hotel airport shuttle, or bus service will be reimbursed between the employee's departure point, such as an airport, and the location of the event, meeting or conference. Hotel airport shuttles or complimentary transportation services must be used whenever available. Receipts are necessary for all ground transportation for which reimbursement is requested.

### **Lodging**

**Standard Accommodations:** Actual and reasonable costs of lodging incurred while on University business are reimbursable. Clarke University will reimburse employees for "standard" accommodations at hotels. Employees are expected to utilize commercial rates and discounts whenever possible.

**Deluxe Accommodations:** Reimbursement for deluxe accommodations (e.g., suites) is not allowed unless the business purpose requires such an accommodation or it is less than the standard room rate. Description of the business activity, which necessitates rental of deluxe accommodations, must be included in the TER.

**Guaranteeing Reservations:** To guarantee a hotel reservation, the employee should use the University credit card. If an employee does not have a University credit card, a personal card should be used to guarantee the hotel reservation. Should the room(s) need to be cancelled for any reason, it is the responsibility of the employee to make appropriate arrangements.

**Receiving Reimbursement:** The original hotel bill must document all lodging expenses and must be included with the Travel Reimbursement Request Form to receive reimbursement. Charges for personal items (such as movies, laundry, babysitting, personal phone calls etc.) are not reimbursable.

## Meal Allowance

**Maximum Daily Allowances:** All meals are reimbursed based on actual receipts up to a daily maximum per meal rate. The current maximum per meal rates are: Breakfast \$7, Lunch \$14, and Dinner \$21.

**Receipts** are required for all meal reimbursements. A copy of the event schedule/agenda must be attached to the Travel Reimbursement Request Form. Reimbursement of qualifying meal expenses without appropriate documentation will be delayed until the schedule/agenda is received.

**Non-reimbursable Meal Expenses:** Meals, or food provided at meal time, that are provided *as part of an event* will not be reimbursed.

**Eligibility for Meal Reimbursement:** To be eligible for breakfast reimbursement, departure for out-of-town travel must occur prior to 7:00 a.m. To be eligible for lunch reimbursement, departure for out-of-town travel must occur prior to 11:30 a.m., and arrival from out-of-town travel must occur after 12:30 p.m. To be eligible for dinner reimbursement, departure for out-of-town travel must occur prior to 6:00 p.m., and arrival from out-of-town travel must occur after 7:00 p.m. If items are purchased at a convenience or grocery store in lieu of a restaurant, reimbursement will be for individual servings.

**Recruiting/Potential Donor Meal Expenses:** Meals for recruiting or potential donors are not subject to the daily maximum per meal rules (as approved by the appropriate Vice President) and must have itemized receipts. If the cost of the meal includes official business with other personnel, the IRS requires that person(s) be identified and the business purpose of the meal to be indicated.

## Receipts

IRS regulations require original itemized receipts and documentation. Receipts submitted with the TER cannot be returned to the employee. Smaller receipts should be taped (several to a page) onto a full size (8 1/2" x 11") piece of paper to guard against loss. Do not fold receipts or tape over the print on the receipts. All details on each receipt should be visible once taped to a larger piece of paper.

For international travel, note currency conversion rates for all receipts and charges. When travel involves multiple locations and currencies, note for each individual receipt the currency used for the specific charge. The backup documentation, either on the individual receipts or in an attached schedule, should clearly show how the U.S. dollar amount was calculated for reimbursement.

If original receipts or a copy are not available, the ["Missing Receipt Affidavit"](#) should accompany the Travel Reimbursement Request Form, detailing the nature of the expense, date, amount, and reason original receipts are not available.

## Miscellaneous Expenses

**Reimbursable** miscellaneous expenses include postage, storage, stationery supplies, duplicating services, and reasonable expenses for laundry, if the stay is in excess of ten (10) business days. A written explanation and original receipt must accompany any such claims. Expenses for reasonable Internet access will also be reimbursed. The expenses for these items should be reported on the Travel Reimbursement Request Form using the appropriate accounting sub-codes.

**Non-reimbursable** miscellaneous expenses include personal entertainment, alcohol (except for donor meals or

with VP approval), babysitting, valet services, parking tickets, losses from theft, or costs incurred by failure to cancel transportation, hotel reservations, or conference registrations.

### **Items Not Covered in Travel Procedures**

The use of prudent judgment by the employee is expected in matters not covered in these procedures. All travel costs should be reasonable, necessary, and appropriate to the account charged. Any questions concerning reimbursement of travel expense should be directed to Accounts Payable at (563)588-6413.

## **TUITION EXCHANGE PROGRAM**

Clarke University participates in three tuition exchange programs made up of private colleges and universities. These programs provide the opportunity for dependents of full-time employees to study at other colleges and universities. Benefits may be limited depending on the program, and dependents eligible for tuition exchange benefits are not guaranteed an award. In some cases, Clarke will limit the amount of approved applications depending on the allowable amount of students to be exported (sent out) to other institutions.

### Eligibility and Requirements

This benefit is open to full-time employees of Clarke University who have completed one year of service prior to the submission date. Students applying for this benefit must complete the necessary admissions process at the desired institution, and also fill out the necessary paperwork for financial aid. It is the employee's responsibility to ensure proper procedures are completed by applicable deadlines for tuition exchange scholarships.

### Clarke University Tuition Exchange Scholarships

Tuition exchange does not apply to part-time, graduate, Timesaver or Physical Therapy degree programs. Tuition exchange aid is typically only available for fall and spring semesters and excludes summer coursework. Tuition exchange aid is applied only after all other applicable financial aid scholarships and awards have been applied.

### Participating Programs

Catholic College Cooperative Tuition Exchange (CCCTE)

Visit [www.cccte.org](http://www.cccte.org) for listing of participating institutions and their benefit. Tuition grant is 75% of tuition, less any state/federal grants or scholarships.

Council of Independent Colleges (CIC)

Visit [www.cic.edu](http://www.cic.edu) for listing of participating institutions and their benefit. Tuition grant is 100% of tuition, less any state/federal grants or scholarships.

The Tuition Exchange, Inc. (TE)

Visit [www.tuitionexchange.org](http://www.tuitionexchange.org) for listing of participating institutions and their benefit. Tuition grant is 100% of tuition, less any state/federal grants or scholarships.

Contact the Human Resources Office for more information. Application forms may be found on the HR web page or in the HR Office.

## **TUITION REMISSION**

A Tuition Grant is a tuition-only scholarship available to employees and their family members who apply and are admitted for enrollment in an academic program at Clarke University. Prior to receiving a tuition grant, the student must be accepted through the admissions procedures and file the federal financial aid application so as to be received by Clarke University by the appropriate deadline. The amount of the tuition grant shall be the difference

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between tuition costs and any federal and state aid or institutional scholarships for which the student qualifies. Program fees and supplies are the responsibility of the student. All courses under the tuition remission program are subject to space availability.

### **Eligibility and Benefit**

Employees working at least 20 hours a week are eligible to enroll in undergraduate or graduate coursework.

#### **Full-time - (minimum of 30 hours per week)**

- **Employees** must have completed 1 year of full-time employment. The waiting period must be satisfied with each break in Clarke University employment of 12 months or greater, but the waiting period may be waived if the coursework is directly job related. Employees may enroll in 6 undergraduate or graduate credit hours per academic semester tuition-free. A maximum of 3 credit hours may be applied to daytime classes. All credit hours must be approved with your supervisor and Vice President. Full-time employees are only eligible to receive tuition grants for graduate study if they have not previously been awarded a graduate degree from Clarke. Multiple graduate degrees through tuition remission are prohibited. In certain circumstances, employees with a prior graduate degree from Clarke may enroll in certain graduate courses through tuition remission if coursework is directly job-related and approval has been given by the employee's supervisor and vice president. These employees would be considered non-degree seeking students. Non-degree seeking employees may take no more than 9 credit hours concurrently or sequentially and may only take 3 credits per semester.
- **Spouses** of full-time employees, who have not previously been awarded an undergraduate degree, are eligible for tuition grants for undergraduate study, including the TimeSaver program, at the start of the first semester following the completion of one full year of employment. Spouses may take 6 undergraduate credit hours per semester tuition-free.

Spouses of deceased employees enrolled in an undergraduate degree-seeking program at the time of (employee) death are eligible to complete courses for their academic program. Spouses remain eligible to receive a tuition grant for a maximum of 6 credit hours per semester. Courses must be taken continuously to achieve degree using this tuition benefit (no break in academic semesters or academic year). Surviving spouses who remarry are not eligible for the tuition benefit.

- **Dependent children** under age 25 of full-time employees, who have not previously been awarded an undergraduate degree, are eligible for a tuition-free grant for undergraduate study, excluding the TimeSaver program, at the start of the first semester following the completion of one full year of employment. Dependents are eligible to receive a tuition grant for a maximum of 18 credit hours per semester.

Dependent children under age 25 of deceased employees enrolled in an undergraduate degree-seeking program at the time of (employee) death are eligible to complete undergraduate courses for their academic program. Children remain eligible to receive a tuition grant for a maximum of 18 credits per semester. Courses must be taken continuously to achieve degree using this tuition benefit (no break in academic semesters or academic year).

#### **Part-time - (minimum 20 hours per week)**

- **Employees** must have completed 2 years of part-time employment. The waiting period may be waived after 1 full year of employment if the coursework is directly job related. The waiting period must be satisfied with each break in Clarke University employment of 12 months or greater. Part-time employees may enroll in 3 credit hours per academic semester tuition-free. All credit hours must be approved with

your supervisor and Vice President. Part-time employees are only eligible to receive tuition grants for graduate study if they have not previously been awarded a graduate degree from Clarke. Multiple graduate degrees through tuition remission are prohibited. In certain circumstances, employees with a prior graduate degree from Clarke may enroll in certain graduate courses through tuition remission if coursework is directly job-related and approval has been given by the employee's supervisor and vice president. These employees would be considered non-degree seeking students. Non-degree seeking employees may take no more than 9 credit hours concurrently or sequentially and may only take 3 credits per semester.

- **Spouses** of part-time employees who have not previously been awarded an undergraduate degree are eligible for tuition grants for undergraduate study, including the TimeSaver program, at the start of the first semester following completion of two full years of employment. Spouses may enroll in 3 undergraduate credit hours per semester tuition-free.

Spouses of deceased employees enrolled in an undergraduate degree-seeking program at the time of (employee) death, are eligible to complete courses for their academic program. Spouses remain eligible to receive a tuition grant for 3 credit hours per semester tuition-free. Courses must be taken continuously to achieve degree using this tuition benefit (no break in academic semesters or academic year). Surviving spouses who remarry are not eligible for the tuition benefit.

- **Dependent children** under age 25 of part-time employees who have not previously been awarded an undergraduate degree are eligible for tuition grants for undergraduate study, excluding the TimeSaver program, at the start of the first semester following completion of two full years of employment. Children of part-time employees are eligible to enroll up to 18 credit hours per semester and will receive a 50% tuition grant as a benefit.

Dependent children under age 25 of deceased employees enrolled in an undergraduate degree-seeking program at the time of (employee) death, are eligible to complete undergraduate courses for their academic program. Children remain eligible to receive a 50% tuition grant for a maximum of 18 credits per semester. Courses must be taken continuously to achieve degree using this tuition benefit (no break in academic semesters or academic year).

### **Academic Status**

Students receiving tuition grants under the Tuition Remission benefit are expected to progress satisfactorily towards degree completion and must maintain a satisfactory cumulative grade point average. A student must maintain a cumulative grade point average of at least 2.00. In addition, students must complete at least 67% of the credit hours attempted based on their enrollment status.

Academic progress will be measured at the close of each academic semester (fall, spring, and summer). Normally the student will have one academic semester in which to achieve good academic standing. If the student is not making satisfactory progress by the end of the next semester, Clarke University aid under this benefit will cease.

### **Income Tax Information**

The taxability of the Tuition Waiver program is determined by federal regulations and is subject to change. If the benefit is considered taxable, the dollar amount of the tuition received by the employee and/or the employee's spouse must under federal law be reported by the University as taxable income to the employee.

Clarke University reserves the rights to terminate, suspend, withdraw, amend, or modify the benefit plans in whole or in part at any time. Further, Clarke University reserves the right to terminate or modify coverage for any group of employees, active or retired, and their dependents or a class of dependents, at any time.

To receive benefits, it is the responsibility of the employee to apply for or enroll in programs for which they are eligible.

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### **Application**

Applications are available on the Human Resources web page. An application for the Tuition Waiver is for financial assistance only and is not an application for admission to an academic program of Clarke University. Applications may be submitted for an entire academic year (summer to spring) but are approved on a semester basis. If an employment change occurs that makes a student ineligible for future tuition remission benefits, tuition remission may be continued through the semester already started. Students who wish to remain at Clarke may then be eligible for the institutional academic and need-based aid for which they may have qualified for had they not had tuition remission. Please see the financial aid office for details.

Employees must apply for the University tuition waiver on forms available in the Human Resources Office or online. The following schedule must be followed:

<b>Semester Enrolled</b>	<b>Applications Completed By</b>
Fall	May 1
Spring	October 31
Summer	March 30

Late applications will not be accepted. Specifically, in no case will forms be accepted after a semester has started.

All applicants applying for the tuition remission benefit will still be required to submit a FAFSA by June 30 of each academic year. The amount of the tuition grant shall be the difference between tuition costs and any federal or state funding for which the student qualifies. Failure to file the FAFSA by the deadline will require the student to pay the portion of the tuition that would have been covered by the state or federal grant.

### **Doctorate Programs**

Tuition remission does not cover tuition for doctorate programs. Occasionally, faculty instructors without a terminal degree who teach in our Nursing and Physical Therapy departments may be approved to receive tuition assistance in our Doctorate of Nursing Practice or Doctorate of Physical Therapy programs. This assistance may be given to maintain established department standards or to meet specific documented needs that have been pre-approved by Clarke University. This would be negotiated and approved on a case by case basis and would be outlined in the appropriate faculty contract.

### **Summer School**

The program of summer school tuition waivers for dependents is contingent upon sufficient enrollment. Course fees are paid by the student.

### **Fees, Contracted Services, and Study Abroad**

Where course fees are assessed, these charges are paid by the student. Since non-credit courses and workshops are self-supporting, no tuition grants are awarded. Clarke will not make payment to other schools, programs, or organizations under the tuition remission waiver. This includes payments for workshops or courses that are offered in partnership with an outside agency as well as study abroad programs other than the approved exchange programs.

### **UNIVERSITY PROPERTY**

Any sale, trade-in or disposal of University Property must be approved by the Business Office. Unauthorized treatment of University property will be disciplined through corrective action and disciplinary action will depend on the nature of the offense.

### **WAGES – PAYMENT AND SCHEDULE**

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Payments are made bi-weekly on Friday by check or direct deposit into the employee's bank account. It is the responsibility of the employee to make necessary arrangements for direct deposit by completing the appropriate form in the Human Resources Office. Real paper paychecks must be signed for and picked up in the Student Accounts office after 9:00 a.m. on pay day. Direct deposit statements will be sent to employees through campus mail.

Direct Deposit is mandatory for employees hired after June 1, 2005.

## **WAGES – GARNISHMENTS**

When the University is properly served with a Writ of Garnishment or Attachment or other legal document requiring a portion of wages be deducted, the Payroll Department is obligated to make this deduction from the paycheck. Employees' financial affairs are their personal responsibility. It is the University's strong preference that employees keep their financial affairs in proper order so that the Company does not become involved. However, the University is required by law to recognize certain court orders, liens and wage assignments. Such action will be kept confidential to the extent possible.

## **WHISTLEBLOWER POLICY**

Clarke University (Organization) Code of Conduct and Behavior ("Code") requires administrators, faculty and staff to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Organization, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

### **Reporting Responsibility**

It is the responsibility of all employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy.

### **No Retaliation**

No administrator, faculty or staff who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Organization prior to seeking resolution outside the Organization.

### **Reporting Violations**

The Code addresses the Clarke University's open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with someone in the Human Resources Office or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations of the Code of Conduct and Behavior to the Organization's Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following the Organization's open door policy, individuals should contact the Organization's Compliance Officer directly.

### **Compliance Officer**

The Organization's Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of the Code and, at his discretion, shall advise the President and/or the audit

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committee. The Compliance Officer has direct access to the audit committee of the board of trustees and is required to report to the audit committee at least annually on compliance activity. The Organization's Compliance Officer is the chair of the audit committee.

### **Accounting and Auditing Matters**

The audit committee of the board of trustees shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the audit committee of any such complaint and work with the committee until the matter is resolved.

### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **Handling of Reported Violations**

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

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